

STATEMENT OF COMMON/ UNCOMMON GROUND

**LAND BETWEEN CARAVAN SITE AND WATLING STREET,
PARK STREET, ST ALBANS
09.08.2024**

Contents of this statement

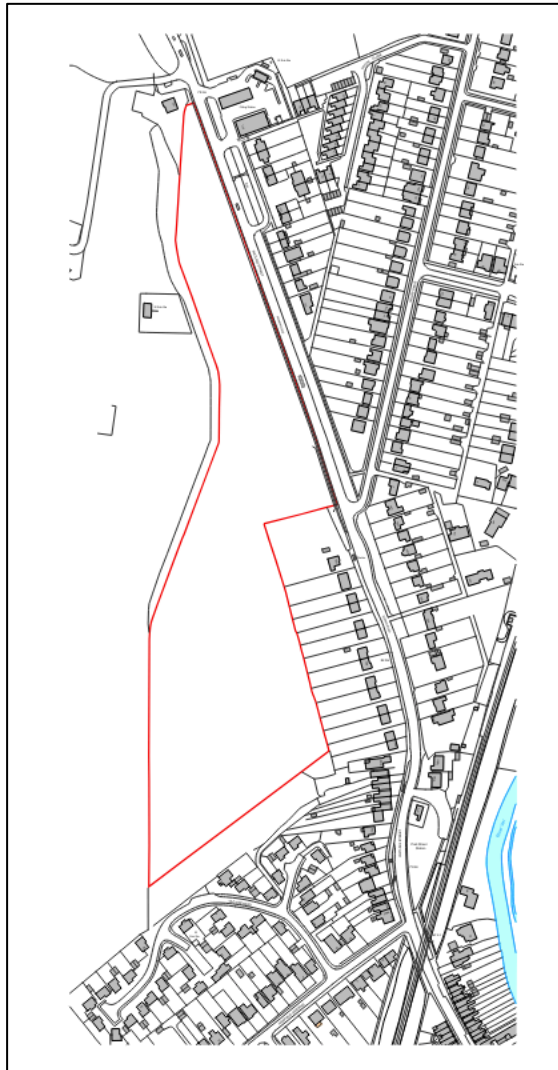
1. Introduction
2. Site and surroundings
3. Promotion history
4. Relevant planning history
5. The application process
6. Proposed development
7. Development plan and material considerations
8. Matters in agreement between all main parties
9. Additional matters in agreement between the LPA and the Appellant
10. Matters in dispute with the Rule 6 Party
11. Planning obligations and conditions

1.0 Introduction

- 1.1 This Statement of Common/Uncommon Ground ('SOCG') has been prepared by Maddox Planning on behalf of M Scott Properties Ltd ('the Appellant') to support an appeal made under Section 78(1)(a) of the Town and Country Planning Act 1990 against St Albans City and District Council's ('the LPA's') decision to refuse a planning application for outline planning permission, contrary to the advice of its Planning Officers, for the 'Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure' ('the Proposed Development') at Land between Caravan Site and Watling Street, Park Street ('the Site') (planning application reference number 5/2022/0267/LSM).
- 1.2 This SOCG has been prepared in accordance with the Government's guidance on Statements of Common/Uncommon Ground for Inquiries (England) (updated March 2021) and the Appellant and LPA have agreed to the involvement of the Rule 6 Party in this SOCG.
- 1.3 Within this Statement, various references are made to the Full Statement of Case ('the Statement') as lodged with the appeal, which gives full particulars and copies of documents it refers to and any other evidence at the time of making the appeal.
- 1.4 There is one reason for refusal. As stated on the decision notice this is as follows:
1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt (harm in principle) and other harm to coalescence which is not clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns, lack of social housing and a failure to demonstrate that the proposal would not exceed the capacity within the highway network. The proposal is therefore contrary to the National Planning Policy Framework 2023 and Policy 1 and 8 of the St Albans District Local Plan Review 1994.

2.0 Site and surroundings

- 2.1 The application site consists of a broadly triangular parcel of land, extending to around 4.5 hectares, located to the west of Watling Street and to the north of Old Orchard in Park Street, St Albans. The site is opposite a petrol filling station/shop and houses to the east of Watling Street. Open fields mainly lie to the west of the site beyond existing trees. Watling Street Caravan Park and an electricity substation lie beyond the north-western boundary of the site. The site principally slopes down from Watling Street towards the fields west of the application site. The site is currently used for agricultural (arable) purposes and is sited within the Metropolitan Green Belt.



Site Location Plan

3.0 Promotion history

- 3.1 The Site was promoted to the Neighbourhood Plan in 2016, albeit this Plan does not make any site allocations.
- 3.2 The Site was originally submitted via the Call for Sites process which ran in 2018, and then subsequently submitted via the Call for Sites process which ran from January to March 2021. It is identified as site STS-64-21 under the Housing and Economic Land Availability Assessment (HELAA) process. The Site is considered to be potentially suitable subject to absolute and non-absolute constraints being reasonably mitigated. However, it should be noted that the HELAA process did not take into account Green Belt constraints.
- 3.3 The Site was then included within the Regulation 18 Consultation Draft (July 2023) of the Draft Local Plan under reference 'L2 - West of Watling Street, Park Street, AL2 2PZ'. The Site was assessed as having an indicative capacity for 104 residential units.

4.0 Relevant planning decisions

4.1 *5/2021/3194 – Land North of Chiswell Green Lane – Refused and allowed at appeal (App/B1930/W/22/3312277):*

Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions.

It is understood leave has been granted to judicially review this decision.

4.2 *5/2022/0927 – Land South of Chiswell Green Lane - Refused and allowed at appeal (App/B1930/W/22/3313110):*

Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements.

It is understood leave has been granted to judicially review this decision.

4.3 *5/2020/1992 – Roundhouse Farm, Bullens Green Lane - Refused and allowed at appeal (App/B1930/W/20/3265925):*

The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access).

4.4 *5/2021/0423 – Land to Rear of 112-156B Harpenden Road - Approved*

Residential development of up to 150 dwellings together with all associated works

4.5 *5/2020/3022 – Land To Rear Of Burston Garden Centre - Refused and allowed at appeal (App/B1930/W/21/3279463)*

Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works.

4.6 *5/2021/2730 – Land off Orchard Drive - Approved*

Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works.

4.7 *5/2022/2557 – Land North of Boissy Close, Heath Lane – Approved*

Outline application (access sought) - Construction of up to 40 dwellings (including 3 self-build homes) with car and cycle parking, landscaping and associated works.

4.8 *5/2023/0983/LSM – Copsewood Lye Lane, Bricket Wood – Resolution to grant planning permission*

Outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works.

4.9 *5/2022/1988 – Land to the Rear of 42-100 Tollgate Road and 42 Tollgate Road – Refused and dismissed at*

appeal (App/B1930/W/23/3323099)

Outline application for the demolition of the existing house and stables and the erection of up to 150 dwellings, including affordable and custom-build properties, together with all ancillary works (all matters reserved except access).

4.10 *5/2014/0316 – Land off Old Orchard – Refused and dismissed at appeal (App/B1930/A/14/2228339)*

Residential development of 10 dwellings.

5.0 The application process

- 5.1 An initial pre-application request was submitted to the LPA on 28 July 2021 for up to 100 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space and associated infrastructure (Ref: PRE/2021/0120). A virtual meeting was held on 26 August, with the written response received in September 2021, which outlined that the 'proposed development is classified as inappropriate development in the Green Belt for which planning permission can only be granted if very special circumstances can be demonstrated. Additional work is required to demonstrate to the Council that special circumstances exist in this case'.
- 5.2 A request for landscape pre-application advice was made on 10 November 2021 to Hertfordshire County Council Landscape Services (Ref: PRE/2021/0181), which sought confirmation as to the scope and coverage of the Landscape and Visual Impact Assessment (LVIA) to accompany the planning application, including the suitability of the proposed methodology and included viewpoints. A written response was received on 1 December. Evidence of these discussions is provided within Appendix 2.
- 5.3 As evidenced in Appendix A of the Transport Statement which accompanied the application, pre-application discussions were also held with Hertfordshire County Council Highways on 3 November 2021, to consider the proposed site access from Watling Street as well as confirmation of the required visibility splays. The Council was not a party to this meeting.
- 5.4 In respect of local engagement, the Appellant met with a member of the Park Street Residents' Association in March 2021, at the time of the Council's Call for Sites consultation, to share the Vision Document for the Site, which was prepared for the consultation, as well as the initial Parameter Plan. A further meeting was held in November 2021 which also included a member of the Parish Council, to present the Illustrative Layout Plan and discuss the proposals. In response to the feedback received at this meeting, the play area was relocated to the western part of the Site (away from the site access), and a mown path walking route was added around the southern and western boundaries of the Site to enhance the recreational opportunities within. In addition, the provision of bungalows was increased, which reduced the total number of dwellings to 95. In January 2022 the Appellant contacted the clerk at St Stephen Parish Council to propose a meeting to present the proposals for discussion with Councillors. Evidence of these discussions is provided within Appendix 2. The Council was not a party to these meetings/events.
- 5.5 The outline application was submitted to the LPA and registered as valid on 18 February 2022.
- 5.6 Three rounds of public consultation took place between March 2022 and December 2022, prior to the application first being reported to planning committee with a recommendation for approval in August 2023. An accurate summary of the representations received can be found within the August Committee Report.
- 5.7 The outline application was originally presented to the Planning (Development Management) Committee of 14 August 2023 with a recommendation for approval. The application was deferred to seek expert witness views in respect of three potential reasons for refusal. The following were put forward as potential reasons for refusal to be investigated:
1. 'The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt and other harm which is not clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns and urban sprawl. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 and Policy 102 of the St Albans District Local Plan Review 1994.
 2. By reason of insufficient information in the form of accurate traffic surveys and detailed consideration of

the access into and out of the site in particular, right turns into and out of the site, the applicant has failed to demonstrate that the proposal would not have a severe impact on the highway network and would fail to comply with the National Planning Policy Framework 2021.

3. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of affordable housing provision; self-build dwellings; biodiversity new gain; provision of open space and play space; health contributions; education contributions; library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994'.

5.8 Additional information was submitted after this committee meeting by the Applicant, and the Council sought expert witness opinions in respect of the three reasons for refusal referred to above. The additional information comprised a letter prepared by the Appellant's technical consultant, Nicholsons, in respect of the Green Belt Review and the submission of additional highways documents, including a Technical Note re. Traffic Impact of Proposed Development (Traffic Counts), Road Safety Audit, Designer's Response to Road Safety Audit, Proposed Site Access Plan, and Swept Path Analysis Plan.

5.9 As set out in para 8.3.2 of the January 2024 Committee Report, the Council also sought views from consultants on the defence of proposed reason for refusal one (Green Belt) and reason for refusal three (legal agreement). The Council was advised that the approached consultant would not be able to defend the reason for refusal 1 (Green Belt), and that reason for refusal 3 (legal agreement) would fall away once a S106 is signed.

5.10 Para 8.3.6 of the January 2024 Committee Report discussed the proposed reason for refusal two (highways) and summarises the approached consultant's opinion it received at para 8.3.9 and 8.3.1.0. Although both consultants advised some concerns regarding highways impact could be argued at appeal, Officers were not optimistic of the prospect of success at appeal in respect of defending the reason for refusal. Moreover, Officers noted that Hertfordshire County Council, as highway authority, had not objected to the proposed development.

5.11 The application was then reported to the 15 January 2024 Planning Committee with a recommendation for approval. A complete summary of this deferral process is provided within paragraphs 8.21 – 8.4 of the January 2024 Committee Report. Members resolved to narrowly refuse planning permission (6 votes to 5) after three previous inconclusive votes, against the Officer's recommendation, for the following reason:

The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt (harm in principle) and other harm to coalescence which is not clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns, lack of social housing and a failure to demonstrate that the proposal would not exceed the capacity within the highway network. The proposal is therefore contrary to the National Planning Policy Framework 2023 and Policy 1 and 8 of the St Albans District Local Plan Review 1994.

6.0 Proposed development

- 6.1 The Proposed Development is for the (outline with details of access sought) erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure.

7.0 Development plan and material considerations

- 7.1 The adopted development plan for St Albans City and District Council comprises the St Albans District Local Plan Review (1994) ('St Albans Local Plan 1994') and St Stephen Parish Neighbourhood Plan (2022). The development plan policies cited in the reasons for refusal are Policies 1 and 8 of the St Albans Local Plan 1994.

St Albans Local Plan 1994

- 7.2 The policies contained in the St Albans Local Plan 1994 that are particularly relevant to the proposed development are:

POLICY 1 Metropolitan Green Belt
POLICY 2 Settlement Strategy
POLICY 8 Affordable Housing in the Metropolitan Green Belt
POLICY 34 Highways Consideration in Development Control
POLICY 35 Highway Improvements in Association with Development
POLICY 39 Parking Standards, General Requirements
POLICY 40 Residential Development Parking Standards
POLICY 69 General Design and Layout
POLICY 70 Design and Layout of New Housing
POLICY 74 Landscaping and Tree Preservation
POLICY 84 Flooding and River Catchment Management
POLICY 84A Drainage Infrastructure
POLICY 97 Existing Footpaths, Bridleways and Cycleways
POLICY 102 Loss of Agricultural Land
POLICY 106 Nature Conservation
POLICY 143A Watling Chase Community Forest
POLICY 143B Implementation

St Stephen Parish Neighbourhood Plan (2022)

- 7.3 The policies contained in the St Stephen Parish Neighbourhood Plan that are particularly relevant to the proposed development are:

POLICY S1 Location of development
POLICY S2 Housing Mix
POLICY S3 Character of Development
POLICY S4 Non-designated Heritage Assets
POLICY S5 Design of Development
POLICY S6 Minimising the Environmental Impact of Development
POLICY S7 Protecting Natural Habitats and Species
POLICY S10 Green Infrastructure and Development
POLICY S11 Improvements to Key Local Junctions And Pinch Points
POLICY S12 Off-street Car Parking
POLICY S13 Bus services and Community Transport
POLICY S14 Provision for Walking, Cycling and Horse-Riding
POLICY S17 Leisure Facilities for Children and Teenagers
POLICY S24 Broadband Communications

Other relevant planning policy/guidance/material considerations

- 7.4 National Planning Policy Framework ('NPPF') (2023)
National Planning Practice Guidance (as updated)

St Albans City and District Council documents

- 7.5 Design Advice Leaflet No 1 – Design and Layout of New Housing (1998)
Affordable Housing SPG (2004)
Revised Parking Policies and Standards (2002)

St Albans City and District Council Emerging Draft Local Plan 2041 (Regulation 18 Public Consultation)

- 7.6 St Albans has recently consulted on a Regulation 18 draft of its Local Plan and is due to undertake its next stage of consultation (Regulation 19) between October and December 2024. The appeal Site is identified for allocation (Reference L2) within the Regulation 18 draft of the Local Plan.
- 7.7 The Site is allocated for approximately 104 residential units within the Regulation 18 Local Plan.
- 7.8 The emerging policies contained in the Emerging Local Plan that are particularly relevant to the proposed development are:

SP1 A Spatial Strategy for St Albans
LG1 Broad Locations
LG4 Large, Medium and Small Sites
SP4 Housing
HOU1 Housing Mix
HOU2 Affordable Housing
HOU5 Self-Build and Custom-Build Housing
SP7 Community Infrastructure
SP8 Transport Strategy
TRA1 Transport Considerations for New Development
TRA4 Parking
SP10 Natural Environment and Biodiversity
NEB10 Landscape and Design
NEB11 Green Space Standards and New Green Space Provision
SP12 High Quality Design
DES1 Design of New Development
DES3 Efficient Use of Land
DES5 Residential Amenity Standards

8.0 Matters in agreement between all main parties

Green Belt

- 8.1 The scheme constitutes inappropriate development in the Green Belt and so planning permission should only be granted if harm to the Green Belt and any other harm are clearly outweighed by the scheme's benefits as to comprise the very special circumstances required by local and national policy.
- 8.2 The proposals are not considered to cause harm to Green Belt purposes a, d and e.

Housing supply and presumption in favour of sustainable development

- 8.3 The Council cannot demonstrate a 4 year supply of land for housing as required by the NPPF. This means that the policies which are most important for determining the application are out of date, and paragraph 11(d) of the NPPF is engaged. Furthermore, land designated as Green Belt is confirmed as one such area or asset for the purposes of 11d.i).

Emerging planning designations

- 8.4 The Site currently forms a draft allocation site (Reference L2) in the emerging Regulation 18 Local Plan.

Design, amenity and heritage

- 8.5 There are no above-ground heritage constraints, and there is unlikely to be an impact on the Park Street Conservation Area.
- 8.6 A condition can be imposed requiring slab levels details to be provided as part of a relevant reserved matters application, so as to ensure that the development is acceptable in terms of height and visual impact more generally in principle.
- 8.7 There is scope on the Site to provide housing which would provide for suitable amenity for future occupiers and retaining space for significant landscaping.
- 8.8 The Illustrative Masterplan satisfactorily demonstrates that the Site could provide for housing which could provide good natural lighting and outlook without leading to unacceptable degrees of overlooking.
- 8.9 The relevant separation distances / amenity space / defensible space / open space requirements found in Local Plan Policy 70 and associated SPD 'Design Advice Leaflet No. 1: Design and Layout of New Housing' could be met at this Site.
- 8.10 Noting the separation distances to existing neighbouring properties, there would not be direct harmful impacts to existing properties in terms of loss of light, loss of outlook, overbearing visual impacts or overlooking from the housing proposed as indicatively shown in the Illustrative Masterplan.

Archaeology

- 8.11 Subject to the imposition of conditions, the proposal would be acceptable in terms of its archaeological impact.

Trees

- 8.12 The proposals are acceptable in respect of impact upon trees subject to conditions.

Provision of housing including affordable and self-build housing

- 8.13 There is a clear and pressing need for affordable housing within the District and the Council is currently

failing to meet its statutory duty for the provision of plots for self-build housing.

- 8.14 The proposals comprise 40% affordable housing, and the current policy requirement is 35%.

Provision of open space and children's play space

- 8.15 Open space and play space are proposed which exceeds the policy requirement.

Minerals and waste

- 8.16 There are unlikely to be significant mineral (sand and gravel) deposits within the area in question and on this basis, it is not considered that the tests for imposing a condition or requiring a legal obligation in relation to mineral extraction would be met.

- 8.17 Details of waste collection can be provided at reserved matters stage.

Loss of agricultural land

- 8.18 As outlined within the Appellant's Agricultural Land Classification Report, the majority (85%) of the Site does not constitute best and most versatile (BMV) agricultural land.

Ecology

- 8.19 The proposals provide for a Biodiversity Net Gain (BNG) contribution of at least 10%.

Highways and sustainable transport

- 8.20 A series of measures are put forward to promote and encourage future residents of the Appeal Site to travel by means other than by private car.

- 8.21 Management of construction related impacts can be dealt with through the imposition of a condition for the preparation of a Construction Management Plan (CMP).

Economic impacts

- 8.22 Economic benefits would arise from the proposed development. The economic benefits associated with the construction phase of the proposed development would be temporary. Additional household spending would be benefits in perpetuity.

Impacts on infrastructure

- 8.23 Any matters relating to impact upon infrastructure can be dealt with through the medium of a s106 agreement, containing planning obligations to secure the contributions / measures as set out within the Heads of Terms.

Water

- 8.24 The proposals are acceptable in respect of water supply, subject to the imposition of conditions.

Land contamination

- 8.25 The proposals are acceptable in respect of land contamination, subject to the imposition of conditions.

Flood risk and drainage

- 8.26 The proposals are acceptable in respect of flood risk and drainage, subject to the imposition of conditions.

Noise

8.27 The proposals are acceptable in respect of noise impact, subject to the imposition of conditions.

9.0 Additional matters in agreement between the LPA and the Appellant

9.1 There are no matters in dispute between the LPA and the Appellant, noting that the Council has resolved not to defend this appeal

Green Belt

9.2 The harm in principle to the Green Belt and any other harm (openness, coalescence and merging of towns) would be limited and clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023).

Landscape character

9.3 Whilst the proposed development will change the landscape character from an open arable field to residential housing, the significance of this is reduced due to the strong containment of the development within the field pattern, defined by existing vegetation that provides an opportunity to deliver mitigation and enhancements for the benefit of visual amenity and biodiversity.

9.4 The Site is well related to the existing settlement to the east and south, and the existing vegetation to the west provides an opportunity to deliver mitigation and enhancement to create a robust and defensible boundary to the open landscape to the west.

Provision of housing including affordable and self-build housing

9.5 St Albans City and District Council's most recent housing land supply was confirmed as 1.7 years within the recent appeals at Chiswell Green (Appeal Ref. APP/B1930/W/22/3313110 and APP/B1930/W/22/3312277).

Social housing

9.6 The proposals would make an adequate provision of social housing.

Provision of open space and children's play space

9.7 Open space and play space are proposed which meet the policy requirements.

Ecology

9.8 No protected species would be directly affected by the proposed development as confirmed within paragraph 8.10.4 of the August 2023 Committee Report.

Highways and sustainable transport

9.9 The Site has a sustainable location given the site's proximity to local facilities, services and public transport links.

9.10 The residual cumulative impacts of the proposal on the highway network would not be severe (paragraph 115 of the NPPF 2023).

9.11 The proposals would not have a detrimental impact on existing highway safety.

9.12 The proposed vehicular access to the Site would be acceptable.

9.13 The swept path analysis for refuse vehicles is acceptable.

9.14 Page 4 of the Highway Authority's comments dated 24/04/2022 and Page 9 of the Highway Authority's

comments dated 03/02/2023 state “The results of the junction capacity assessment at the site access show that the junction would operate well within capacity during both the AM and PM peak scenarios”.

Impacts on infrastructure

- 9.15 The contributions in the Committee reports, and included in the draft S106, are agreed in principle. Following a further consultation response from Hertfordshire County Council (HCC) during the consultation of the Appeal (and as agreed with the LPA) the requirement for a Primary School Contribution has been removed, and an additional contribution in respect of waste has been sought. This is agreed.

Neighbourhood Plan

- 9.16 The proposals comply with the relevant policies within the Neighbourhood Plan.

10.0 Matters in dispute with the Rule 6 Party

Green Belt

- 10.1 Whether the proposed development would have a more than localised effect in terms of encroachment into the countryside, i.e. whether there is a high level of harm in respect of Green Belt purpose c).
- 10.2 Whether there is harm to the Green Belt (harm in principle) and any other harm (openness, coalescence and merging of towns) which would be clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023).

Landscape character

- 10.3 Whether the significance of the change of landscape character brought about by the development is reduced due to the Site's characteristics.
- 10.4 Whether the Site is well related to the existing settlement to the east and south, and the existing vegetation to the west provides an opportunity to deliver mitigation and enhancement to create a robust and defensible boundary to the open landscape to the west.

Housing land supply

- 10.5 Whether the Council's reported housing land supply position of 1.7 years when considering the appeal is appropriate.

Ecology

- 10.6 Whether the proposals would have an unacceptable impact upon protected species.

Highways and sustainable transport

- 10.7 Whether the Site has a sustainable location.
- 10.8 Whether the proposal has an unacceptable impact on highway safety.
- 10.9 Whether the proposed vehicular access to the Site would be acceptable.
- 10.10 Whether the swept path analysis for refuse vehicles is acceptable.
- 10.11 Whether the residual cumulative impacts of the proposal on the highway network would be severe (paragraph 115 of the NPPF 2023).

Neighbourhood Plan

- 10.12 Whether the proposals comply with the relevant policies within the Neighbourhood Plan.

Social housing

- 10.13 Whether the proposals would make an adequate provision of social housing.

Air quality

- 10.14 Whether the proposals have an unacceptable impact on air quality.

Loss of agricultural land

10.15 Whether the proposals have an unacceptable impact on agricultural land, including Best and Most versatile agricultural land.

11.0 Planning obligations and conditions

11.1 The Appellant has agreed a full list of conditions with the LPA. These are detailed within the agreed list of conditions, albeit are covered below for completeness.

1. Details to be provided as part of reserved matters application
2. 3 years deadline for submission of reserved matters application
3. 2 years deadline for commencement of development following approval of the last reserved matters
4. Development in accordance with approved plans
5. Details of scale for reserved matters application
6. Details of housing mix for reserved matters application
7. Written scheme of archaeological work (WSI)
8. Post-excavation assessment further to condition 7
9. Landscape and layout details for reserved matters application
10. Protection of trees
11. Site Waste Management Plan (SWMP)
12. Construction and Environmental Management Plan (CEMP)
13. Landscape and Ecological Management Plan (LEMP)
14. Details of roads, foot/cycleways, foul and surface water drainage, visibility splays, access arrangements, parking provision, loading areas and turning areas
15. Vehicular access
16. Detailed scheme for offsite highway improvement works
17. Active travel accesses
18. Cycle parking
19. Vehicle swept paths
20. Construction Management Plan
21. Ground investigation, Risk Assessment and Method Statement (in consultation with Affinity Water)
22. Remediation Strategy (subject to discovery of contamination)
23. Surface Water Drainage Scheme that does not include infiltration
24. Site investigation for land and ground gas contamination
25. Options appraisal and remediation strategy further to condition 24
26. Verification Report
27. Surface Water Drainage Scheme
28. Fire hydrants
29. Noise Assessment
30. Noise and vibration
31. Superfast broadband

11.2 A number of financial and non-financial contributions are to be secured by a section 106 agreement, as set out in the January 2024 Committee Report and included in the draft S106 (see paragraph 9.15). Following a further consultation response from HCC during the Appeal Consultation exercise (and as agreed with the LPA) the requirement for a Primary School Contribution has been removed, and an additional contribution in respect of waste has been sought.

Appendices

1. List of drawings on which the Local Planning Authority made their decision
2. Evidence of pre-application discussions and local consultation

Signed on behalf of the Appellant	Signed on behalf of the Council	Signed on behalf of the Rule 6 Party
Position: Ollie Cooper, Senior Planner, Maddox Planning	Lee Stannard, Deputy Planning Team Leader	Paul King, Advocate for Greenbelt
Date: 9/8/24	9/8/24	9/8/24