



PLANNING STATEMENT

Site: Maple House & Nos 8-16 (even)
& 30-32 High Street and Nos 1-7
Princes Parade, Potters Bar

For: Chase (Canada) Ltd.

Project Ref: 25014

Date: July 2026

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Appendix 1 – Pre-application response from Hertsmere Borough Council dated 12 March 2026
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1.0 **Introduction**

1.1 This Planning Statement has been prepared on behalf of our client Chase (Canada) Ltd ("the applicant") in relation to a scheme to develop the site comprising Maple House & Nos 8-16 (even) & 30-32 High Street and Nos 1-7 Princes Parade ("the site").

1.2 The description of development for the proposed scheme is as follows:

Partial demolition of existing buildings (with retention of existing two-storey car park and substation) and redevelopment of the site to provide a mixed-use development comprising residential apartments (Class C3) and flexible commercial floorspace (Class E) across 4 Blocks and associated internal roads, parking, drainage, landscaping, amenity space and associated works.

1.3 This Statement will demonstrate the acceptability of the scheme, that it does not result in any significant or demonstrable harm to the site or surrounding area and that it constitutes sustainable development.

1.4 This Statement demonstrates that the proposed scheme complies with relevant planning policy and guidance and constitutes sustainable development which benefits from the presumption in favour.

1.5 Section 2 of this Statement outlines the site context including relevant planning history. Section 3 provides a summary of relevant planning policy and Section 4 outlines the scheme proposal in detail. Section 5 assesses the proposals against the relevant planning policy, and the final conclusions are set out at Section 6.

2.1 The site is located in Potters Bar, a town on the southern edge of Hertfordshire, and extends to approximately 1.63 hectares. It occupies a prominent position on the north-western side of a major four-arm junction at the heart of the local road network. The site location is shown in Figure 1 below:



- 2.2 The site is bounded by Mutton Lane to the south and Potters Bar High Street to the east. Properties along both frontages are predominantly in commercial use, with residential accommodation above. Notable buildings opposite the site on the eastern side of the High Street include Key Point, a former office block converted to residential use, and the Cask and Stillage public house.
- 2.3 To the west of the site lies a Tesco superstore, which includes a large surface car park and petrol filling station. A prominent phone mast is also located within the Tesco car park. Immediately north of the site is Goodacre Court, a sheltered housing development, and a BP petrol station.
- 2.4 The site itself comprises a mix of buildings and uses, including the Maple House office building, two parades of commercial units fronting the High Street with residential flats above, a car wash, and associated surface car parking (providing approximately 355 spaces).
- 2.5 As discussed further below, the red line boundary for this application excludes the existing Canada Life Place building and associated basement car park which comprise part of the wider site within the applicant's land holding. This is because the Canada Life Place building is to be retained and converted to residential accommodation under an extant prior approval consent (ref 25/1764/PD56M) and a separate application has been submitted for external alterations to reflect the future residential use (ref 26/0764/FUL). This building is therefore beyond the scope of this application and the residential units to be created (74no total) are not included in the total number of dwellings for which consent is being sought under this application.

Planning Designations

- 2.6 The site is located in the Potters Bar High Street Town Centre, with this area defined as secondary shopping frontage.

- 2.7 The site is not in a Conservation Area and there are no listed buildings within the site.
- 2.8 Potty's Diner (listed as The Lion Public House) to the south of the site on the other side of the High Street/Southgate Road junction is Grade II listed, as is the Cask & Stillage (listed as The White Horse Public House) on the eastern side of High Street, opposite the site. There are a number of other designated and non-designated heritage assets in the vicinity of the site as shown below.

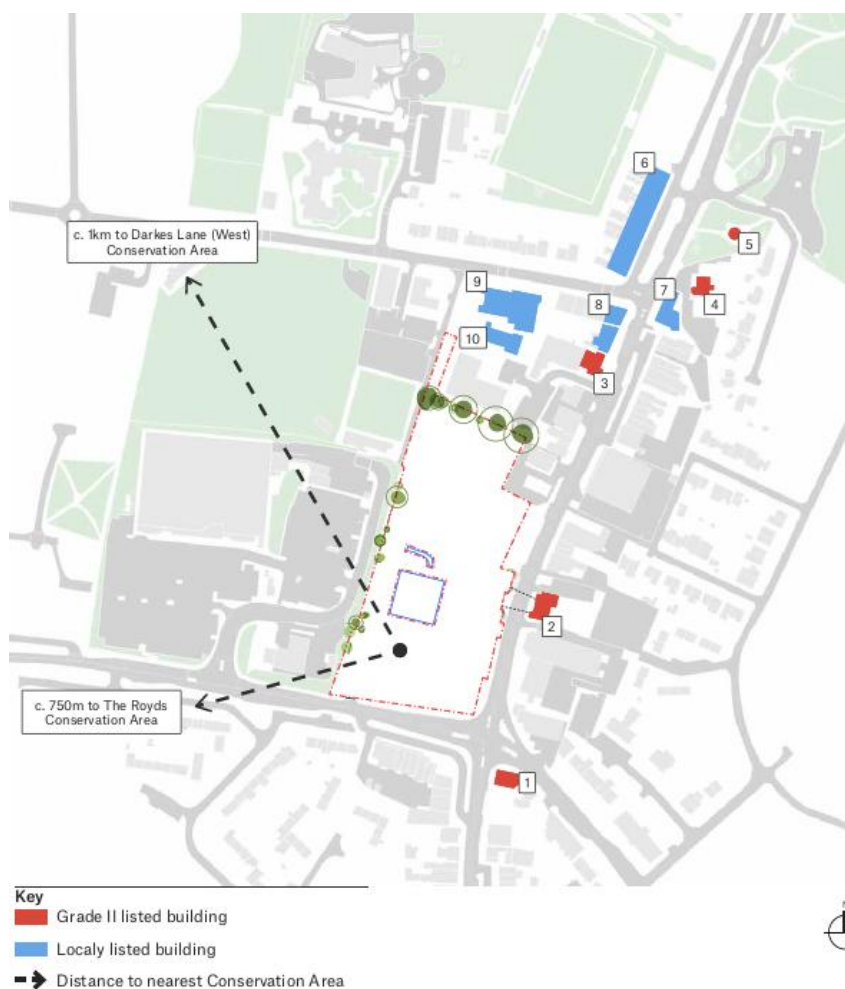


Figure 2. Heritage Assets

- 2.9 The site is in Flood Zone 1 but does have some localised surface water issues. An extract of the Online Flood Risk Map for Planning is shown below which includes areas of surface water flooding for a 1 in 1000 year event.

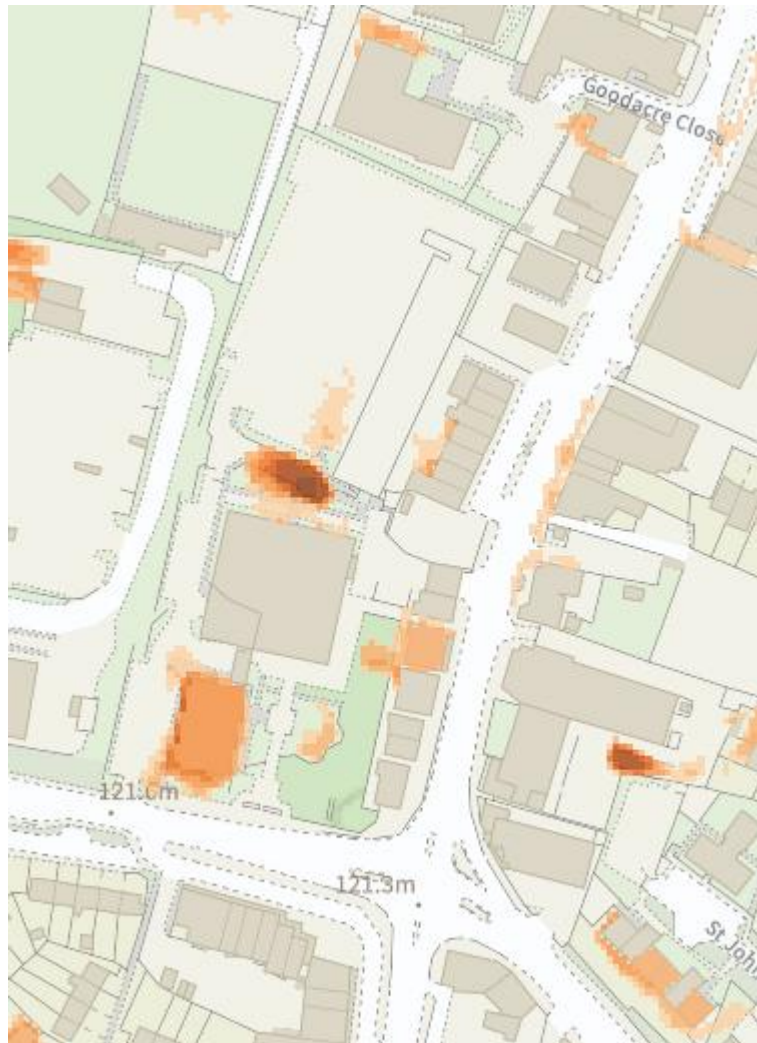


Figure 3. Extract from Flood Risk Map for Planning

- 2.10 The site is not subject to any Article 4 Directions.

Planning History

Application ref: 25/1661/EI1

- 2.11 A request for an EIA Screening Opinion was submitted to the Council on 20 November 2025 (ref: 25/1661/EI1). It was confirmed on 27 February 2026 that the proposed development is not considered to require an Environmental Statement.

Applications ref: 25/1763/PD56M and 25/1764/PD56M

- 2.12 Two prior approval applications pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GDPO") for the change of use from Class E to Class C3 were submitted for the existing Maple House and Canada Life Place buildings under applications refs: 25/1763/PD56M and 25/1764/PD56M for 69no and 74no residential dwellings respectively.
- 2.13 Paragraph W (11) (c) of Schedule 2, Part 3 of the GDPO, which applies to applications for prior approval under Part 3, states that development must not begin before the occurrence of the expiry of 56 days, following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether the prior approval is given or refused.
- 2.14 As the Local Planning Authority (LPA) did not provide written notice within the 56-day period, the prior approval applications received deemed consent which expires on 9 February 2029. This is explicitly acknowledged by the LPA in the Consultation Document (page 234) which has recently been consulted on at Regulation 18 stage.

- 2.15 The prior approvals for the conversion of the Maple House and Canada Life Place Building to residential accommodation are therefore extant.

Application ref: 26/0764/FUL

- 2.16 As part of the pre-application discussions regarding the redevelopment of the site, it was questioned whether any of the existing buildings could be repurposed and integrated into a wider scheme.
- 2.17 As a result of the detailed design work, the wider scheme proposal is for the existing Canada Life Place building to be retained and converted to residential development under the extant prior approval ref 25/1764/PD56M. This will then sit alongside the redevelopment proposals for the remainder of the site subject to this planning application.
- 2.18 A separate application for external alterations to the Canada Life Building has been submitted to the Local Planning Authority under application ref: 26/0764/FUL. The proposed external alterations are more appropriate for a future residential use and tie in with the proposals for the wider redevelopment as proposed under this application. The retention of Canada Life Building does not prejudice the ability for the remainder of the site to be redeveloped for a residential-led mixed-use scheme and, as demonstrated as part of this application, can be successfully integrated into the wider proposals. For this reason, the Canada Life Place building and associated car-park ramp falls outside the red line application boundary.

Pre-Application Engagement

2.19 Four pre-application meetings with the LPA have been held on:

- 25 June 2025
- 19 August 2025
- 30 September 2025
- 23 February 2026

2.20 The key matters discussed at these meetings were:

- Confirmation of support for the principle of residential-led mixed-use scheme;
- The approach to retention of existing buildings;
- The location and type of commercial floorspace;
- The overall approach to design and landscaping, including in-principle support for taller buildings on the site; and
- Requests for active frontages in order to introduce a human scale at the base of the taller elements.

2.21 The pre-application response received from Hertsmere Borough Council (HBC) following the meeting on 23 February 2026 (dated 12 March 2026) is included in Appendix 1.

2.22 Pre-application discussions have also taken place with the Local Highway Authority regarding the proposed development, the detail of which is included within the accompanying Transport Assessment.

2.23 The scheme was presented to the Design South East DRP on 6 November 2025, with feedback received on 20 November 2025. The main feedback from the DRP was:

- Approach to Existing Buildings – questioned whether any existing buildings can be retained and for justification to be provided if existing buildings are to be demolished, having regard to impact on embodied carbon, site layout and the quality of public realm, landscape and homes.
- Site Layout & Masterplan - block arrangement to be reviewed to ensure that the quality of the public space is not compromised by overshadowing and inactive frontages, so residential dwellings benefit from more positive aspects, orientation, daylight and ventilation, and to better integrate the site with the local context and High Street.
- Parking provision & vehicular movements - parking provision and impact of vehicular movements on the quality of public spaces and active travel routes to be interrogated.
- Pedestrian & cyclists – to establish a hierarchy of movement, with pedestrians and cyclists having priority over vehicular movement.
- Relationship with the High Street & Local Context - to develop the relationship with the High Street to better integrate the development with the existing urban grain, massing, and typologies, and to enhance the town centre and heritage asset (the Cask and Stillage pub).
- Height, form and massing - to reconsider the location of height on the site, exploring alternatives to locate this in the south-western corner, south-eastern High Street corner and/or to redistribute heights across the site, to align with the mansion block typology.

- Landscape & public realm - to progress the approach to landscaping and planting, play provision and biodiversity net gain (BNG), continue to explore Urban Greening Factor inputs and demonstrate playable spaces meet BRE open space sunlight guidance.

2.24 This Statement and the accompanying design information demonstrate how the development proposals respond to these comments.

2.25 In addition, a Public Consultation event was held on 19 November 2025. Key points raised at the consultation event include:

- There was support for the redevelopment of this brownfield, town centre site and the principle of residential accommodation in this location.
- Local concern regarding a proliferation of HMO's in the area and that this scheme would add to it.
- Some attendees had concerns about traffic generation and congestion as a result of the development.
- Attendees asked questions about the quantum of car parking and whether this could be increased from the amount shown.
- There were some concerns about the impact of the development on infrastructure and health & education services.
- Questions were asked about the type of commercial floorspace that would be delivered.
- Attendees were interested in the sustainability features to be incorporated into the scheme.

2.26 This feedback has been taken into consideration during the design development and has been incorporated into the revised proposals. Further detail on the public consultation process is included in the Statement of Community Involvement which accompanies this submission.

3.0 **Planning Policy Context**

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.2 At present, the adopted Development Plan for the Borough comprises:

- Hertsmere Local Plan: Development Plan Document Core Strategy 2013
- Hertsmere Site Allocations and Development Management Policies Plan 2016

3.3 Local Plan Policies of relevance are:

Adopted Hertsmere Local Plan: Development Plan Document Core Strategy 2013

- SP1 – Creating sustainable development
- SP2 – Presumption in favour of sustainable development
- CS1 – The supply of new homes
- CS2 – The location of new homes
- CS3 – Housing delivery and infrastructure
- CS4 – Affordable housing
- CS7 – Housing mix
- CS12 – The enhancement of the natural environment
- CS14 – Protection or enhancement of heritage assets
- CS15 – Promoting recreational access to open spaces and the countryside
- CS16 – Environmental impact of new development
- CS17 – Energy and CO2 reductions
- CS18 – Access to services

- CS20 – Securing mixed use development
- CS21 – Standard charges and other planning obligations
- CS22 – Securing a high quality and accessible environment
- CS24 – Development and accessibility to services and employment
- CS25 – Accessibility and parking
- CS26 – Promoting alternatives to the car
- CS27 – Town centre strategy
- CS28 – Strengthening town centres

Site Allocations and Development Management Policies Plan 2016

- SADM3 – Residential developments
- SADM8 – Strategically important business locations and loss of office accommodation
- SADM10 – Biodiversity and habitats
- SADM11 – Landscape character
- SADM12 – Trees, landscaping and development
- SADM13 – The water environment
- SADM14 – Flood risk
- SADM15 – Sustainable drainage systems
- SADM16 – Watercourses
- SADM17 – Water supply and waste water
- SADM19 – Waste storage in new development
- SADM20 – Environmental pollution and development
- SADM21 – Hazardous substances
- SADM29 – Heritage assets
- SADM30 – Design principles
- SADM34 – Open space, sports and leisure facilities
- SADM37 – New and improved public open spaces
- SADM38 – The road hierarchy
- SADM39 – Transport development areas
- SADM40 – Highway and access criteria for new development

- SADM42 – Town and district centres
- SADM44 – Secondary frontages
- SADM49 – Shop fronts

3.4 The Development Plan, through the passage of time, is no longer considered to be up-to-date and the Council cannot demonstrate a 5-year housing land supply. The most important policies for determination of an application on this site are therefore deemed out of date in accordance with NPPF footnote 8 and Paragraph 11d.

Emerging Local Plan

3.5 In early 2024, the Council consulted on a version of the emerging Local Plan. This document was based on the NPPF 2023 where there was little drive to review or release Green Belt land for development to meet an identified housing need.

3.6 With the change in Government in July 2024 and the clear manifesto leading up to the election, there was a clear drive from the now Government to change this position and deliver the housing that is needed to meet local needs and to re-energise the economy.

3.7 The 2024 NPPF made those changes, bringing with it a need for Local Authorities to meet their Objectively Assessed Housing Need and if necessary, review and release Green Belt in order to do so.

3.8 The NPPF 2024 also brought with it a new Standard Method for ascertaining housing need. This assessment saw a significant increase in housing need in Hertsmere that would need to be delivered as part of any emerging Local Plan.

- 3.9 With Local Councillors elected on a pledge to protect Green Belt land, there is a local desire to maximise other opportunities within the Borough and optimise development sites. The site is therefore a prime opportunity for a mixed-use development that aligns with Local Councillors' desires to optimise urban growth over Green Belt release.
- 3.10 The Council is in the process of preparing a new Local Plan, with a Regulation 18 Consultation having taken place between April-May 2026.
- 3.11 Within the Consultation Document, the site is identified as a 'candidate site' for allocation at Regulation 19 stage – ref HPBA SA2. This identifies the opportunity for development of the site to provide a residential-led mixed use development, with an indicative development capacity of 369 net residential dwellings along with a range of compatible and complementary main town centre uses.
- 3.12 Given the early stage in the Plan making process, limited weight can be attached to the emerging Local Plan. The LPA is targeting a Regulation 19 consultation, in Q3 2026 and submission for examination by the end of the year.

Other Material Considerations

National Planning Policy Framework (NPPF) (2024)

- 3.13 The NPPF is an important material consideration in the determination of planning applications, and it clearly sets out the Local Planning Authorities (LPAs) should take a positive approach to decision-making.

- 3.14 Chapter 11 of the NPPF concerns the making effective use of land, with Paragraph 124 stating that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 3.15 Further, Paragraph 125 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- 3.16 In December 2025, the Government published a draft NPPF for consultation. The consultation ran from 16 December 2025 to 10 March 2026. The timescales for adoption are yet to be confirmed, but it is likely the new NPPF will be in place during the determination of the planning application. Therefore, whilst the draft policies are being consulted on and subject to change, consideration should be given to the proposed direction of travel with regards to a number of policy areas.

Supplementary Planning Guidance / Documents

- 3.17 There are a number of Supplementary Planning Guidance Documents relevant to the proposals, however a number of these are in draft and therefore the weight that can be attached to these is reduced.
- Part D: Guidelines for High Quality Sustainable Development (draft 2016)
 - Parking Standards Draft Supplementary Planning Document (2022)
 - Biodiversity Net Gain Supplementary Planning Document (2024)
 - Draft Carbon Offset Fund Supplementary Planning Document (2022)
 - Biodiversity, Trees and Landscape SPD (2010)
 - Planning and Design Guide Part F – Shop Fronts (2011)

- Waste Storage Provision Requirements for New Residential Developments



4.0 **Proposed Development**

4.1 The proposed description of development is:

Partial demolition of existing buildings (with retention of existing two-storey car park and substation) and redevelopment of the site to provide a mixed-use development comprising residential apartments (Class C3) and flexible commercial floorspace (Class E) across 4 Blocks and associated internal roads, parking, drainage, landscaping, amenity space and associated works.

4.2 The proposals comprise the following:

- Provision of 1,742 sqm of flexible Class E commercial floorspace, located across a number of smaller units fronting the High Street and Mutton Lane to active these edges and bring vitality to the town centre.
- The creation of four residential blocks (A, B, D & E) located around central courtyards and ranging between 4 – 15 storeys in height.
- Provision of 293 residential dwellings, with a housing mix of:
 - 14 x studio
 - 83 x 1-bed
 - 150 x 2-bed
 - 46 x 3-bed
- Creation of two communal residential courtyards incorporating Local Area for Plays for young children, with further opportunities for intergenerational play incorporated across the scheme.
- Inclusion of an area of Public Open Space between Blocks B & D, fronting the High Street and opposite the Listed public house.
- Provision of 125 car parking spaces, largely consolidated within the retained two-storey car park. Blue badge bays (total of 6%) provided

along the access route as well as car-club space and dedicated UKPN parking bay.

- Inclusion of designated long and short-stay cycle parking for the residential and non-residential uses, which will be provided within safe and secure areas.
- The site will be serviced from the internal access road and existing servicing area on the High Street. The waste and refuse facilities will be designed to avoid a public realm dominated by bin stores and to minimise the number of inactive frontages.
- A comprehensive landscaping strategy to enhance the ecological value of the site and provide a diverse and attractive public realm.
- Existing trees within the TPO to be protected and a comprehensive tree planting strategy, with a net gain of 34no individual trees across the site.

4.3 The proposed development excludes the Canada Life building and associated car-park ramp which falls outside the red line boundary. The submitted design material shows how the proposed development sits alongside the retained Canada Life Place, which is subject to a separate application for external alterations.

5.0 **Planning Assessment**

Principle of Development

Land Use

- 5.1 The proposed development includes the demolition of the existing office floorspace, Class E High Street units, with residential accommodation at upper floors, and redevelopment of the site for a mixed-use scheme comprising ground floor Class E commercial units facing High Street and Mutton Lane.
- 5.2 The site is a key brownfield site in a highly accessible town centre location and defined settlement boundary. Redevelopment of this site accords with the brownfield-first approach and will assist with housing delivery outside of the Green Belt.
- 5.3 The site is identified in the Council's Regulation 18 Local Plan Consultation Document as a 'candidate site' for allocation at Regulation 19 stage – ref HPBA SA2. This envisages the comprehensive redevelopment of the site to provide a scheme with main-town centre uses at ground floor and residential above, to replace the existing uses on site.
- 5.4 Accordingly, the proposed development includes the demolition of the existing Maple House building, which comprises 6,570 sqm of Class E (office) floorspace.
- 5.5 Policy SADM8 states that where existing office buildings exceeding 500 sqm in the borough are to be lost to residential use, it should be demonstrated that the premises are no longer suitable for and have been marketed effectively for continued office use.

- 5.6 Accordingly, the planning application is accompanied by an Economic Statement prepared by Savills. This considers recent trends within the office market, particularly in relation to a rise in hybrid working arrangements following the Covid-19 pandemic, and persistently high construction costs which continue to constrain the delivery of new office developments.
- 5.7 The findings largely align with the South West Herts Economic Study 2024 which found that there is likely to be no net-increase in demand for office space by 2041, and that there is a high level of availability in the locations of highest demand including central Watford and St Albans.
- 5.8 The more recent and Hertsmere Economic Study 2026 published to support the emerging Local Plan found similar results – highlighting that the office market in Hertsmere is stable in terms of overall supply but faces ongoing challenges including a substantial increase in vacancy rates (from 4.7% in 2016 to 8.8% in 2025), modest growth in office stock (0.3% from 2016 to 2025YTD) and negative net absorption since 2020.
- 5.9 The Savills' Economic Statement also comments on the various marketing exercises undertaken in relation to the application site. Prior to Savills marketing the site for sale, Canada Life had advertised office space within Maple House for several years with limited to no take up. Furthermore, out of the 17 offers received by Savills for the site, none sought the retention of the existing office floorspace.
- 5.10 This therefore demonstrates limited demand for continued standalone office use at the application site and satisfies the marketing requirements in accordance with Local Plan Policy SADM8.

- 5.11 Further, the loss of the existing office floorspace on site could take place through a Class MA prior approval process, permitting a change of use to residential floorspace. A prior approval application for Maple House received deemed consent on 12 February 2026 for the conversion of the Class E office space to C3 residential under application ref 25/1763/PD56M. As such, the change of use of the office floorspace to residential has already been established.
- 5.12 The proposed development also includes the demolition of the existing commercial units on High Street, which include Class E commercial floorspace and residential at upper floors.
- 5.13 The site is located within the Secondary Shopping Frontage. As per Policy SADM44, within such areas the Council seek to maintain and encourage a range of Class E uses (retail shops, financial and professional services and restaurants and cafes) in ground floor units. New uses will be expected to maintain an active frontage at street level.
- 5.14 Accordingly, the proposed development comprises the provision of 1,742 sqm of Class E floorspace, to be located at the ground floor of Blocks A, B and D providing active frontage to High Street and Mutton Lane.
- 5.15 The proposed commercial units have been designed to accommodate flexible uses to ensure that they can respond to needs for retail, employment and community uses falling within Class E, with a focus on supporting the existing and future residential community. The units have generous ceiling heights, clear frontages and good visibility onto the street, activating the edge of the site and bringing vitality to the town centre. Planning Officers have also confirmed support for the provision of small-scale Class E units at ground floor fronting High Street in the pre-application response dated 12 March 2026.

- 5.16 There are some existing residential units at the upper floors of the commercial units fronting High Street which will be demolished as part of the proposed development. This loss will be offset by the provision of 293no new residential dwellings.
- 5.17 The principle of a residential-led mixed use development in this location is therefore supported by both adopted and emerging planning policy. This in-principle support has also been confirmed by Planning Officers and key stakeholders during the pre-application process.
- 5.18 As such, it is considered that the principle of a residential-led mixed-use development on this site is acceptable and would result in a highly sustainable form of development which benefits from a presumption in favour in the NPPF.

Demolition vs. Retention of Existing Buildings

- 5.19 As part of the pre-application process, the DRP requested further justification regarding the demolition of the existing buildings onsite and infilling of basement car parks in the context of embodied carbon and achieving an optimal site layout.
- 5.20 A number of scheme iterations were tested at pre-application stage, including reviewing the retention of the existing Maple House and Canada Life Place buildings.
- 5.21 In order to strike an appropriate balance between achieving an optimal site layout and carbon savings, the strategy for the wider site seeks the retention of the existing Canada Life Building. This will be converted to residential development under an extant prior approval which received deemed consent

on 12 February 2026 (25/1764/PD56M) and provides a total of 74no units. A separate planning application has been submitted for external alterations to this building so that it would be in keeping with the design intent for the redevelopment of the remainder of the site.

- 5.22 Consideration was also had to the retention of Maple House. The prior approval granted for this building demonstrated that 69no units could be achieved via conversion. However, a replacement building of a similar height would result in the provision of 124no dwellings due to the more efficient floor plates and improved unit layouts. This therefore increases the number of residential dwellings to be delivered and optimises the density of this highly sustainable, brownfield site in line with policy objectives in the NPPF. There were also concerns with the conversion of the existing building having regard to the complexity of the Building Safety Regulator process and structure (in relation to its age, strength and resistance to fire).

- 5.23 The demolition of Maple House also enables the layout of this part of the site to be rationalised and provide a more cohesive scheme in its totality.

- 5.24 The proposals do seek to retain the existing two-storey car park so that car parking can be consolidated in this area of the site. The retained car park can accommodate 115 spaces, thus reducing the need for surface level parking spaces. As such, retaining the existing car park enables car parking to be provided for the residential dwellings as required by policy, whilst avoiding a public realm dominated by car movements.

- 5.25 The retained two storey car park will incorporate pre-grown climber panels to provide a level of screening on day one.

- 5.26 Overall, the proposals seek to balance carbon considerations associated with demolition and rebuild, with policy objectives to achieve an optimal site

layout, high quality residential accommodation and a public realm not dominated by car movements, in order to ensure the best use of land.

Design

- 5.27 Chapter 12 of the NPPF relates to achieving well-designed places, with Paragraph 131 stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 5.28 Policy CS22 of the Core Strategy requires that all development should be of a high-quality design which ensures the creation of attractive and useable spaces. Policy SADM30 states that development will be permitted provided it recognises and complements the particular local character of the area and results in a high-quality design.

Height, Scale and Massing

- 5.29 It was acknowledged by the LPA and DRP at pre-application stage that, given the location of the site at a significant junction within the High Street, the site presents a key opportunity for a landmark or feature development, providing a focal point for the retail area. The provision of a tall building on this site also supports the overall ambition to optimise housing delivery on a previously developed brownfield site in a highly sustainable town centre location.
- 5.30 The DRP explicitly confirmed that height is acceptable on the site and expressed support for the principle of a landmark building in long-distance views. The comments received at pre-application stage concerned the location of a tall building on the site and finding the most appropriate siting for this.

- 5.31 The acceptability of a tall building on the site is also reflected in the emerging Local Plan, with the Regulation 18 Consultation Document confirming that the site (ref HPBA SA2) is a suitable location for tall buildings.
- 5.32 As part of the pre-application process, the height distribution of development across the site was reviewed to consider where a tall building would be most suitable and the proposals as part of this planning application now include a 15-storey building in the south-western corner of the site, where Maple House is currently located.
- 5.33 Locating a tall building in this corner of the site means the proposals better relate to the scale of Mutton Lane and maximise long distance views of the building framed by trees.
- 5.34 The height and massing across the rest of the site is varied in order to create visual interest and respond to comments from Officers about the scale of transition by introducing greater height variety across the scheme as a whole. The proposed buildings range from 15-storeys (49 metres to parapet) in Block A, stepping down to 5 / 6 storeys (18-21 metres to parapet) fronting the High Street, and 4 storeys (15 metres to parapet) in the northwest part of the site. Beyond the red line boundary, the existing Canada Life Building is also retained in the centre of the wider site, which is 26 metres to parapet, thus also contribute to the height variety when viewed comprehensively.
- 5.35 A Townscape and Visual Impact Appraisal (TVIA) has been prepared by Turley in support of the application, with the viewpoint locations and visualisation types being agreed with Officers at pre-application stage.
- 5.36 The TVIA sets out that the proposals would not introduce notable changes to the townscape of the Site in terms of the maximum height, overall scale

and massing in relation to the surrounding wider townscape context. The use of chamfering to corners (i.e. a faceted plan form) for the taller building on site helps with orientation within the local townscape in marking arrival points for the tower and also edges to the central courtyard space, as well as giving a more slender vertical profile reducing the width of this element in longer distance views / on the skyline. The proposed architecture and materiality is employed positively to establish a base for this taller building and visual grounding, a well-proportioned vertical grid to the upper storeys with further relief provided by fenestration and balconies, and crowning detail to the top parapet line to add distinctiveness in skyline views.

- 5.37 The massing exercise to establish appropriate building heights across the site was undertaken in parallel with an overshadowing study in respect of impacts on the landscape courtyard and associated amenity spaces. A Daylight Sunlight Report prepared by Waterslade is submitted with the application which concludes that the impact of the proposed scheme will be minimal, with neighbouring properties retaining very good daylight and sunlight amenity. The proposed dwellings also achieve good levels of daylight and sunlight, and future occupants will have access to well sunlit amenity areas.
- 5.38 Additionally, the proposed taller building is well-designed and has regard to the Hertsmere Planning and Design Guide SPD. Further details on the materiality are included within the architectural information that supports this planning application submission.

Density

- 5.39 The NPPF (para 147) requires LPAs to demonstrate that all other reasonable options for meeting development needs have been examined before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries. This includes considering how the density of development

can be optimised by promoting significant uplift in minimum density standards in town and city centres.

5.40 Within the 2025 NPPF draft, Policy L3 states that:

"... proposals for residential and mixed-use development within settlements should contribute to an increase in the density of the area in which they are situated. The existing character of an area should be taken into account, but should not preclude development which makes the most of an area's potential."

5.41 The principle of high-density residential development is supported by the emerging Hertsmere Local Plan, with the site assessment for HPBA SA2 stating that:

"The development of the candidate site provides an opportunity to secure high-quality townscape and built form that will ensure that this area contributes positively to the Potters Bar town centre uses, and meeting the area's needs. The delivery of a comprehensive mixed-use development that includes higher intensity residential accommodation aligns with the spatial strategy proposed for the Borough. This is a suitable location for tall buildings. The design-led approach and masterplanning process will require that future development integrates with the town centre's wider townscape."

5.42 The site assessment sets out an indicative development capacity of 369no residential units on a site area of 1.84ha, which equates to a density of 200 dph.

5.43 The proposed development comprises 293no dwellings on a 1.63ha site, resulting in a density of 180 dph. Whilst this is slightly lower than the quantum envisaged by the draft Local Plan, it should be recognised that this

excludes the Canada Life Building on the wider site which will be converted to 74no residential dwellings under the extant prior approval ref: 25/1764/PD56M. Comprehensively, the site would therefore accommodate 367 dwellings across a 1.81ha site area resulting in a density of 202 dph which aligns with the draft Local Plan.

- 5.44 This overall proposed density is therefore considered appropriate given the site's location within Potters Bar, the proximity to Potters Bar Railway Station, and represents an efficient use of land.

Form and Layout

- 5.45 During pre-application discussions, the DRP requested that Block B be further set back from southern and eastern boundaries to create a more relaxed corner condition. Moving this Block entirely would compromise the internal residential courtyard. However the massing has been refined, and a chamfered corner has been introduced to provide sufficient space for the creation of a high-quality public realm at the Mutton Lane / High Street junction.
- 5.46 Additional chamfered corners have also been introduced to frame the other key spaces across the site as detailed in the Design and Access Statement.
- 5.47 As part of the pre-application process, the previous Blocks E and F were rationalised and consolidated into a single block which has been set away from the site boundary in order to facilitate a north-south route through the site, which better aligns with the landscape contours. This provides the opportunity to enhance the northern access to the site from The Walk with a greater sense of arrival.

5.48 The scheme seeks to create a balance between communal space, servicing provisions and a high-quality public realm facilitating movements from High Street through the site and then either north or south towards Mutton Lane or The Walk.

5.49 These design features were welcomed by Officers at pre-application stage.

Residential Amenity

5.50 The residential units have been designed to ensure the standard of accessible and inclusive design. All homes will be constructed in accordance with the Building Regulations Part M4(2) and meet the Nationally Described Space Standards.

5.51 The layout of Block E was revised during pre-application discussions so residents have access to dedicated amenity space in the form of a residential courtyard serving these units and those in Block D.

5.52 The residential dwellings will also have access to private amenity space in the form of balconies and/or residential courtyards as detailed below.

5.53 The outlook from units in Blocks D & E is also improved through the incorporation of pre-grown climber panels to the retained car park in order to provide a level of screening on day one. Moreover, the first-floor apartments in Block D are above the roof level of the car park as demonstrated on the submitted sections. This ensures that sufficient outlook from these units can be achieved.

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5.57 The application is also accompanied by an Air Quality Assessment, prepared by Cass Allen, which concludes that the site is suitable for development in terms of air quality, with no requirement for additional mitigation, and that there are no air quality constraints with respect to planning consent being achieved.

5.58 The overall design is therefore compliant with Chapter 12 of the NPPF, Local Plan Policies CS22 and SADM30 and Part D of the Hertsmere Planning and Design Guide.

Heritage

5.59 With regard to Heritage, Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.60 Moreover, Paragraph 216 of the NPPF explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.61 At the local level, Policy CS14 requires all development proposals to conserve or enhance the historic environment of the Borough in order to maintain and where possible improve local environmental quality. Policy SADM29 states that applications involving heritage assets will be considered in accordance with the NPPF.

- 5.62 The site is not in a Conservation Area, nor does it contain any Listed Buildings. There are five Listed buildings within a c. 300m radius of the site which are all located along the route of the High Street. This includes the Grade II Listed Potty's restaurant to the south of the site (on the other side of the High Street / Southgate Road junction), and the Cask and Stillage Pub on the eastern side of the High Street. There are a number of other designated and non-designated heritage assets in the vicinity of the site as detailed in the Heritage Statement.
- 5.63 A Heritage Statement has been prepared by H&R and is submitted in support of the Planning Application. This sets out that the proposed development will affect how the Cask and Stillage Pub is experienced and will, on balance, afford enhancements to the building's setting. This is due to the inclusion of an area of open space opposite the listed building, which has the effect of 'framing' the listed building when viewed from the west side of the High Street and the development site. This will draw the eye to the listed building, enhancing its prominence and status on the High Street and within the streetscene.
- 5.64 The height of the proposed Blocks B and D (five storeys opposite the listed building) will be mitigated as the buildings are set back from the footpath edge. Neither of the buildings will be directly opposite the listed building and are positioned either side of the public open space which the listed building will face out onto. The proposed commercial floorspaces will also activate the ground floor and provide vibrancy to the High Street streetscene.
- 5.65 With regard to the impact on Potty's Diner, the Heritage Statement concludes that the proposed development will not unduly harm the setting of this heritage asset or fundamentally affect how this asset is experienced. There

will be some limited improvement to the surroundings, but this will remain dominated by the busy road junction.

- 5.66 The report concludes that there will be no harm to the setting or significance of the identified designated and non-designated heritage assets, with the exception of the Cask and Stillage Pub to which there would be 'less-than-substantial harm', albeit at the lesser end of the scale.
- 5.67 This degree of less-than-substantial harm was agreed with Officers during pre-application discussions. The feedback received concerned the elevation treatment of the buildings fronting High Street. In response, the design of Block D has been amended and takes design cues from the terrace of 1930s buildings along Princes Parade. This includes two-tone brick banding and residential balconies that form a series of bays to echo the rhythm of the existing building.
- 5.68 Paragraph 215 requires this 'less-than-substantial harm' to be weighed against the public benefits of the scheme. The proposed development offers a significant number of public benefits that range across the social, environmental and economic objectives of sustainable development.
- 5.69 The delivery of 293no dwellings in a highly sustainable, town centre location for an LPA that is unable to demonstrate a five-year housing land supply is afforded substantial positive weight. Other benefits include the redevelopment of an underused brownfield site; provision of flexible commercial floorspace; creation of long-term jobs and additional jobs during the construction phase; creation of landscaped publicly accessible space fronting the High Street; long-term economic benefits associated with future occupiers contributing to the local economy; and optimisation of the development potential of the site.

5.70 It is considered that these public benefits significantly outweigh the 'less than substantial harm' that arises, such that Paragraph 215 is satisfied and that heritage does not represent a strong reason for refusal.

Housing Mix & Affordable Housing

Housing Mix

5.71 Policy CS7 of the Hertsmere Local Plan requires proposals for new housing to provide an appropriate mix and size of new homes in terms of housing size and type within each tenure.

5.72 The South West Herts Local Housing Needs Assessment (LHNA) Update (March 2024) undertakes modelling of the mix of new homes required at a regional and district level, taking into account occupancy patterns, projections based on household growth, and an adjustment based on overcrowding by tenure. It identifies a future housing mix for Hertsmere a shown below:

	Market	Affordable home ownership	Affordable housing (rented)	
			General needs	Older persons
1-bedroom	4%	18%	23%	42%
2-bedrooms	24%	39%	33%	58%
3-bedrooms	43%	30%	34%	
4+-bedrooms	29%	13%	10%	

Source: Housing Market Model (with adjustments)

Figure 4. Modelled Mix of Housing, Hertsmere

5.73 This shows that all size of homes are needed in the market sector over the plan period, with the largest share of homes being 3-bed properties (43%) with similar proportions of 2 and 4-bed homes (24 and 29% respectively).

- 5.74 As part of the evidence base for the emerging Local Plan, the LPA has published a Hertsmere LHNA Update 2025 (dated March 2026) which reviews the 2024 LHNA; updates the evidence so that it is consistent with the NPPF and PPG (2024), including the local housing need figure derived from the Standard Method; and addresses any gaps in the existing evidence base.
- 5.75 The 2025 update finds that Potters Bar has the greatest proportion of single-person households (27.7%), the greatest proportion of single-person households aged 66 and over (16.1%) and a low proportion of children, but relatively high proportion of families with non-dependent children. Moreover, the existing housing stock in Potters Bar closely aligns with the modelled mix over the plan period as set out in the 2024 LHNA.
- 5.76 The 2025 update notes that any locally specific housing mix policies that the Council may wish to include in the new Local Plan will depend as much on the overall strategy for development as the evidence of need.
- 5.77 Whilst having regard to the LHNA (2024), the proposed mix of the scheme has been established having regard to site-specific factors, particularly that this is a highly sustainable, town centre location with excellent access to services, amenities and public transport.
- 5.78 In summary, the proposed housing mix is as follows:

Unit size	Quantum
Studio	14 (5%)
1 bed	83 (28%)
2 bed	150 (51%)
3 bed	46 (16%)
Total	293

Table 1. Proposed housing mix

- 5.79 Given the site's location in Potters Bar town centre, it is a more attractive location for smaller households including first-time buyers, young professionals, commuters, and older households looking to downsize to well-connected locations. Indeed, the LHNA recognises that family homes are more likely to be delivered on larger greenfield sites (para 8.43).
- 5.80 The 2025 LHNA also provides additional evidence to support the proposed mix. As set out above, it highlights that Potters Bar has a high number of single-person households, including for over-66's and families with non-dependent children, suggesting demand for smaller properties. Feedback received during the community consultation included requests for more affordable properties for first time buyers, which lends itself to provision of smaller properties.
- 5.81 Accordingly, we do not consider it appropriate to provide 4-bedroom units in the proposed development given the flatted nature of the scheme and the town centre location.
- 5.82 The provision of this quantum of smaller dwellings also aligns with the Council's overall development strategy. It enables the optimisation of this brownfield site in a highly sustainable location and will provide a significant contribution to the borough's housing delivery with units appropriately sized to meet an identified need.
- 5.83 The pre-application response from the Council is generally supportive of the proposed housing mix for private dwellings. The draft NPPF also introduces more flexibility for the application of development plan requirements relating to the size of market homes, taking into account prevailing market conditions (draft Policy HO8).

- 5.84 The proposed mix therefore has regard to the LHNA whilst also ensuring an appropriate mix of unit sizes is provided for the location and which optimises housing delivery on the site.

Affordable Housing

- 5.85 Policy CS4 requires all developments to provide a minimum of 35% affordable housing. The policy states that the Council will seek a maximum level of Affordable Housing on site. A lower level of provision will not be acceptable unless the Council agrees exceptional circumstances are demonstrated. Only in exceptional circumstances will an alternative to on-site provision be appropriate.
- 5.86 To support the planning application process, and as required by the Hertsmere Affordable Housing SPD, a Viability Assessment has been prepared by Turner Morum. This concludes that the proposed scheme incurs a deficit even when affordable housing contributions are reduced. As such, no affordable housing is proposed.
- 5.87 The viability challenges of redeveloping a brownfield site for residential use in a flatted typology are reflected in the Council's own emerging evidence base. HDH Planning & Development has been appointed by the Council to undertake a whole-borough viability assessment to support the new Local Plan. Whilst this is subject to a round of consultation and future examination, the initial viability assessment suggests that flatted development, both under and over 6 storeys, is unviable.
- 5.88 We acknowledge that affordable housing delivery is a priority for the Council. Accordingly, the draft legal agreement includes a clawback mechanism whereby the scheme viability is reviewed at a later date to ascertain whether affordable housing could viably be provided at this stage.

- 5.89 This approach is therefore compliant with Policy CS4 and the Hertsmere Affordable Housing SPD.

Commercial Floorspace

- 5.90 The commercial offer was reviewed as part of the pre-application discussions with the LPA and DRP. The proposals now incorporate a series of smaller commercial uses fronting High Street and Mutton Lane totalling 1,762 sqm of flexible Class E floorspace.
- 5.91 The proposed commercial units have been designed to accommodate a flexible use to ensure that they can respond to needs for retail, employment and community uses falling with Class E, with a focus on supporting the existing and future residential community. The units have generous ceiling heights, clear frontages and good visibility onto the street. An Economic Statement accompanies the planning application submission which provides further detail on the rationale behind the provision, quantum and design of the flexible commercial space.
- 5.92 The commercial units are located fronting High Street and Mutton Lane at the edge of the site, to create a clearer delineation of public and private spaces.
- 5.93 The cycle parking and refuse strategies for these units has been developed having regard to the intention for these commercial units to be able to accommodate a range of uses.
- 5.94 The Hertsmere Sustainable Transport & Parking Standards Draft SPD (September 2022) provides a range of cycle parking requirements for different uses falling within Class E. Given the proposed commercial

floorspace is designed to be flexible, an average of the requirements for the different uses within Class E has been assumed, which equates to a rate of 1no long- and 1no short-stay space per circa 125sqm. This equates to a total provision of 14no long-stay and 15no short-stay spaces.

- 5.95 Servicing and delivery activity associated with the commercial uses will be managed to ensure that vehicle movements are appropriately controlled and do not adversely impact on the surrounding highway network or internal amenity. Commercial servicing access will be achieved utilising both the restricted access service road north of Canada Life Place and at the existing Princes Parade as required. Dedicated refuse storage areas for the commercial units are also proposed.

Landscaping

- 5.96 Local Plan Policy SADM11 states that individual proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition.
- 5.97 The proposed landscaping scheme has focused on providing a high quality of landscaping across the scheme, delineating between public and private spaces and creating dedicated areas that won't be dominated by vehicular movements.
- 5.98 Communal residential amenity is proposed in two courtyard gardens serving Blocks A & B and Blocks D & E respectively.
- 5.99 An area of public open space is then proposed between Blocks B & D fronting the High Street and opposite the Listed public house. Vehicular access from the High Street has been removed, resulting in a high-quality landscaped space, free of vehicular movements.

- 5.100 A comprehensive Landscape Strategy Report prepared by MRG accompanies the planning application.

Amenity Space

- 5.101 The Hertsmere Design Guide (Part D) sets out that 1-bedroom units (flats) should provide at least 20sqm of private amenity space, with a further minimum of 10sqm of amenity space for each additional bedroom. It does acknowledge that Councils may take a more flexible approach in respect of higher density schemes of flats within town centres.
- 5.102 In consideration of the proposed scheme and amenity space provision, it is relevant to consider the nature of the site and in the context of the overall policy direction to optimise housing delivery in highly sustainable, brownfield, town-centre locations.
- 5.103 The site is also in proximity to a range of publicly accessible open spaces as detailed in the landscaping information submitted to support this application. This includes dedicated play provision at Oakmere Park (350m / 5 minute walk) and Willow Way Open Space (500m / 8 minute walk), in addition to additional open space at Parkfield (800m / 11 minute walk) and Morven Park (1km and 13 minute walk).
- 5.104 Private amenity space is provided across the site in the form of balconies, private terraces and two residential courtyard gardens. The total quantum to be provided is 3,805sqm.
- 5.105 The private amenity space provision serving dwellings is either in the form of a protruding, recessed or Juliet balcony. Given the nature of the site within a town centre location, some of the balconies facing High Street and Mutton

Road exceed the WHO Community Noise Guideline Level due to the prevailing traffic conditions. On this basis, these balcony spaces are excluded from the calculation of private amenity space to be provided across the scheme. However, this is still private external space that future residents could make use of.

- 5.106 In addition, residents will also be able to utilise the public open space proposed fronting the High Street, as well as other landscaped areas across the site.
- 5.107 We therefore consider that the level of private amenity provision is therefore appropriate given the site's location in Potters Bar Town Centre and proximity to other areas of public open space.

Open Space and Playspace

- 5.108 The adopted Development Plan does not have a specific policy that sets out the open space and playspace requirements for new development, however Policy SADM37 requires open space to be provided on developments exceeding 50 units.
- 5.109 The Hertsmere Borough Council Open Space Study Standards Paper (July 2019) is the most up-to-date evidence base for open space requirements in the Borough. The following calculation of open space and playspace provision for the site has been calculated based on this.
- 5.110 The total number of units proposed is 293. Using the population of 2.4 people per dwelling as detailed in the Open Space Study Standards Paper, the proposed development has a resultant population yield of 704 people.

- 5.111 Based on this, the proposed development is required to provide the following types of amenity space (as per Table 5.3.2 of the Open Space Study Standards Paper):

Typology		Equivalent population to trigger onsite provision	Triggered?
Allotments		1600	No
Amenity greenspace		667	Yes
Natural and semi natural		222	Yes
Parks and gardens		2500	No
Play areas	LAP	40	Yes
	LEAP	160	Yes
	NEAP	400	Yes

Table 2 Amenity Space Typology

- 5.112 The requirement for each of the required areas using the quantity standards in Table 4.3.1 of the Open Space Study Standards Paper is as follows:

Typology	Quantity standard (hectares per 1000 population)	Calculation / requirement
Amenity greenspace	1.8	$1.8 / 1000 \times 704 = 1.27\text{ha}$
Natural and semi natural	0.6	$0.6 / 1000 \times 704 = 0.42\text{ha}$
Play (total)	0.25	$0.25 / 1000 \times 704 = 0.18\text{ha}$

Table 3 Amenity space quantity requirements as per the Open Space Study Standards Paper

- 5.113 It is notable that the requirements for amenity greenspace and natural & semi-natural space is a total of 1.69ha which exceeds the total site area of 1.63ha. We also do not consider that these are appropriate landscape typologies to provide on this brownfield, town centre site.
- 5.114 Instead, the proposals have focused on providing a high-quality landscaping scheme that is suitable for the site context. This includes the incorporation of the public open space fronting the High Street, which will provide an open and flexible space across from the listed public house.
- 5.115 We note that the Open Space Study Standards Paper (2019) does not specifically set out how the total playspace is to be segregated between LAPs, LEAPs & NEAPs other than providing recommended distances, minimum plot sizes and buffer zones from residential units.
- 5.116 The site is located in proximity to a number of open spaces providing a range of play provision and recreational facilities for all ages as detailed in the supporting Landscaping Information. This includes formal play provision at Oakmere Park and Willow Way, both of which are short walks from the site. Other nearby open space provision includes Parkfield open space, Morven Park and Furzefield.
- 5.117 We note that the Council's evidence paper acknowledges that it may be more beneficial in some situations for an off-site contribution to be provided instead of the creation of small incremental spaces so close to existing sites.
- 5.118 Given the urban nature of the site and the proximity to a variety of open spaces providing a range of play facilities for different ages, the proposal does not include onsite LEAP or NEAP provision. Doing so would result in a compromised provision due to the site constraints and negatively impact the

overall site layout. This would also not represent the best use of space on this brownfield, town centre site.

- 5.119 The proposed development does incorporate LAPs onsite within each of the residential communal gardens. This ensures that all dwellings are within 100m of a LAP. In addition, rather than a formal LEAP onsite, the scheme does incorporate an area of play for ages 4-11 and intergenerational play adjacent to Block E.
- 5.120 In addition, a financial contribution towards offsite play provision for older children is proposed and included in the draft legal agreement submitted with this application.
- 5.121 It is therefore considered that the scheme overall provides a high-quality landscaping scheme including play and open space that is suitable for a town centre location and accords with planning policy requirements.

Ecology, Trees and Biodiversity Net Gain

- 5.122 Local Plan Policy SP1 requires development to conserve and enhance biodiversity, protected trees and sites of ecological value in the Borough and provide opportunities for habitat creation and enhancement throughout the life of a development. This is also reflected in Policy SADM10.
- 5.123 The application is accompanied by a Preliminary Ecological Assessment (PEA). This concludes that with mitigation, the impact of the proposal is considered to be neutral. It also includes enhancement measures that would result in a neutral-minor beneficial ecological impact.
- 5.124 The PEA does recommend further bat emergence surveys are undertaken in order to understand the impact of the proposals upon these species. These

have subsequently been undertaken by TMA Environmental Consultants, the results of which are submitted with this application. This sets out that no bats were seen emerging from the buildings during the surveys and that roosting bats are considered unlikely to be present, with no further surveys recommended.

- 5.125 The development proposal does include some tree removal as set out in the AIA submitted with the application. The tree loss is largely due to the removal of the existing basement below Maple House which extends a significant amount into the site. Notwithstanding this, the proposed landscaping scheme will mitigate for the loss and results in a net increase of 34no trees. The development is therefore considered appropriate from an arboricultural perspective.
- 5.126 The AIA submitted with the application included an assessment of plant buildings located adjacent to the retained car park. No buildings are proposed in this location, but there may be a requirement for future external plant in the form of a sprinkler tank. The plans show a hatched area within which future plant may be located and this continues to avoid encroachment into any Root Protection Areas as per the AIA assessment.
- 5.127 A Biodiversity Net Gain Assessment is also required under The Environment Act 2021 and requires there to be a net gain of at least 10%.
- 5.128 The application is accompanied by a Biodiversity Net Gain Assessment which confirms that the development will achieve an onsite net gain of 17.53% in Habitat Units. The scheme therefore achieves compliance with the requirements set by the Environment Act 2021 by demonstrating a Biodiversity Net Gain in excess of 10%.

- 5.129 The proposed development therefore accords with Policies SP1 and SADM10 and the requirements of the Environment Act.

Highways and Transport

- 5.130 Policy CS25 and CS26 of the Core Strategy 2013, SADM40 of the Site Allocations and Development Management Policies Plan 2015, the Draft Sustainable Transport and Parking Standards SPD 2022 and the NPPF seek to ensure that new development provides a range of sustainable transport options for future occupiers, as well as adequate levels of parking provision, access arrangements and movement networks.

Access & Routes

- 5.131 A key ambition of the proposal is to create attractive streets and routes through the site, which maximise greenery and integrate ecology alongside the required parking and servicing provision.
- 5.132 A key comment of the DRP was about creating a hierarchy of routes through the site, reducing vehicle dominance and giving priority to cyclists and pedestrians. The proposed scheme seeks to reduce conflict between car users, cyclists and pedestrians as far as possible.
- 5.133 The proposals now include the creation of a direct route along the western boundary, linking Mutton Lane and The Walk. This will be in the form of a shared-surface and will establish a clear north-south movement axis in direct response to the DRP's recommendation for a simplified hierarchy of routes that reduces car dominance within the heart of the site. A separate and clearly legible pedestrian and cycle route will be provided through the site alongside this shared surface.

- 5.134 Car movements along this route will be limited to servicing and vehicles accessing the existing car park to be retained. Consolidating the parking spaces within this reduces the need for surface car parking spaces along the shared route and within the public realm. This reduces the potential for vehicle manoeuvres along this route and thus, reduce the potential for conflict with pedestrians and cyclists.
- 5.135 Additionally, improvements to the wider public highway are proposed as part of the development, including improved pedestrian connectivity between Darkes Lane and High Street along The Walk. These works would be undertaken as part of a Section 278 agreement secured in the legal agreement.
- 5.136 Land forming the site frontages on these two key routes will be safeguarded to align with and support the enhancement of pedestrian and cycle infrastructure coming forward as part of the Hertsmere Local Cycling and Walking Infrastructure Plan (LCWIP). Notably, the land available at the High Street frontage will enable a future segregated cycleway to be brought forward as part of the aspirations of the Hertsmere LCWIP. This approach has been agreed with the LHA to prevent a piecemeal approach to these wider improvements coming forward.
- 5.137 Further detail is included in the accompanying Transport Assessment and a plan identifying the area of land to the frontage which would be subject to a future Section 278 agreement is included in Appendix 2. There is also provision in the Hertsmere's Infrastructure Funding Statement for Community Infrastructure Levy monies to be used towards such Transport and Highways improvements.

Car Parking

5.138 Policy CS25 of the Local Plan states that off-street parking for new developments will be based on an assessment of a number of factors.

5.139 A draft Parking Standards SPD was published in 2022 which includes residential parking standards. Based on the proposed housing mix, the car parking requirements are as follows:

Unit size	Number	Requirement	Total requirement
Studio	14	0.5 per unit	7
1 bed	83	0.75 per unit	62.25
2 bed	150	1.5 per unit	225
3 bed	46	1.5 per unit	69
		Total	364 spaces (rounded up)

Table 4. Car parking requirements

5.140 Within the draft SPD, the site is within the 'Town Centre' accessibility zone where the level of maximum car parking to be provided is between 0-40% of the total requirement (i.e. a reduction of 60-100% of the total standards). Therefore, the total requirement is for a maximum of 146 spaces.

5.141 We understand from discussions with the Council that a reduction of 75% could be acceptable on this scheme, which would result in a minimum requirement of 91 spaces.

5.142 The proposed development includes a total of 125 car parking spaces, made up of 115 standard car parking bays, 8 disabled bays, 1 car club space and 1 dedicated UKPN space associated with the onsite substation.

- 5.143 The provision of 115 standard car parking spaces represents 26% of the total requirement. These spaces are located within the retained two-storey car park.
- 5.144 In addition, 8 disabled bays are provided on the shared surface. This equates to 6% of the total number of spaces proposed (130 total) and is therefore in accordance with the draft SPD which requires 6% of spaces exclusively for disabled use.
- 5.145 To support the provision of sustainable transport measures, the scheme incorporates 1 car club bay and 100% of the parking spaces (with the exception of the UKPN space) will have access to an active charging point.
- 5.146 The proposed commercial units fronting High Street and Mutton Lane will be car-free given the site's accessible location within a town centre and that the commercial units will largely cater towards the existing and future residential population in the local area.

Cycle Parking

- 5.147 The draft SPD sets out that one long-stay cycle space should be provided per bedroom. Based on the proposed mix, this equates to a requirement for 535 long-stay residential spaces. A total of 569 long-stay residential spaces are proposed which exceeds the policy requirements.
- 5.148 Cycle parking for the residential units will be located in a secure store within each of the residential cores, appropriately sized to accommodate the required number of spaces for the number of units within the respective building.

- 5.149 Visitor cycle parking for the residential and commercial units will be located within the public realm. For the residential element, this will be provided on the basis of 1 space per 5 units (total 59 spaces).

Refuse & Servicing

- 5.150 Policy SADM19 requires adequate provision for the storage of waste (which includes recycling facilities) to be fully integrated within the design and layout of new development.
- 5.151 The refuse provision for the scheme has had regard to the refuse standards set out in the Hertsmere Waste Storage Provision Requirement for New Residential Development Guidance.
- 5.152 A Refuse Management Plan has been prepared to support the application which provides details of the overall waste strategy, the proposed storage volumes, details including the location and capacity of the refuse stores, information on refuse vehicle access and future management arrangements.
- 5.153 Overall, the refuse strategy has been designed to ensure safe and efficient operation without adverse impact on the public highway or site amenity, whilst also minimising the number of inactive frontages as far as possible. The scheme therefore accords with Policy SADM19.

Flood Risk and Drainage

- 5.154 Paragraph 173 of the NPPF states that individual applications in areas known to be at risk now or in the future from any form of flooding should undertake a sequential risk-based approach. Within this context, the sequential test aims to steer new development to areas with the lowest risk of flooding.

Paragraphs 174-176 set out more detail in relation to undertaking the sequential test.

- 5.155 Paragraph 181 details how authorities should ensure development coming forward via planning applications do not worsen the flood risk elsewhere and sets out the circumstances where development should be allowed when located in areas at risk of flooding.
- 5.156 Further, Paragraph 182 outlines that applications that could affect drainage should incorporate sustainable drainage systems and sets out how they should be incorporated into development.
- 5.157 Hertsmere Policy SP1 looks to avoid development in the floodplain and incorporate the use of Sustainable Urban Drainage Systems (SuDS) where appropriate. This is also reflected in Policies SADM13, SADM16 and SADM17.
- 5.158 The application is supported by a Flood Risk Assessment and Drainage Strategy. The site is located within Flood Zone 1 and whilst the majority of the site is considered as being at a 'Very Low' susceptibility to surface water flooding, there are some areas located within the site boundary of higher susceptibility. These isolated areas occur within topographical depressions, with the potential for flooding in these areas to be either removed as part of the proposals through the raising of levels, or managed through the proposed onsite drainage network and SUDS. Accordingly, there is no requirement for a sequential or exception test to be undertaken.
- 5.159 Moreover, the surface water drainage strategy has been developed using best practice and utilising a combination of SuDS, including attenuation swale, SuDS pipes, bio-retention areas such as rain gardens, permeable paving and tree root cells. Surface water discharge rates will be restricted to

the 1-in-2-year greenfield runoff rate for all storms up to and including 1-in-100-year plus climate change.

- 5.160 The foul water drainage strategy for the site is to connect/discharge into the existing Thames Water sewers in the immediate vicinity of the site.
- 5.161 In conclusion, the future occupants and users of the proposed development will be at low risk of flooding. The proposal complies with the NPPF, PPG and the local planning policy with respect to flood risk, is an appropriate development at this location and flood risk does not represent a strong reason for refusal.

Energy and Sustainability

- 5.162 Local Plan Policy SP1 states that development should be constructed and operated using a minimum amount of non-renewable sources and be required to use energy efficient sources, such as from decentralised and renewable or low carbon sources. Further detail is provided in Policies CS16 and CS17, which requires proposals to incorporate sustainability principles including achieving reduced levels of energy consumption and the use of energy from renewable resources.
- 5.163 Hertsmere declared a climate emergency in September 2019 and is committed to achieving net zero carbon emissions no later than 2050.
- 5.164 Accordingly, Hertsmere published an Interim Planning Policy Position Statement in November 2020 which was produced to provide clarification on existing sustainability and climate change policies until the new Local Plan and any supplementary documentation is fully adopted. This clarified updates to Policy wording, whereby the 'Code for Sustainable Homes' was to be replaced by the relevant Building Regulations standard and for applicants to positively consider how they might strive for net zero carbon emissions on

site and prepare a Climate Change and Energy Statement illustrating how the proposed development minimises energy demand, maximises energy efficiency, generates renewable energy and as a last option offsets unavoidable carbon emissions.

- 5.165 The LPA then published a Draft Carbon Offsetting SPD, which was approved as interim guidance from September 2022 until such time as a new Local Plan comes forward. This is intended to demonstrate how Hertsmere will operate a carbon offset fund to collect carbon offset payments arising from planning applications in order to meet targets for net-zero development.
- 5.166 It is important to note that this is not an adopted policy document and has not been subject to public consultation. Because of this, only limited weight can be attributed to it in the decision-making process.
- 5.167 This planning application is accompanied by a Climate Change and Energy Assessment prepared by Whitecode Consulting Ltd. Whilst this document has had regard to the Interim Planning Policy Position Statement and Draft Carbon Offsetting SPD, it has been prepared in the context that these are not adopted policy documents. Notwithstanding this, the assessment follows the energy hierarchy to ensure a carbon reduction is achieved on site and concludes that, because of the proposed measures (improved building fabric specification, low air permeability target, thermal bridging details and selection of energy efficient services, and heat pump cylinders to be installed to all apartments), the proposed site-wide development will achieve a 66% improvement over Part L 2021 of the Building Regulations. This is considered acceptable in accordance with the adopted Policy position.
- 5.168 A Sustainability Statement has also been prepared to support the application which summarises the other sustainability measures to be incorporated within the scheme.

6.0 **Community Infrastructure Levy and Planning Obligations**

6.1 Hertsmere adopted Community Infrastructure Levy (CIL) on 17 September 2014.

6.2 The Inspector's Report on the Examination of the CIL Charging Schedule at the time (dated 13 December 2013) referred to the Council's estimation of an infrastructure funding gap of £67 million, principally for education, transport and parks projects. The Report concluded that CIL would achieve a reasonable level of income to help address this infrastructure funding gap.

6.3 Within the adopted CIL Charging Schedule, the site falls within 'Area A' where development is subject to the following rates (subject to indexation):

- Residential - £120/sqm
- Retail - £80/sqm
- Office - £0/sqm

6.4 The Community Infrastructure Levy (Amendment) (England) (No 2) Regulations 2019 came into force on 1 September 2019, under which Infrastructure Funding Statements were to replace CIL Regulation 123 Lists as the mechanism through which projects are identified for CIL funding.

6.5 The Hertsmere Infrastructure Funding Statement (IFS) 2021-2022 included a list of CIL Spend Priorities: The Regulation 123 List / IFS List. These were identified as follows:

- Education Facilities
- Transport and highway improvements
- Publicly accessible leisure facilities (including children play areas and outdoor/indoor facilities)

- Publicly accessible open space provision and allotments
- Health care facilities
- Library services
- Education services
- Youth services
- Childcare & early years services
- Town centre and public realm improvements
- Projects related to the implementation of Hertsmere's Climate Change and Sustainability Strategy and Action Plan

6.6 The 2022/2023 IFS confirms that this list is unchanged until an Infrastructure Delivery Schedule as part of a new Local Plan is formally adopted. The above list therefore still remains relevant and is published on the Council's website. Moreover, the 2023/2024 IFS is silent on this point, but this does not change that the above is a published list nor suggest that it has been superseded.

6.7 The annual IFS reports provide detail on all financial and non-financial developer contributions relating to s106 agreements and CIL within the Borough, as well as a statement of infrastructure projects that Hertsmere Borough Council intends to, or may be, wholly or partly funded by CIL. The projects to be funded by CIL included in the annual IFS reports from 2019/2020 up to and including the latest published IFS report in 2023/2024, have included a range of education, highways, leisure, open space, health, library and public realm improvement projects.

6.8 Whilst CIL is a flat charge on development as specified in the CIL charging schedule, planning obligations can only be sought if they meet the tests in CIL Regulation 122. These are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

6.9 The HBC website has a section called Developer Contributions Framework (DCF). This states that there may be circumstances particularly on larger sites, where a development requires certain aspects of design, mitigation works, or a specific piece of infrastructure to be in place. Where such requirements have not been prioritised for expenditure from CIL or cannot be secured for delivery through another funding source, they will need to be secured through a s106 agreement in addition to the CIL payment.

6.10 This approach is reiterated in Policy CS21 of the Local Plan, which states that following the adoption of the CIL charging schedule, planning obligations will only be sought in relation to individual schemes where such contributions would be necessary to mitigate site-specific impacts and are not for items already covered in a CIL charging schedule.

6.11 The HBC website then goes on to set out a list of possible s106 contributions and an indicative calculation of potential costs. These are as follows:

- Open space and amenity
- Employment and local economy
- Air quality
- Trees
- Community safety
- Parking and travel plans
- Town centres and public realm
- Monitoring and administration

6.12 With specific regard to contributions towards 'Town centres and public realm', the HBC website states:

"The council will work with key delivery partners to deliver Town Centre Improvement Strategies in Borehamwood, Potters Bar and Bushey. ... Town Centre Improvement Strategies and the Regulation 123 list will identify what projects are sought via s106 and which are to be delivered via CIL. Developers will not be required to contribute to projects that have been identified for CIL expenditure." [emphasis added].

- 6.13 Based on the above, we consider that HBC has satisfied its obligation to transparently set out which type of infrastructure will be funded using CIL and which will be funded using planning obligations as per the PPG (23b-034).
- 6.14 We acknowledge that Hertfordshire County Council (HCC) Growth and Infrastructure Unit will be a consultee on the planning application given their responsibility for strategic infrastructure delivery.
- 6.15 HCC publishes an annual IFS, the latest of which is dated 2025. As HCC is not a CIL Charging Authority itself, the HCC IFS reports solely on projects funded by s106 contributions.
- 6.16 Within HCC, some Districts (including Hertsmere) have adopted a CIL charging schedule, whilst others haven't. Of relevance, the HCC Guide to Developer Infrastructure Contributions (2024) at Para 1.4.1 states:

"Where a local planning authority has adopted a CIL Charging Schedule, the way in which service providers seek developer contributions changes. Projects which may have previously been funded by planning obligations in S106 agreements might now be funded via the CIL mechanism. There will still be circumstances where site-specific mitigation should be secured via a S106 agreement in addition to a CIL payment to the local planning authority. Except where charging authorities expect specific projects or types of project

to be wholly funded by CIL funding, the county council will use this Guide to outline the process for seeking planning obligations on behalf of service areas.” [emphasis added]

6.17 In areas where a CIL charge has not been introduced, planning obligations remain the only route to addressing the impact of development (para 3.2.7 of the HCC Guide to Development Infrastructure Contributions).

6.18 Given Hertsmere have an adopted CIL charge in place, this is an appropriate route for HCC to secure monies towards strategic infrastructure. There is a mechanism for CIL to be allocated to HCC for various projects, with Para 1.4.3 of the Guide to Developer Contributions stating:

“The collection, distribution and prioritisation of CIL funding is the responsibility of each charging authority. In coordination with our local authority stakeholders, the information within this Guide and the technical appendices may be referred to by the county council when seeking the allocation of CIL funding from a CIL charging authority. This may assist in the justification of appropriate levels of CIL towards projects which reflect the impact of growth.”

6.19 The HBC website sets out how CIL expenditure in Hertsmere is to be allocated i.e. to be determined by the CIL investment committee and which will be undertaken in consultation with relevant stakeholders including HCC. This is also reflected in the ‘Allocating and Spending the Community Infrastructure Levy in Hertsmere, September 2017’ document.

6.20 It is also clear that there is a mechanism in place to enable CIL funds to be spent on infrastructure projects. The Infrastructure Delivery Statement (April 2026) sets out that in 2024, HBC approved nearly £770,000 in strategic CIL funding to support the relocation and expansion of Breakspeare School, a

specialist SEND school currently at capacity in Abbots Langley. The contribution forms part of a Hertfordshire County Council-led £31 million project to move the school to Croxley Green, increasing its capacity from 97 to 210 places for children and young adults with severe learning difficulties across South West Hertfordshire.

- 6.21 Based on the above, we consider that the proposed development on this site is only required to make planning obligations towards matters directly related to the development, which meet the relevant CIL 122 tests, and which have not been prioritised for expenditure from CIL. Accordingly, any requirements for funding towards education, highways, leisure, open space, health, public realm improvement and sustainability projects should be through the allocation of CIL monies rather than s106 contributions.
- 6.22 This is a position reinforced by the CIL Examining Inspector who set out the Hertsmere CIL would seek to fund any funding gap in respect of these elements.
- 6.23 Notably, this includes transport, highways and public realm works that fall outside the site boundary. As discussed with HCC Highways at a pre-application meeting prior to submission, the scheme is not proposing to provide physical infrastructure along the site frontage as this would provide only a partial section of a more strategic walking and cycling route along the High Street being progressed by HCC. Whilst HCC agreed with this principle, they said they would be seeking a financial contribution towards the wider delivery. The starting point for a contribution would be £9,861 per dwelling.
- 6.24 We do not agree that a financial contribution towards this should be sought given that CIL is in place that can be used towards strategic transport improvements. The blanket application of seeking a contribution of £9,861

per dwelling does not reflect the nuanced position in Hertfordshire where some Council's have CIL in place and others do not.

6.25 It is also significant that this per unit s106 cost for Highways works only is far higher than the cost per unit for all s106 contributions (£5,000) being assumed in the HBC whole-borough viability assessment.

6.26 With regard to CIL funding available in Hertsmere, the 2023/2024 IFS sets out that the CIL retained at the end of the financial year totalled £18,941,540.72. This took into account a CIL expenditure of £215,012.23 in 2023/2024 on infrastructure projects.

6.27 Thus, we consider that the CIL pot would be sufficient and would not result in a funding gap, particularly in light of an anticipated CIL receipt from the proposed development in the region of £3.8 million based on the proposed gross floor area.

6.28 Of relevance, the legal opinion in Appendix 3 includes an appeal decision (ref APP/C1625/W/25/3366140) that provides commentary of the use of s106 obligations and CIL. In coming to the decision, the Inspector concluded that:

- A nuanced approach is appropriate in that s106 agreements are suitable to secure site-specific mitigation so that a development addresses its direct impacts. CIL is the mechanism that could and should be used for non-site-specific mitigation (para 77).
- It is the LPA's responsibility to address the allocation of CIL monies should planning permission be granted given s59(1) of the CIL regulations which states that an LPA must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area (para 78).
- It is not the Appellant's role to duplicate funding (para 79).

- Considering the infrastructure prioritisation list in the IFS, the Inspector concludes that CIL receipts should be used for primary & secondary education and library contributions sought by the County Council, the health contribution sought by the NHS and the police contribution sought by the police.

- 6.29 Therefore, given the infrastructure prioritisation list in the HBC IFS and that there is a procedure in place for the allocation of CIL monies, we do not consider that the s106 contributions towards education, highways, leisure, open space, health, public realm improvement and sustainability projects would meet the relevant tests.
- 6.30 Accordingly, we consider that a similar approach should also be taken to any contributions sought by the NHS, given health projects are identified as a prioritisation for expenditure in the HBC IFS.
- 6.31 Moreover, the HBC IFS also lists projects related to the implementation of Hertsmeres's Climate Change and Sustainability Strategy and Action Plan as prioritisation for expenditure. Therefore, we do not consider any obligations towards carbon offsetting would meet the relevant CIL 122 tests, nor is there any adopted policy basis for this as detailed above.
- 6.32 The position set out in this Planning Statement is supported by a Legal Opinion (included in Appendix 3) which confirms that the proposed Heads of Terms as set out below would meet the relevant tests, but the disputed items would not meet the relevant tests and should therefore not be included within the s106 legal agreement.

Proposed Heads of Terms

6.33 A draft legal agreement has been submitted with this application and includes the following Heads of Terms. This has been compiled based on the proposed scheme and having regard to the HBC's Developer Contributions Framework:

- Viability Review Mechanisms
- Financial Contribution for Offsite Playspace
- Travel Plan (including Car Club)
- Onsite Open Space
- S278
- Monitoring

7.0 **Conclusion and Planning Balance**

7.1 Recent appeal decisions have demonstrated that the Council's housing land supply is significantly below the 5-year requirement. As per the recent planning inquiry at 49 Longview and Land to the rear of London Road (application ref APP/N1920/W/25/3365681), a housing land supply figure of 0.98 year was not disputed by the Council. This amounts to a shortfall of 4,868 homes across the five-year period.

7.2 Further, the 2023 Housing Delivery Test results which were published in December 2024 show that Hertsmere only delivered 46% of its housing need over the preceding three years.

7.3 For the purpose of decision making, this means that paragraph 11d of the NPPF is engaged and the policies which are the most important for determination of the application are out of date. The 'tilted balance' is also engaged.

7.4 Consideration has been given to Footnote 7 and there are no strong reasons for refusal pertaining to heritage assets or flood risk that would disengage the tilted balance.

7.5 It therefore follows that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

7.6 The proposed development would provide a comprehensive benefit package, including:

- Redevelopment of an underused brownfield site within a residential context;

- 293no new residential units which contributes towards meeting the LPA's housing need;
- Provision of flexible commercial floorspace;
- Creation of long-term jobs and additional jobs during the construction phase of the development;
- The creation of landscaped publicly accessible space fronting the High Street and an improvement to the setting of the listed public house;
- Long-term benefits associated with future occupiers contributing to the local economy; and
- Optimisation of the development potential of the site.

7.7 The benefits associated with the development are wide ranging and should be afforded significant weight collectively.

7.8 We therefore respectfully request that the planning application is approved.

APPENDIX 1

Pre-Application response received from Hertsmere Borough Council dated 12 March 2026



Hertsmere
Borough Council

Civic Offices
Elstree Way, Borehamwood
Herts WD6 1WA
Tel: 020 8207 2277
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www.hertsmere.gov.uk

Planning and Economic Development

Your Ref:
Our Ref: 25/1256/PPA
Contact: Georgia O'Brien
Extension: 0208 207 2277 Ext 5675
Email: [REDACTED]@hertsmere.gov.uk
Fax:
Date: 12 March 2026

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 25/1256/PPA
Site Location: Canada Life House
2 - 6 High Street
Potters Bar
Hertfordshire
EN6 5BA

Description: Redevelopment of site to mixed use comprising approximately 384 dwellings and 12,655 sqft of Class E commercial floor space.

Please find attached a detailed report in response to your request for pre-application advice.

Yours faithfully

Georgia O'Brien
Principal Planning Officer

Pre-Application Advice Report

Georgia O'Brien

Reference Number: 25/1256/PPA

**Site Address: Canada Life House
2 - 6 High Street
Potters Bar
Hertfordshire
EN6 5BA**

DATE OF APPLICATION: 28 August 2025

WARD Potters Bar Parkfield

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING: No; however adjacent to the site is Grade II listed Cask & Stillage Public House (list entry no. 1174613).

TREE PRES. ORDER: Yes - TPO/11/2005

Proposal: Redevelopment of site to mixed use comprising approximately 384 dwellings and 12,655 sqft of Class E commercial floor space.

Application Site and Surroundings

The 18.1 ha site occupies a corner plot at the junction of Mutton Lane, High Street, Southgate Road, and Barnet Road. The character of the area is that of an urban town centre; the site is located within a defined Town Centre Area. The site benefits from a pedestrian route to the north connecting it to The Walk, facilitating onwards travel to Potters Bar Railway Station to the west. The site is surrounded by a mix of residential and town centre uses, including a large Tesco Superstore to the immediate west. The site is well connected to the strategic road network, with M25 J24 to the south-east.

The site comprises the Canada Life office complex across two buildings, two parades of commercial units with residential flats above, a car wash, and associated car parking including a two storey car parking structure. There is an existing sub-station and underground cable which are a fixed constraint. There are a number of mature and TPO trees within the site, primarily along the southern, western, and northern boundaries.

There is a Grade II listed pub opposite the site, now named the Cask and Stillage (list entry no. 1174613). There is another Grade II listed building to the south-east of the site, now Potty's Pancakes but listed as The Lion Public House (list entry no. 1346939). There is also a Locally Listed church to the north of the site (St Mary the Virgin and All Saints).

Relevant Planning Policies

National Policy/Guidance

- Listed Building and Conservation Area Act 1990
- National Planning Policy Framework 2024
- Planning Practice Guidance
- National Design Guide 2021

The Development Plan

Adopted Hertsmere Local Plan: Development Plan Document Core Strategy 2013

- SP1 Creating sustainable development
- SP2 Presumption in Favour of Sustainable Development
- CS1 The Supply of New Homes
- CS2 The Location of New Homes
- CS3 Housing delivery and infrastructure
- CS4 Affordable housing
- CS7 Housing mix
- CS12 The Enhancement of the Natural Environment
- CS14 Protection or enhancement of heritage assets
- CS15 Promoting recreational access to open spaces and the countryside
- CS16 Environmental impact of new development
- CS17 Energy and CO2 reductions
- CS18 Access to services
- CS20 Securing mixed use development
- CS21 Standard charges and other planning obligations
- CS22 Securing a high quality and accessible environment
- CS24 Development and accessibility to services and employment
- CS25 Accessibility and parking
- CS26 Promoting Alternatives to the Car
- CS27 Town centre strategy
- CS28 Strengthening town centres

Site Allocations and Development Management Policies Plan 2016

- SADM3 – Residential Developments
- SADM8 – Strategically Important Business Locations and Loss of Office Accommodation

- SADM10 – Biodiversity and Habitats
- SADM11 – Landscape Character
- SADM12 – Trees, Landscaping and Development
- SADM13 – The Water Environment
- SADM14 – Flood Risk
- SADM15 – Sustainable Drainage Systems
- SADM16 – Watercourses
- SADM17 – Water Supply and Waste Water
- SADM19 – Waste Storage in New Development
- SADM20 – Environmental Pollution and Development
- SADM21 – Hazardous Substances
- SADM29 – Heritage Assets
- SADM30 – Design Principles
- SADM34 – Open Space, Sports and Leisure Facilities
- SADM37 – New and Improved Public Open Spaces
- SADM38 – The Road Hierarchy
- SADM39 – Transport Development Areas
- SADM40 – Highway and Access Criteria for New Development
- SADM42 – Town and District Centres
- SADM44 – Secondary Frontages
- SADM49 – Shop Fronts

Supplementary Planning Guidance / Documents

- Part D: Guidelines for High Quality Sustainable Development (draft 2016)
- Parking Standards Draft Supplementary Planning Document (2022)
- Biodiversity Net Gain Supplementary Planning Document (2024)
- Draft Carbon Offset Fund Supplementary Planning Document (2022)
- Biodiversity, Trees and Landscape SPD (2010)
- Planning and Design Guide Part F – Shop Fronts (2011)
- Waste Storage Provision Requirements for New Residential Developments

Other Policies

- Community Infrastructure Levy Regulations
- Equality Act 2010

Key Issues

- Principle of Development
- Impact on Heritage Assets
- Character and Appearance
- Landscape/ Townscape Impacts
- Impact on Neighboring Amenity
- Affordable Housing/ Dwelling Mix
- Amenity and Play Space

- Trees, Landscaping and Ecology
- Transport & Parking
- Flood Risk and Drainage
- Waste Storage Provision
- Planning Obligations and CIL

Comments

This written pre-application advice follows on from four pre-application meetings held with the applicant team, and one Design Review Panel. The advice set out has regard to the latest iteration of plans, provided on 13th February 2026 in advance of pre-application meeting 4.

Principle of Development

The scheme proposes demolition of the existing offices, 12no. Class E high street units, and the residential accommodation above these units, and redevelopment of the site for a mixed-use scheme comprising ground floor Class E units and residential flats. The existing two storey car parking structure is to be retained and enhanced to serve the new development.

The Council does not currently have a five year housing land supply and therefore paragraph 11 (d) is applicable. Planning Permission should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. This has regard to the areas and assets set out at footnote 7 of the NPPF. For the purposes of this application, those relevant would be designated heritage assets and areas at risk of flooding (noting the nearby statutory and locally listed buildings, and the presence of surface water flood risk on site).

The loss of office accommodation would need to be justified within the application submissions. The site is not considered to be a strategically important business location. However, policy SADM8 states that where existing office buildings exceeding 500 sqm in the borough are to be lost to residential use, it should be demonstrated that the premises are no longer suitable for and have been marketed effectively for continued office use.

The South West Herts Economic Study 2024 found that there is likely to be no net-increase in demand for office space by 2041, and that there is a high level of availability in the locations of highest demand including central Watford and St Albans. As such, it was considered unnecessary to allocate additional sites for office development. An updated version of this Economic Study is expected to be published in the coming months, in support of the emerging Local Plan, and is likely to present similar findings.

As such it is unlikely that there will be an in-principle objection to the loss of office space, though it should be robustly justified in the applicant's submission to demonstrate compliance with policy SADM8.

The loss of existing Class E units on High Street will be offset by the new Class E units. It is positive to see that smaller units more in keeping with the character of the high street are now proposed, in place of the previously proposed mid-size food retail store. The units to be lost are designated as Secondary Frontages; policy SADM44 states that in these locations, the Council will seek to maintain and encourage retail shops, financial and professional services, and restaurants and cafes. It is noted that this policy pre-dates the 2021 updates to the Use Classes Order and therefore additional flexibility is afforded by Class E. The Council will consider whether it is necessary or appropriate to limit the possible uses within Class E. It should be made clear whether there would be a net loss or net gain of Class E units and overall floor space. There is no requirement for a Retail Sequential Test, but the Council would welcome submission of an economic statement to justify any particular uses proposed.

It is noted that the site benefits from a draft allocation in the 2024 Regulation 18 Consultation Local Plan (ref. HEL1106). The applicant is aware that the Council's consultants at AR Urbanism are producing area 'visions' for each of the borough's main settlements, including Potters Bar. The application site is considered to be a key site as part of the emerging visions, and therefore has the potential to deliver a landmark development that sets the level of quality expected for other sites in Potters Bar. Consultation with AR Urbanism and the broader Policy team will take place as part of the application assessment to ensure that the proposed development would not prejudice any work taking place as part of the 'visions'.

Impact on Heritage Assets

The application site is located opposite the Cask and Stillage Pub, which is a Grade II listed building. To the south east lies Potty's Pancakes on the corner of Southgate Road and Barnet Road, which is also a Grade II listed building. To the north of the site on The Walk there is a locally listed church – St Mary the Virgin and All Saints. These heritage assets are the most likely to be impacted by the development.

As part of pre-application discussions, a Heritage Statement was provided and the Council's heritage advisor from Place Services attended the fourth pre-application meeting to provide advice. It is expected that should heritage harm arise, this is likely to be 'less than substantial'. The following written comments were received from the Council's heritage advisor following the pre-application meeting:

The application is for the demolition of the office buildings and the Class E units along High Street and construction of a mixed-use development, comprising approx. 300 dwellings with ground floor Class E uses.

The application site is located within the setting of several designated and non-designated heritage assets (NDHA).

The nearest listed buildings to the application site are The Lion Public House (Potty's Diner, GII, List Entry Number: 1346939), The White Horse Public House (Cask and Stillage, GII, List Entry Number: 1174613), Ladbroke School and Forecourt Wall (GII, List Entry Number: 1103528), Salisbury House (GII, List Entry Number: 1346906) and The War Memorial, St John's Church Yard (GII, List Entry Number: 1174621).

The nearest locally listed buildings to the site are St Mary's and All Saints Church and St Mary's and All Saints Church Hall. These are considered NDHAs.

I concur with the conclusion within the Heritage Statement that the proposal would not result in harm to the significance of Salisbury House and the War Memorial. The proposal would also not result in any greater harm to the significance of The Lion Public House (Potty's Diner) than what has already occurred as a result of the existing modern development and infrastructure.

With regard to The White Horse PH (Cask and Stillage), Ladbroke School and Forecourt Wall, St Mary's and All Saints Church and the Church Hall further information should be provided to ensure a fully informed assessment can be made.

I appreciate that the setting of the The White Horse PH (Cask and Stillage) has been subject to a high degree of change over time. Historically, Potters Bar followed a largely linear pattern along the main thoroughfare, with open countryside on either side. This pattern continued until the 20th century, when new building gradually encroached into the surrounding rural landscape. Over that century, the High Street and its context fundamentally changed from a rural settlement into a fully urbanised area.

Notwithstanding this, the development north of the listed building on either side of the High Street is predominantly 2-3 storeys which provides a coherent scale to the roofscape creating a contextually proportionate building height and massing within its setting. Although some of the development north of the listed building is taller, it is still modest and appropriately scaled for a historic high street having a comfortable relationship with the listed building.

Conversely, the development to the south of the listed building, including the application site and Number 3 High Street, has introduced built form of greater scale and massing with much broader proportions to the setting of the listed building. This development looms over the listed building and is visually dominant in views looking

south along the High Street. These buildings have had a negative impact on the setting of the listed building.

The proposal would result in the demolition of the Princes Parade (a 1930s 2 storey shopping parade) and its replacement with a 5-storey building comprising shops at ground floor and flats above (Block D). The proposal would also result in the demolition of the 1980s 2.5 storey buildings fronting the High Street and replace them with 5-6 storey blocks (Blocks B & C).

There are concerns that introducing additional built form of a greater scale and massing, would further detract from the setting of the listed building. The additional scale and massing would likely appear more visually prominent in views along the High Street when compared to the existing buildings particularly in regard to Block D and Princes Parade. This change could potentially harm the significance of the listed building by introducing inappropriate development within its setting, changing neutral aspects of its setting to negative.

I appreciate that this is only a pre-application enquiry, so a full suite of documents has not been developed. However, based on the information provided, I have not been able to ascertain the full impact of the proposed additional scale and mass of built form upon the significance of the listed building. In order to determine this, further information should be provided such as visualisations and/ or wireline drawings looking north and south along the High Street with the listed building shown in context with the proposed development.

I understand that there would likely be public benefits arising from the scheme that would be weighed against any identified harm (in the context of para. 215 of the NPPF), but there may be mitigation measures which could work to minimise such harm that have not yet been explored.

The uniform, block form would likely compound the visual impact of the additional massing, especially in contrast to the with the duo-pitched forms and more traditional roofscape of the existing development. Providing greater articulation to the form of the blocks to break down perceived scale may be one way of achieving some mitigation.

With regard to Ladbrooke School, St Mary's and All Saints Church and the Church Hall; I acknowledge that there is a greater distance and more intervening development between the application site and these assets when compared with The White Horse. However, as the proposal would result in development of a greater scale and massing, this change could adversely affect the setting of these assets.

Based on the information provided, it is difficult to ascertain whether the proposal would result in no harm or some degree of harm. More detailed visual information

showing the assets in the context of the proposed development should be provided so a definitive conclusion can be reached.

It is recommended that additional detail is provided with the application submission to allow a full assessment of the scheme in line with the above suggestions.

Character and Appearance

Much of the pre-application process has been focused on achieving a suitable site layout, and building heights and massing. The existing office development comprises taller buildings that are a noticeable feature of the townscape including in longer distance views. The principle of a tall building in this location is accepted, provided that the resulting building is well-designed and makes a positive contribution to the townscape.

The following written comments were received from the Council's Principal Urban Designer following the fourth pre-application meeting, and reflects discussions held at that meeting:

Site Layout

- 1.1 The proposals include a series of blocks (noted as Blocks A – E) and the retained multi-storey car park. The arrangement of these buildings suggest a courtyard arrangement in the south of the site (formed by Blocks A – C), and a linear open space in the north. The space in the north of the site is lined on one side by the car park and the other by Blocks E (apartments). Block D is proposed to be located between Princes Parade (High Street) and the retained multi-storey car park.*
- 1.2 It was previously noted that the retention of the multistorey carpark imposes a constraint on the site. This remains to be the case. The applicant contests that retention of this asset produces carbon savings and reduces the need for surface level car parking. It remains the case that other options were available with regards to both points.*
- 1.3 Notwithstanding the above, and given the retention of the car park, further work should be done to demonstrate the proposed quality of Block D. This block sits close to the existing layby, thereby offering very few opportunities to enhance the public realm. Offsite works to the layby and opportunities to better incorporate the bus stop were discussed previously, but these have not been implemented. Given HBC's ambitions to revitalise Potters Bars' high street, further detailed work is recommended to ensure Block D serves as a meaningful repair to the high street and promotes high quality public realm.*

- 1.4 *Sections have been provided to confirm that first floor apartments to Block D would be above the roof level of the car park (and any additional structures on top of the carpark). This gives a level of comfort that issues relating to poor outlook from these units can be resolved. Currently, the applicant proposes a frame over the top of the car park, onto which vines can be established. This approach relies on the success of the vines. Alternatives to this, such as the creation of a roof garden over the car park were discussed. The applicant contends that the structure does not allow for this. It is still considered that strengthening works could resolve this, or an 'exoskeleton' structure could be built around the car park. The advantage of this approach would be enhanced external amenity for the development (away from busy roads) and increased activity/overlooking to the linear external space in the north of the site.*
- 1.5 *Alignment of the primary road through the site has been altered under the revised proposals. This now tracks the western boundary of the site. This move has reduce conflicts between pedestrians and vehicles, and is viewed as an improvement. The design of the road itself will be important – this should read as a social space, rather than a purely transitory route. Domestic-style, permeable finishes are preferred, as well as the creation of 'moments' (spaces for rest or play, pockets of landscape etc.) that draw users through the site. It is important that this route is well used, active and overlooked in order to promote safety. Road design should promote slower vehicle speeds.*
- 1.6 *The east-west connection through the middle of the site back to the high street has now been omitted. This improves the small proposed public space between blocks B and D, and reduces impact on the high street public realm. A service road still exists in the middle of the site, with a turning head to the west of the new public space on the high street. Options to control vehicle movements to this road were discussed. Detailed proposals for this are required, in order to ensure that this road will not be used for unauthorised access/parking.*
- 1.7 *There are a series of TPO trees in the north of the site. These have the capacity to enhance arrival from The Walk, and to be positively incorporated in the landscape approach. The road loops around the northern part of the site to gain access to the retained car park. Notwithstanding the above comments about the retention of the car park, managing the relationship between vehicles, amenable arrival to the site and celebrating these key assets is a key challenge of the layout that should be explored in further detail.*

- 1.8 *Access to The Walk from the north is a key advantage of the site. Upgrades to this link outside of the red line would help to support the case for this being a well-designed, useful and amenable connection back to the train station.*

Form & Scale

- 2.1 *The arrangement of built form on the site has formed a key part of discussions to date. It was previously felt that transitions between building heights were too stark, and that these changes in scale could be managed more effectively. The placement of the tallest building at the head of the proposed public space and directly opposite the listed building was also questioned. The latest proposals show a better approach to massing, with scale transitions managed more effectively, and the tallest built form now occupying a more suitable location.*
- 2.2 *Buildings fronting High Street are proposed to be 5 and 6 storeys in height. These increase towards the junction of High Street and Mutton Lane. This helps to manage the scale of the frontage.*
- 2.3 *These frontage buildings have a horizontal reading, reinforced by striped brickwork and contrasting balconies. Proportions of the 'bay' elements appear to pick up on those of the parade of 1930's shops that would be demolished under this application. This reference back is welcome, but further studies of the important 1930's buildings should be conducted. This might include acknowledgement of the historic shop fronts (before more recent changes) and adopting the sloped parapet details to give more interest to the roof line, as suggested by the heritage advisor. The balconies to these frontage building should be semi-recessed in order to allow the bays to read as their own projecting elements. Currently the façade is 'flattened' by the balconies. The deep window reveals shown in the illustrative material are beneficial and should be pursued.*
- 2.4 *The taller buildings (blocks A and C) have a vertical appearance created by the façade articulation. This includes windows with green metal spandrel panels, which helps to promote a double-storey reading of these elements and accentuate the verticality of the brick elements. A complementary, but different, brick tone to these two buildings may help them to read as distinct parts of the same family of buildings. Attention to brick bonds may also help to bring a subtle richness to the facades, which currently risk appearing overly austere.*

- 2.5 *Given the scale of the buildings, and their prominence on the skyline, it was suggested that the 'crown' of the building was explored in further detail. Brick detailing and/or attention to parapet design may help. The taller buildings currently read as 'stumps', with no interest given to their tops. Block A in particular benefits from outstanding views towards the London, so the*



incorporation of a communal roof garden is suggested.

Appearance & Materiality

- 3.1 *As above, parapet and brick detailing to the tops of the bays on the High Street elevations should be studied, and reference to the historic shop front incorporated.*
- 3.2 *Attention to the 'crowns' of the taller buildings should be given, in order to support their role on the skyline.*
- 3.3 *The approach to public realm along the High Street frontage should be confirmed.*
- 3.4 *The entrance to the site adjacent to Block A should be studied further. A human-scale reading of the ground floor is required here in order to ensure that the key north-south link is inviting.*
- 3.5 *The palette of calm, warm brick tones is appropriate to the context. Colour palettes for the balconies, windows and balustrades are supported in principle, subject to final specification.*
- 3.6 *Re-cladding of the west elevation of the car park was previously discussed. This should be employed in tandem with the landscape approach, to ensure*

that the visual amenity of this space does not rely wholly on the establishment of the proposed vines.

Internal amenity, privacy and outlook

- 4.1 In line with policy CS22, all units are required to meet the requirements of M4(2). It should be confirmed that this is the case.*
- 4.2 All units must comply with the Nationally Described Space Standards.*
- 4.3 Blocks B and C appear to single-aspect north facing units. When developing the floor plans, it should be noted that these units would not be supported.*

Landscape and external amenity

- 5.1 Amenity space should be provided in line with guidance given in Hertsmere's Design Guide Part D. A schedule of external amenity space should be provided. It should be noted that appropriately-located, convenient external amenity spaces can contribute to these amenity requirement, in combination with private external amenity provision.*
- 5.2 Ground floor units rely on areas of defensible space and associated landscaping to defend privacy. The appropriateness of the approach to planting in these areas should be confirmed by PS Landscape.*
- 5.3 Emerging ideas involving undulations to the ground plane to create a more immersive landscape appear to be positive, and should be developed further.*
- 5.4 The approach to public/private delineation was discussed. It was confirmed that the best solutions would allow the space to read intuitively – allaying the need for additional hard boundaries, fences and gates.*

Servicing

- 6.1 Further detail on servicing arrangement, vehicle tracking etc. is required. Initial studies have been produced and should be reviewed by the council's Waste team.*
- 6.2 Design and placement of bin and bike stores was discussed at the DRP. It was noted that some of these items could read as small 'pavilions' within the landscape. Whatever the approach, these should be positively designed into the proposals to avoid street clutter.*

Energy & Sustainability

- 7.1 *The incorporation of car club spaces is a welcome inclusion.*
- 7.2 *The targeted fabric performance of the buildings should be confirmed.*
- 7.3 *Where possible, rooftop PV's should be incorporated.*
- 7.4 *The approach to SuDS should be explored. Raingardens and other surface-level features can form positive aspects of the landscape.*

It is recommended that the above advice is considered in preparing the planning application. The Council's Urban Design Officer will be consulted on the application and will review the scheme against the pre-application advice provided.

Landscape/ Townscape Impacts

Due to the scale of development proposed and in particular the taller buildings, the scheme has the potential to impact on the character and appearance of the landscape/ townscape. The tallest of the proposed buildings would be visible in long-range views within Potters Bar and its surrounds.

A ZTV plan and viewpoint plan have been provided for Officer feedback. Officers have suggested three additional viewpoints – one taken from an informal right of way that runs across land to the south of Potters Bar known as PB3, one taken from PRow 058 footbridge over the M25, and one taken from the north of the Wrotham Park Estate which is a Registered Park and Garden. A response was received from the agent setting out why they believed these viewpoints would not be necessary. Officers therefore consulted Place Services Landscape on the ZTV plan and viewpoints, and received the below response:

We have reviewed the provided ZTV and photo viewpoint location plan, alongside our existing knowledge of the area.

We accept that views from Wrotham Park are likely to be limited and therefore do not consider this location to be a concern.

We agree that an additional viewpoint from PRow 058 near the footbridge would be appropriate. Although the view of the existing building is similar to that experienced at RV10 in terms of materiality and design, the views from further east include the surrounding settlement of Potters Bar. RV10 is set further back behind intervening vegetation and presents a slightly different relationship in terms of assimilating the proposals within the site context. We request Type 3 Photomontages from this suggested location to provide clarity on the proposed appearance, context, form and overall extent of development.

We are satisfied that Type 4 Photowire for the other identified viewpoints are acceptable.

For any forthcoming assessment, we strongly advise that the PRoW network is overlaid on the ZTV to provide a transparent and concise approach.

Officers therefore suggest that an additional viewpoint from PRoW 058 is included in the submitted TVIA (Type 3 Photomontage) and that the PRoW network is overlaid with the ZTV plan for clarity. It is agreed that a viewpoint from Wrotham Park would not be necessary.

Impact on Neighbouring Amenity

The development has the potential to impact on neighbouring dwellings to the north, south and east. Initial daylight and sunlight modelling has been carried out and has influenced the design and massing of the scheme, in particular at the south-eastern corner. It is acknowledged that taller buildings in this location may result in some impact to dwellings at the Abbey New Homes and Keypoint office-to-residential conversions. A comprehensive Daylight and Sunlight assessment should be submitted with the application and this will be reviewed.

Block E would be located to the south of Goodacre Court, separated by mature trees and the proposed internal access road. The relationship between these two buildings should be considered to ensure that there would be no mutual impacts on privacy. This will be balanced against the positive amenity for future residents which could be achieved by the northernmost units of Block E being dual-aspect.

Affordable Housing/ Dwelling Mix

The development would be liable to provide 35% affordable housing in line with Policy CS4 of the Core Strategy. It is understood from the submitted Planning Note that the applicant does not propose any affordable housing and will be submitting a full viability assessment to support this position. Officers will consult the Council's viability consultants, Aspinal Verdi, on the viability assessment. This is at the applicant's cost. Nil provision of affordable housing will be accepted only where Aspinal Verdi agree that the scheme would be unviable/ undeliverable if an affordable housing provision, or financial contribution in lieu, was provided.

The pre-application submissions have indicated the proposed market housing mix:

- 25 x studio
- 117 x 1-bed

- 181 x 2-bed
- 61 x 3-bed

The Council's Housing team were consulted on this. They generally only provide comments where affordable housing is proposed, and where mix and tenures need to be secured under s106. They have suggested that studio units are not generally supported as affordable units, but in the context of market units there should be market evidence to support their provision within this development. Generally, the allocation of 1-bed, 2-bed and 3-bed dwellings appears to align with the demand for these sizes of family homes in the area.

A high-level market demand evidence base to support the indicative dwelling mix would be welcomed, including justification for studio units. Officers are minded to agree that demand for 4-bedroom units in this location is unlikely.

Amenity and Play Space

A breakdown of communal, public, and private amenity space has been provided within pre-application submissions. As discussed at pre-application meeting 4, it is noted that there would be a shortfall of amenity space as a result of the site location and constraints. This can be offset by the proximity of good quality public open spaces within a short walking distance of the site, including Oakmere Park (11 min walk), Parkfield Open Space (7 min walk), and National Trust Morven Park (13 min walk).

A positive approach to landscaping is shown in the latest submissions for pre-application meeting 4 – public and communal open space can make positive contributions to the amenity of the site as well as biodiversity.

In terms of play space, the scale of development would suggest liability for LAP, LEAP, and NEAP. However and as discussed at pre-application meeting 4, the locational constraints of the site in combination with nearby existing provision can afford some flexibility. Two LAPs are indicated within the communal amenity spaces which is supported, together with the intergenerational play space to the centre of the site. Naturalistic and sensory play features are supported. Play and socialising spaces should be inclusive and accessible. Details may be submitted with the application if known, or otherwise can be conditioned.

On the whole the approach to amenity and play space is positive based on pre-application submissions and further development of details is encouraged.

Trees, Landscaping and Ecology

It is positive that all TPO trees within the site are to be retained. A full Arboricultural survey should be submitted with the application, together with an Arboricultural method statement and tree protection plan.

It is unfortunate that some trees to the south-eastern corner of the site would be lost to accommodate the proposed development. If Category B or above trees are to be lost, compensatory planting on site will be sought.

As noted above, the indicative landscape approach appears to be positive and the use of land levels and other naturalistic features to denote public and private spaces is welcomed. Full details of hard and soft landscaping should be submitted at application stage – this can include details of street furniture, benches etc. if known.

In terms of ecology, an ecological survey should be submitted. It is noted that much of the site is covered with hard standing and built form, and that the ecological value of the site is likely to be low. However, the mature trees and other soft landscaping along the site boundaries and within the pocket of green space to the south-eastern corner may have ecological value. Protected species are unlikely.

The scheme will be liable for BNG. The BNG Metric Tool should be submitted in excel format and HCC Ecology will be consulted. Officers consider it possible to achieve the required 10% BNG on site given the likely low existing baseline.

Subject to submission of the required technical documents and securing a high quality scheme of landscaping, there are no concerns with regards to trees and ecology.

Transport and Parking

HCC Highways and National Highways will be consulted on the application. It is noted that the site already generates a number of traffic movements in connection with its existing use, and that the increase in movements is currently measured as being very low. Officers will rely on the comments of National Highways and HCC Highways with respect to traffic movements, impacts on the highway network and any mitigation required, and highways safety. HCC's view on the development's impact on the lay-by to the east of the site boundary will also be sought. It is noted that Highways may be seeking public realm and active travel improvements here and the development should not prejudice these.

Discussions around parking have taken place as part of the pre-application process. The site is located within a designated Town Centre, as well as an Accessibility Zone. The Draft Parking Standards 2022 will be used to assess the level of parking provision. As shown at Appendix 3 of this SPD, a maximum of 40% of the required parking provision would be sought on this site (a discount of between 60-100% is

permitted). The pre-application submissions indicate that a total of 130 car parking spaces are proposed, the majority of which would be accommodated in the retained car parking structure. It also includes 8 disabled spaces which would be located at ground level close to the residential units, and 1 car club space. This represents a provision of 26% of the required amount, which falls within the desired range for a Town Centre location. There are no objections to the number of car parking spaces proposed, and the number and siting of the disabled units is welcomed. In line with the Parking SPD, one active EV charging point per dwelling would be sought.

The scheme does not propose any car parking for the Class E commercial units. Noting their Town Centre location and lack of existing car parking provision, this does not give rise to any objection.

Details of cycle parking provision have been provided. Internal bike stores are proposed for long-term cycle parking. One long-term cycle storage space is required per bedroom – a schedule of cycle storage per block would be encouraged given the number of spaces required, to ensure that this is met. It is positive to see that a policy-compliant level of short-term cycle spaces are proposed externally.

As discussed within the urban design comments and at pre-application meetings, appropriate treatment of the retained car park will be necessary.

The proposed pedestrian link between the application site and the neighbouring Tesco site is strongly encouraged.

Flood Risk and Drainage

The application site is not at risk of flooding from rivers or the sea. There are some pockets of low, medium, and high surface water flood risk. A site-specific Flood Risk Assessment and drainage scheme should be submitted with the application, and the LLFA will be consulted.

The applicant is encouraged to make use of landscape features as part of their SuDS design, for example by including rain gardens. Permeable paving where possible would also be recommended.

Waste Storage Provision

The applicant is referred to the Council's guidance document titled Waste Storage Provision Requirements for New Residential Developments. This guidance document sets out the required refuse storage for residential schemes, including where communal storage is proposed for apartment developments. It also sets out refuse store design recommendations and maximum drag distances. Vehicle

tracking should be provided to demonstrate that a refuse vehicle could safely access the refuse stores and exit the site in forward gear.

The applicant has indicated that refuse compactors may be proposed. Officers have consulted with the Street Scene team and refuse compactors are not considered to be acceptable, as they result in refuse bins which are too heavy for the Council's refuse vehicles. The strong preference is for the required waste storage to be provided in full, per the above referenced guidance document.

Planning Obligations and CIL

The applicant has set out their case for planning obligations and CIL in writing. This is noted. Officers have sought advice from the Planning Policy Team and Infrastructure Team manager on the submitted details. Initial feedback received is that the Council would not offer discounted CIL, and that site-specific impacts on infrastructure would need to be mitigated for via s106 contributions. The Council may be seeking legal advice and this will contribute to s106 negotiations once any planning application is received.

Conclusion

The principle of a high density, mixed-use scheme on this site is supported. Provision of small-scale Class E units at ground floor fronting High Street is welcomed, in place of the previously proposed food store offer.

Iterative pre-application feedback provided, as well as Design Review Panel feedback, has been taken into consideration by the applicant and the design of the scheme has improved as a result. It is recommended that the further written advice set out in this report from the Council's Urban Designer is considered prior to submission of any planning application. This should be read together with the feedback provided from the Council's Heritage Advisor. For example, amendments to the design of Block D to draw out the architectural value of the 1930s building to be demolished would be encouraged.

Submission of an application for Full Planning Permission is welcomed, subject to the advice set out within this report.

LIST OF DOCUMENTS TO ACCOMPANY PLANNING APPLICATIONS

Supporting information for the validation of planning applications:

<https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Applications/Apply-for-planning-permission.aspx>

A future application for planning permission must comprise the following:

- A completed application form (Full application for Planning Permission);
- A completed CIL form;
- An Ordnance Survey style site location plan at a metric scale of 1:1250 showing the application site outlined in red, all neighbouring properties in full and two named roads;
- A set of metrically scaled drawings: existing and proposed floor plans, elevations, sections, and street scenes;
- Design and Access Statement;
- Planning Statement;
- Viability Assessment;
- Air Quality Impact Assessment;
- Arboricultural Impact Assessment, Method Statement, & Tree Protection Plan;
- Ecological Survey;
- Biodiversity Net Gain Metric Tool (Excel format);
- Daylight & Sunlight Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Economic Statement;
- Energy & Sustainability Assessment;
- Fire Statement;
- Heritage Statement;
- Land Contamination Report;
- Landscape Strategy;
- Levels Survey Information;
- Noise and Vibration Assessment;
- Refuse Management Plan;
- Servicing Plan;
- Statement of Community Involvement;
- Transport Statement;
- Travel Plan;
- Townscape and Visual Impact Assessment;
- Utilities Statement;
- Vehicle Parking Plan.
- Any other information that may be deemed relevant to this application (site photographs, details of materials etc.).

You should ensure that any future formal planning application meets these requirements in order to avoid unnecessary delays in the registration of the application.

SUBSEQUENT ADVICE & APPLICABLE FEES

Refer to the revised published schedule of fees.

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

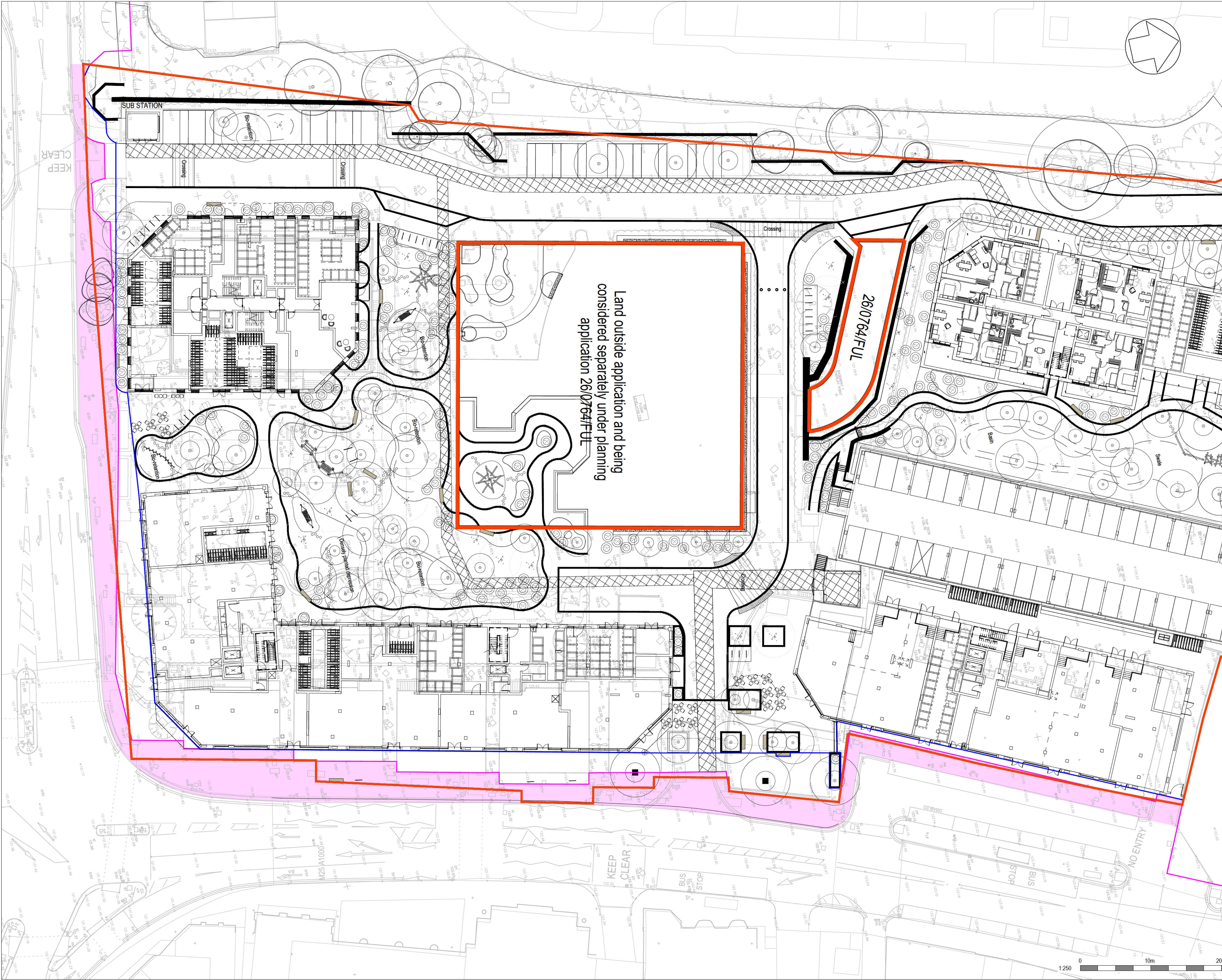
STATUS OF THE ADVICE

This pre-application advice does not constitute a formal response or decision of the Council and is therefore not binding. The views expressed by Council officers are given in good faith without prejudice to the formal determination of any subsequent planning application(s). Following the submission of a formal planning application, other matters and issues pertinent to the proposed development may be raised by further details, third parties, statutory and non-statutory consultees. Any fee paid to the Council is non-refundable and does not represent a legal contract with the Council. This advice is based on the available documentation submitted. If further documents and amended proposals are later provided in response to the concerns raised herein, this may incur an additional fee.

Case Officer Details

Georgia O'Brien - Email Address [REDACTED]@hertsmere.gov.uk

APPENDIX 2
Extent of future Section 278



NOTES:

1. DO NOT SCALE, IF IN DOUBT ASK.

2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT STRUCTURAL ENGINEER'S DRAWINGS AND DETAILS, THE SPECIFICATION FOR THE WORKS, THE RELEVANT ARCHITECT'S DRAWINGS AND ANY OTHER SPECIALIST'S DRAWINGS.

GENERAL KEY

- SITE BOUNDARY
- EXISTING HIGHWAY BOUNDARY
- PROPOSED HIGHWAY BOUNDARY
- EXTENT OF S278 WORKS

PRELIMINARY DRAWING:
THIS DRAWING IS FOR PRELIMINARY PURPOSES ONLY
AND MUST NOT BE READ AS A CONSTRUCTION ISSUE.
IT INDICATES DESIGN INTENT ONLY AND IS SUBJECT TO
AMENDMENT DURING FINAL DESIGN DEVELOPMENT.

PRELIMINARY ISSUE	IK	POS	17.07.26	P02
PRELIMINARY ISSUE	IK	POS	16.07.26	P01
Revision Details	By	Check	Date	Suffix

Drawing Status

PRELIMINARY

Client

CHASE
The Ecclestone & Building

Project Name

POTTERS BAR
HIGH STREET

Drawing Title

S278 WORKS EXTENT

Scale at A1 1:250	Client Project Number -
Drawn IK	BDC Project Number 25094
Approved PDS	Date JULY 2026

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Drawing Number	Rev
25094-BDC-C-XX-XX-DR-0050	P02

APPENDIX 3
Legal Opinion

**In the matter of proposed development at Maple House & Canada Life, High Street,
Potters Bar, EN6 5BA.**

ADVICE

Introduction

1. I am instructed to advise Chase New Homes in respect of a forthcoming application for planning permission for the redevelopment of land at Maple House & Canada Life Place in Potters Bar. I am asked to advise on the contents of a planning obligation to be entered into pursuant to s.106 of the Town and Country Planning Act 1990 ('TCPA 1990').
2. The proposed heads of terms include:
 - a. a viability review mechanism in relation to affordable housing;
 - b. a financial contribution for offsite play space for older children;
 - c. travel plan / car club;
 - d. the provision of on site open space (to remain permanently open);
 - e. s.278 works; and
 - f. monitoring fees.
3. There is no issue that the above matters should be included within the planning obligation. However, there are some potentially disputed items which the client is concerned may not meet the test set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010. It is those items on which I am asked to advise.

Section 106 of the Town and Country Planning Act 1990

4. Section 106(1) of the TCPA 1990 provides that any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (a) restricting the development or use of the land in any specified way; (b) requiring specified operations or activities to be carried out in, on, under or over the land; (c)

requiring the land to be used in any specified way; or (d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

Regulation 122 of the Community Infrastructure Regulations 2010

5. For a planning obligation to be material to the determination of a planning application, the decision maker must be satisfied that each of the three tests in regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('Reg 122(2)') is met in relation to each obligation that the agreement or unilateral undertaking secures.
6. Reg 122(2) provides that:
 - “122 [...] (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.”
7. The application of each of those tests is a matter of evaluative judgment for the decision maker, subject only to judicial review: see *R (Worcestershire Acute Hospitals NHS Trust) v Malvern Hills District Council etc* [2023] EWHC 1995 (Admin) per Holgate J (as he then was) at [51].
8. Whether a contribution is 'necessary' is not assessed by a 'but for' test but is a judgment which is based on a range of relevant policies and material considerations: *Trafford Metropolitan Borough Council v Secretary of State for Housing, Communities and Local Government and Peel NRE Limited* [2026] EWHC 261 (Admin) per Kimblin J at [21].
9. Where a financial contribution is sought, a key question will often be whether the contribution is necessary to meet a funding gap. If there is no funding gap, or an obligation exceeds the size of any funding gap, there would be no legal justification to require the developer to pay any such s.106 contribution. A s.106 requirement for an unjustified contribution would render any planning permission unlawful and liable to be quashed: see *Worcestershire Acute Hospitals NHS Trust* at [22] and [69].

10. As to whether an obligation is “directly related to the development”, this will require the decision maker to consider whether there is a real and sufficient connection between the proposed obligation and the impacts of the proposed development: see *R (on the application of Sainsbury's Supermarkets Ltd) v Wolverhampton City Council* [2010] UKSC 20 at [70] and *The Queen (on the application of Hampton Bishop Parish Council) v Herefordshire Council v Herefordshire Rugby Football Club, Bloor Homes Limited* [2014] EWCA Civ 878 at [46] and [50].
11. Even where there is potential justification for an obligation being sought, a decision maker is entitled to prioritise between competing s.106 obligations to ensure that a scheme is viable. For example, it may be that the delivery of some affordable housing is of greater importance than a request for a contribution from a third party: see *Worcestershire NHS Trust* at [95].
12. Similarly, it may be that the affordable housing component, which it is viable for a scheme to provide, is constrained by the cost of essential infrastructure which a decision maker may determine must take priority, even over a strong need for affordable housing: see *Worcestershire NHS Trust* at [97].
13. These are planning judgments for the decision maker. The obvious point being that if the right balance is not struck, and the requirements of the planning obligations are such as to render a scheme unviable, the scheme is unlikely to come forward. In that scenario, the benefits of the scheme will not be realised.

CIL Funding for Infrastructure

14. The local planning authority – Hertsmere Borough Council – is a community infrastructure levy (‘CIL’) charging authority. This means that some funding for infrastructure which might otherwise have been secured through a planning obligation, will instead come from CIL receipts.
15. Whilst there is not a bright line distinction between matters to be funded by CIL and matters to be funded via planning obligations, the two instruments have different intended purposes: CIL being for more generalised infrastructure contributions, whereas planning obligations are intended to mitigate the direct site-specific impacts of a proposed development. This distinction is reflected in the PPG at [167]:

“When should planning obligations be sought?”

The levy is not intended to make individual planning applications acceptable in planning terms. As a result, some site-specific impact mitigation may still be necessary for a development to be granted planning permission. Some of these needs may be provided for through the levy but others may not, particularly if they are very local in their impact. There is still a legitimate role for development specific planning obligations, even where the levy is charged, to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.

Paragraph: 167 Reference ID: 25-167-20190901”

16. Paragraph 169 explains:

“How can planning obligations and the levy operate together to fund and deliver infrastructure?”

The levy delivers additional funding for charging authorities to carry out a wide range of infrastructure projects that support growth and benefit the local community. It cannot be expected to pay for all the infrastructure required, but it is expected to make a significant contribution.

Charging authorities should work proactively with developers to ensure they are clear about the authorities’ infrastructure needs and what developers will be expected to pay for through which route.

Authorities can choose to use funding from different routes to fund the same infrastructure. Authorities should set out in infrastructure funding statements which infrastructure they expect to fund through the levy and through planning obligations (see regulation 121A).

For example, a local authority may set out in their plan that they will use section 106 planning obligations to deliver a new school to serve additional pupils arising as a result of a new development on a strategic site. The local authority may also use levy funds to deliver the school and help support development elsewhere in the area.”

17. Regulation 123 of the CIL Regulations previously prevented s.106 contributions and CIL monies being used to pay for the same item of infrastructure but this restriction has been removed. Therefore, as the PPG makes clear, it is now possible for both sources of funding to be used for the same infrastructure.

CIL and s.106 in Hertsmere

18. The distinction between CIL and s.106 obligations is reflected in the local development plan policy. Policy CS21 of the Local Plan Core Strategy, adopted in 2013, provides that:

“Following the introduction of a CIL charging schedule, planning obligations under Section 106 of the Town and Country Planning Act will only be sought to in relation to individual schemes where such contributions would be necessary to mitigate site-specific impacts and are not for items already covered in a CIL charging schedule.”

19. The Hertsmere Infrastructure Funding Statement (IFS) (2022/2023) sets out a list of CIL spending priorities:

“Education Facilities
Transport and highway improvements
Publicly accessible leisure facilities (including children play areas and outdoor/indoor facilities)
Publicly accessible open space provision and allotments
Health care facilities
Library services
Education services
Youth services
Childcare & early years services
Town centre and public realm improvements
Projects related to the implementation of Hertsmere’s Climate Change and Sustainability Strategy and Action Plan”

20. My understanding is that this remains the up-to-date list of spending priorities. The IFS states, at 4.11, that the inclusion of a project or type of infrastructure in this list does not signify a commitment from the Council to fund the listed project or type of infrastructure through CIL, either in whole or in part.

21. However, reading the IFS with policy CS21, it is clear that CIL is intended to be used to fund the items identified as spending priorities. There are procedures in place for the allocation of this money.

22. The Council's website¹ also includes guidance on s.106 agreements. In the context of noting the requirement for qualifying developments to pay CIL, the guidance explains that:

“There may however be circumstances, particularly on larger sites, where a development requires certain aspects of design, mitigation works, or a specific piece of infrastructure to be in place. Where such requirements have not been prioritised for expenditure from CIL, or cannot be secured for delivery through another funding source, they will need to be secured through a s106 agreement in addition to the CIL payment.”

23. In this context, the Guidance includes a list of matters which might require inclusion within a planning obligation:

“Open Space and Amenity
Employment and the Local Economy
Air Quality
Trees
Community Safety
Parking and Travel Plans
Town Centres and Public Realm
Monitoring and Administration”

24. These matters have been considered and addressed by Barker Parry as set out in a table which is appended to this advice (Appendix 1), I have no reason to disagree with the comments set out within that table. I address the issue of any highways contributions separately below.

25. The Guidance also explains that other stakeholders may request the provision of specific facilities (such as Hertfordshire County Council, NHS/Clinical Commissioning Group or Hertfordshire Constabulary). It explains that where this is unlikely to be supplied from CIL, delivery via S106 may be required. The Guidance sets out that such requests will only be considered where it is consistent with the policy framework and where a clear need is demonstrated consistent with Regulation 122.

¹ <https://www.hertsmere.gov.uk/planning-building-control/infrastructure-and-delivery/S106-agreements>

26. There are several matters which those instructing me are concerned that the local planning authority or other stakeholders will seek to include within the planning obligation which would not meet the regulation 122 tests. Of course, if any item does not meet the CIL tests, it must not be included within the planning obligation. I will deal with each of these issues in turn.

Draycot Appeal Decision

27. Before doing so, I note that Inspector McGlone dealt with similar issues persuasively in a recent appeal decision concerning Land West of A4135, Draycot, Cam, GL11 5LN.²
28. The argument there was that monies sought by the county council in respect of primary and secondary education and libraries should not come from a s.106 obligation but should be funded through CIL receipts. The same was said about monies sought for policing and healthcare.
29. The Inspector noted at DL64 that the local planning authority was a CIL charging authority and had adopted a CIL Charging Schedule which included an indicative list of the areas of infrastructure to be funded or part-funded through CIL. At DL67 he recorded that the local plan policy states that section 106 legal agreements will not be completely replaced and will be used for affordable housing and anything required to make site-specific developments acceptable in planning terms. There appears to be a clear comparison to be drawn between the situation at Draycot and the position in Hertsmere.
30. At DL69, the Inspector concluded that having regard to the broad categories of infrastructure listed in the CIL Schedule, the infrastructure sought by the county council, and monies sought for policing and healthcare could all fall within those categories identified for CIL spending.
31. At DL73 he found that the policy framework was consistent in that it set the expectation about what infrastructure is to be primarily funded through CIL receipts. However, at DL75 the Inspector observed that the IFS does not mean that every type of

² Appendix 2 to this Advice.

infrastructure listed must be met by CIL. At DL77 he reached the overall conclusion that a nuanced approach is appropriate in that s106 agreements are suitable to secure site-specific mitigation so that a development addresses its direct impacts. CIL is the mechanism that could and should be used for non-site-specific mitigation based on the policy framework in place.

32. At DL79, the Inspector noted that whilst the allocation of CIL receipts fell outside of the scope of the appeal, there was a framework and an expectation as to what types of infrastructure CIL monies should be used on, which included the infrastructure sought by the county and in respect of policing and healthcare. He considered that the local planning authority was required by regulation 59 of the CIL Regulations to apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. Therefore, at DL80, subject to the strategic CIL pot being sufficient, he considered that CIL receipts should be used for the contributions sought by the county in respect of education and libraries as well as the policing and healthcare contributions.

33. Whilst the analysis is obviously specific to the policy matrix existing in that local planning authority area, I consider that it a similar analysis applies in relation to Hertsmere.

Disputed Items

34. I now turn to consider each of the potential disputed items in turn.

Carbon Offsetting

35. The IFS includes as a spending priority “Projects related to the implementation of Hertsmere’s Climate Change and Sustainability Strategy and Action Plan.” Hertsmere’s Climate Change and Sustainability Strategy (2025 – 2030) includes within it an intention to “Establish a carbon offset fund to collect payments from developments to meet any carbon shortfall from new development, to be used towards carbon offset projects”. This suggests that, subject to any funding gap, CIL is the appropriate mechanism to fund any such projects.

36. There is draft Carbon Offsetting Guidance on Hertsmere's website from 2022, however, which states that Carbon Offsetting Payments will be secured through s.106 and not through CIL. It suggests that CIL is not a suitable mechanism for such funding because of the site-specific nature of the amount of carbon which would need to be offset.
37. Whilst I note the contents of the guidance, it is only in draft, it has not been consulted on and has not been adopted in the four years since it was published. Further, there is an expectation that CIL receipts will be used for climate change projects as per the IFS, where there is no clear funding gap for those projects. Therefore in my view there is no reason why CIL money could not be used instead of s.106 obligations.

Hertfordshire County Council – Growth & Infrastructure Unit

38. Applying the approach in the Draycot Appeal Decision above, subject to any funding gap, the funding for those matters set out in the CIL IFS should generally be met through CIL receipts. This is the case unless any such funding requirement relates to very specific impacts of the scheme.
39. I am not aware of what, if any, obligations the Growth & Infrastructure Unit might seek in relation to this application. Any such obligation will need to be considered against the relevant tests and with consideration given to the possibility of that project being funded via CIL receipts instead.

HCC - Highways

40. I am informed that HCC have indicated that they would seek a blanket contribution of £9,861 per dwelling across its area for active travel improvements in addition to CIL. Such a contribution would not meet the CIL tests.
41. First, it would be difficult to demonstrate that such a contribution was necessary to make the development acceptable given that CIL money is, presumably, available to make improvements to general active travel measures in the area. Transport and highway improvements are specifically listed in the IFS.

42. Secondly, a blanket approach does not appear to take account of the distinction between those areas which have CIL funding available and those which do not. Hertsmere has CIL in place, but other local authorities in the HCC area do not.
43. Thirdly, such a contribution would not be directly related to the development. It appears to be a contribution designed to enable a wide range of projects across the area. Users of the development may only have a very tangential, if any, impact on areas which are to be improved by those projects.
44. In my view, HCC would need to identify specific projects, in the immediate vicinity of the appeal site, which were necessary to make this development acceptable. It would then need to work out an appropriate contribution for the development to make based on considerations including the other available sources of funding. They would need to identify the direct connection between the impacts of the proposed development and the projects which any contribution was to fund.
45. For example, in less accessible locations, there may be a need for a specific bus service. Which, despite the existence of a generalised pot of CIL funding, it might be considered appropriate to secure through a s.106 obligation.
46. Similarly, as was the case in the Draycot appeal, development specific highways infrastructure might be something to be funded via s.106 obligation notwithstanding the existence of CIL funding to contribute to more generalised highways improvement schemes. My understanding is that no such development specific infrastructure has been identified as being necessary here.
47. I can therefore see no justification for a generalised contribution to for highways improvements to be included in a s.106 obligation. Beyond its contributions through CIL, the developer should not be required to make contributions to wider highways improvements across the county.

NHS

48. I am informed that the NHS has sought financial contributions on recent schemes within the borough, including:
- 23/0937/OUT - £368,651 NHS contribution

- 22/2149/OUT - £142,120 NHS contribution

49. However, more recently, in relation to application ref. 24/0451/FUL the NHS requested a financial contribution of £868,125 which was said to be to mitigate impact of the development on NHS services in the local area. Local planning authority officers did not consider this request met the CIL Regulation 122 test as it was to improve services in general, rather than being directly related to the development (Paragraph 7.15.4 of the Committee Report).

50. I agree that if a similar contribution were sought here a similar analysis should apply and any such contribution would not meet the CIL Regulation 122 test given that health projects are identified as a prioritisation for expenditure in the infrastructure funding statement.

51. This analysis is consistent with the *Worcestershire* case I referred to above.

Overall

52. Overall, I consider that any forthcoming development on the site should only be required to make planning obligations towards matters directly related to the development, which meet the relevant CIL 122 tests, and which have not been prioritised for expenditure from CIL.

53. Therefore any requirements for funding towards education, general highways improvements, leisure, open space, health, public realm improvement and sustainability projects should be through the allocation of CIL monies rather than S106 contributions, unless it can be established that there is a funding gap for such projects and that any contribution would otherwise meet the Reg 122 tests.

54. It would seem unlikely that there is such a funding gap. In Hertsmere, the 2023/2024 IFS sets out that the CIL retained at the end of the financial year totalled £18,941,540.72. This took into account a CIL expenditure of £215,012.23 in 2023/2024 on infrastructure projects. The CIL pot would therefore appear to be sufficient and would not result in a funding gap, particularly in light of an anticipated CIL receipt

from the proposed development in the region of £3.8 million based on the proposed gross floor area.

55. I therefore consider that the proposed heads of terms meet the relevant tests and that, on the basis of the information available to me, the disputed items would not appear to meet the relevant tests and so should not be included within the s.106 obligation.


Cornerstone Barristers
10 July 2026

Appendix 1.

Potential S106 Obligation	Position
Open Space and Amenity	The proposed development includes a shortfall of onsite open space & playspace compared to Hertfordshire District Council's requirements. The proposed development does incorporate LAPs onsite within each of the residential communal gardens. This ensures that all dwellings are within 100m of a LAP. In addition, rather than a formal LEAP onsite, the scheme does incorporate an area of play for ages 4-11 and intergenerational play adjacent to Block E. A financial contribution towards offsite play provision for older children is proposed therefore proposed, albeit the amount should be considered in the context of the site and its proximity to a range of existing open spaces and playspace provision. A planning obligation to ensure that the onsite public open space remains permanently open is proposed.
Employment and the Local Economy	The proposed development includes the creation of short-term jobs during construction and long-term jobs during operation, including in the ground floor commercial units. There is no evidence of an obligation towards employment or the local economy being sought locally and therefore it is not considered an obligation towards this is necessary to make the development acceptable.

Air Quality	The application is accompanied by an Air Quality Assessment, prepared by Cass Allen, which concludes that the site is suitable for development in terms of air quality, with no requirement for additional mitigation, and that there are no air quality constraints with respect to planning consent being achieved. An obligation towards air quality is therefore not considered necessary.
Trees	The proposed onsite landscaping scheme will mitigate for the loss of existing trees and results in a net increase of 34no trees. An obligation towards trees is therefore not considered necessary.
Community Safety	The proposed scheme incorporates design measures that align with the principles of designing out crime as detailed in the Design and Access Statement. If considered necessary, any further community safety measures could be secured by way of planning condition.
Parking and Travel Plans	The proposals include securing a Travel Plan by way of planning obligation.
Town Centres and Public Realm	The Hertsmere Local Cycling and Walking Infrastructure Plan identifies the route along the High Street as a primary walking and cycling route, and the route along Mutton Lane is identified as a secondary walking and cycling route. Rather than taking a piecemeal approach to improving this infrastructure,

	the approach agreed with Hertfordshire County Council is that land along the site frontage will be made available for these works to take place in the future as part of a more comprehensive scheme. Given the CIL 123 List includes transport and highways improvements, and town centre and public realm improvements, funding for these improvements should come from CIL expenditure and a financial obligation towards these would not meet the tests as the works are not considered necessary to make this development acceptable. A S278 agreement for any offsite highways works could be secured via a planning obligation.
Monitoring and Administration	Financial contribution for monitoring to be proportionate to S106 obligations.

Appendix 2.

Appeal Decision

Inquiry held on 7 – 9 and 15 October 2025

Site visit made on 9 October 2025

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/C1625/W/25/3366140

Land west of A4135 Draycott, Cam GL11 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure of the local planning authority to give notice within the prescribed period of a decision on a hybrid application for full and outline planning permission.
 - The appeal is made by Persimmon Homes Severn Valley against Stroud District Council (SDC).
 - The application Ref is S.21/1875/OUT.
 - The development proposed is hybrid application for residential development up to 795 dwellings, with 226 in full application, and the balance in the outline application, with supporting infrastructure and enabling works including: new vehicular access off the A4135, public open space, landscaping and drainage infrastructure.
-

Decision

1. The appeal is allowed, and planning permission is granted for hybrid application for residential development up to 795 dwellings, with 226 in full application, and the balance in the outline application, with supporting infrastructure and enabling works including: new vehicular access off the A4135, public open space, landscaping and drainage infrastructure at land west of A4135 Draycott, Cam GL11 5LN in accordance with the terms of the application, Ref S.21/1875/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

Background

2. The application for planning permission is for 226 dwellings (phase 1), and the application for outline planning permission with all matters reserved for future consideration is for the remaining balance of the dwellings, potentially up to 569 dwellings, with a total maximum of 795 dwellings (phases 2 and 3). Phase 1 would see a mix of two, three and four bed properties accessed from the A4136. Phases 2 and 3 would use the access proposed from phase 1, which is shown indicatively through phases 2 and 3. The outline application also includes a safeguarded space for a primary school. It is unclear if Gloucestershire County Council (GCC), a Rule 6 Party to the Inquiry, will require the primary school or not. So, scenario 1 would see a total of 715 dwellings delivered alongside the primary school. Scenario 2 would see 795 dwellings developed with no primary school. In either scenario, 226 dwellings would be delivered in phase 1.
3. A suite of detailed plans for phase 1 and several illustrative plans for phases 2 and 3 have been submitted. The latter show potential ways that phases 2 and 3 could be developed. I have considered the appeal based on the plans for which the appellant has sought approval, which do not include the illustrative plans.
4. The appeal stems from SDC's failure to determine the planning application within the prescribed time limit. Nevertheless, SDC's Development Control Committee

came to the view after the appeal was lodged to not contest the appeal or the principle of housing on the appeal site, subject to the satisfactory resolution of several matters. These include mitigation to respond to the proposal's effect on the Severn Estuary Special Area of Conservation (SAC) and a satisfactory Appropriate Assessment (AA); a District Level License (DLL) to mitigate the proposal's effect on Great Crested Newts (GCN); a range of technical highway matters following objection from GCC; and a series of planning obligations that SDC seeks.

5. The appeal site relates to a draft allocation within the Stroud District Local Plan Review (emerging plan) that is currently being Examined in Public (EiP). The draft allocation seeks to provide approximately 900 dwellings and land for a two-form entry primary school. The draft allocation covers an area of land roughly 40 hectares in size¹. The scheme before me relates to 29.42 hectares of that land, with the remaining balance subject of a separate planning application for up to 235 dwellings (the Hitchins scheme), which is with SDC to determine².
6. Although the planning applications for the proposal and the Hitchins scheme were prepared jointly and there is common documentation associated with both schemes, each scheme can proceed independently.

Amended plans

7. Before the Inquiry, the Appellant submitted a package of amended plans that seek to respond to matters raised by SDC, GCC and SGC. The changes principally relate to revisions to the proposed access arrangement from the A4135, the provision of a suitable emergency access, works to the A38 / B4509, alterations to the proposed site layout, and improvements to junction 14 of the M5 Motorway. There are also consequential changes to numerous plans because of the principal changes proposed. The amended plans have come about through discussions between the relevant parties ahead of the Inquiry, and they were subject to public consultation for 10 days prior to the Inquiry opening. The extent of the changes is described by the Appellant in their letters, dated 17 and 24 September 2025.
8. I have considered the views of SDC and GCC and the two tests to determine whether to accept the amended plans. Substantively, the amended plans do not fundamentally change where or how the proposal would be accessed, and the overall scale, distribution and layout of the development proposed would remain, save for minor alterations. The changes in the amended plans flow from matters identified in appeal documents which have been in the public domain. With the public consultation that took place before the Inquiry, I consider both tests are satisfied. I have determined the appeal based on the amended plans.

The evolution of the main issues

9. The amended plans mean that the dispute between GCC and the Appellant has considerably narrowed. As such, the matters that informed provisional main issues 2, 3, and 4 as identified in the CMC Summary Note are no longer in dispute save for narrow points about highway modelling and an alternative emergency access.
10. ID15 and ID16 confirm that, if planning permission is granted with the suggested conditions, and the appellant is able, having been issued a certificate from NatureSpace, to submit a certificate to SDC, and monies paid, then the proposed development can proceed under a DLL. Thus, I am satisfied that, upon the grant of

¹ CD A1, Appendix 3

² S.21/1913/OUT, CD A1, Paragraph 1.7

the DLL, the necessary mitigation would be in place to adequately address the proposal's impacts on GCN. As such, subject to the imposition of the suggested planning conditions, I will not consider provisional main issue 9 any further.

11. Provisional main issue 10 related to the proposal's effect on the SAC, but given Natural England's (NE)³ response, the effect is also in relation to the Severn Estuary Special Protection Area (SPA)/Ramsar Site and the Sites of Special Scientific Interest (SSSI) at Frampton Pools, Stinchcombe Hill, and Upper Severn Estuary. The Appellant responded to the NE's concerns through ID9 and proposes an increased level of mitigation to reflect the Severn Estuary Recreation Mitigation Strategy 2024-2029 (Mitigation Strategy) not the Strategy for Avoidance of Likely Significant Adverse Effects on the Severn Estuary SAC, SPA and Ramsar site, December 2017 (2017 Strategy), that was in place when the planning application was submitted. I consulted NE after the Inquiry closed to help inform my AA, but this is no longer a main issue because of my analysis.
12. The main parties agreed that the updated version of provisional main issue 11 outlined in this decision reflects the evidence now available. I have also reordered the main issues based on the central matters in dispute or that are determinative to my decision and moved matters previously identified as provisional main issues to other parts of my decision, while still considering the points raised.

S106 agreements

13. Two signed and dated agreements under s106 of the Act were submitted shortly after the close of the Inquiry. The first agreement (SDC s106 agreement) between the Appellant and SDC contains obligations in respect of affordable housing, self-built plots, on-site public open space (POS), mitigation towards the SAC, SPA and Ramsar, and monies sought by GP and the NHS. The second agreement (GCC s106 agreement) between the Appellant and GCC contains obligations for public transport, highway improvement works to the A38, primary and secondary education, libraries, traffic regulation orders (TROs) and monitoring fees.

Environmental Statement

14. During the appeal it was considered that the Environmental Statement (ES) was not satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). A Regulation 25 request for further information was issued and responded to with updates to the EA and an Addendum. The ES was produced in accordance with the EIA Regulations. A range of consultation bodies, including statutory consultation bodies, have had, and taken, the opportunity to comment on the ES and the proposed development's environmental effects. I have had regard to these, the responses provided to the Regulation 25 requests, and the overall body of evidence submitted in writing and heard orally at the Inquiry. Following receipt of the further information, the ES is now considered satisfactory.

Main Issues

15. The main issues are:
 - 1) whether the proposal would accord with the spatial strategy in the development plan;
 - 2) whether the proposal would make adequate provision for affordable housing, self-build plots, public open space, education, libraries, highway

³ CD F43

improvements, public transport, travel plan, health facilities, policing, TROs and monitoring fees in respect of highway improvements, libraries, education, public transport, travel plan, and TROs;

- 3) the effect of the development proposed on the character and appearance of the area, having regard to density, layout and the scale of the dwellings; and
- 4) whether the proposed development would offer suitable green infrastructure and connectivity.

Reasons

16. For clarity I used the following terms to express my opinion of the weight that different matters carry: very substantial, substantial, significant, moderate, limited, and neutral. They will be expressed either in the context of a harm or benefit.

Spatial strategy

17. Policies CP2, CP3 and CP15 of the Stroud District Local Plan (Local Plan) jointly comprise the spatial strategy for the district. They seek to meet the objectively assessed needs of the district up to 2031 and concentrate most development at a series of strategic locations which are the principal settlements within and adjoining the district or in accordance with the settlement hierarchy. Settlements are ranked in the settlement hierarchy according to their size and their range of facilities and services. The aim is to prioritise growth at sustainable locations.
18. Cam is a First Tier settlement according to Local Plan Policy CP3, but the appeal site lies outside of Cam's settlement limits, and the proposal does not accord with any of the principles listed in Local Plan Policy CP15 that apply to proposals in such locations. Therefore, the proposal would conflict with the spatial strategy and Local Plan policies CP2, CP3 and CP15.
19. That said, the appeal site's location adjacent to Cam's settlement limits and the range of facilities and services that it offers would mean that the proposed development would be broadly consistent with the Local Plan's objective to deliver growth at sustainable locations. I agree with SDC and the Appellant that the proposal would result in a sustainable pattern of development.
20. SDC is currently unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 78 of the National Planning Policy Framework (the Framework). I shall come to the consequences of this later in my decision, but the spatial strategy found in the Local Plan does not cater for or provide for the district's Local Housing Need. As such, the current settlement limits affect the district's ability to deliver the full extent of that need.
21. The appeal site is proposed as a draft allocation (PS24) in the emerging plan, but this matter carries limited weight because the emerging plan is being EiP, and it is unclear whether there are any unresolved objections and what the outcome of that examination may be given the concerns raised by the Examining Inspectors or the timescales associated with the emerging plan.
22. I conclude, on this issue, that the proposal would conflict with the spatial strategy in the development plan. This brings the proposal into conflict with Local Plan Policies CP2, CP3 and CP15 for the reasons explained. However, due to the proposal's broad consistency with the spatial strategy and the district's ability to deliver the housing needed, limited material harm would arise from this policy conflict, particularly as those policies are agreed to be out of date.

Planning contributions

23. The Appellant says that the monies sought by GCC in respect of the primary and secondary education and libraries should not come from the GCCs106 agreement and should instead be funded through the Community Infrastructure Levy (CIL) receipts that would be collected by SDC ('the principle'). The Appellant holds the same view about the monies sought by GP and the NHS. The Appellant further considers that the mechanism for securing the public transport money sought by GCC should be split between CIL and s106 and disputes the amount.
24. Notwithstanding the principle, the Appellant disputes the amount of money sought for primary and secondary education by GCC and for healthcare by the NHS. However, the Appellant and GCC agree that the GCC s106 agreement should secure the sum of monies sought for the A38 improvement works, the TROs, the travel plan deposit and various monitoring fees. Further, the contributions sought by SDC are agreed between the SDC and the Appellant in terms of the suitability of them being secured by the SDC s106 agreement.
25. Despite the disputes set out, it is common ground that Local Plan Policies CP6 and CP7 as well as Framework paragraphs 100 and 101 require new development that generates a requirement for additional infrastructure to make provision for the delivery, and, where necessary, the funding of that infrastructure. It is also agreed that, if necessary, there is a requirement for there to be a mechanism by which to secure that provision; otherwise, there would be conflict with Local Plan Policies CP6 and CP7 and Framework paragraphs 100 and 101. It is also agreed that, so long as the provisions detailed within the GCC s106 agreement and the SDC s106 agreement relating to contributions sought by SDC, GCC, GP and the NHS are secured, there would not be a reason to dismiss the appeal.

Contributions sought by GCC, GP and the NHS

Contributions in dispute between the Appellant and GCC, GP, and the NHS

The amount

26. Before I determine what mechanism should be used to secure the various contributions that are sought by GCC, GP and the NHS, I shall reach findings where necessary on the amount that is justified, having regard to the three tests outlined in Framework paragraph 58 and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations). This will help determine the question of whether there would be sufficient monies within the strategic CIL fund to address the infrastructure needs of the proposed development and other infrastructure needs in the district.

Primary and secondary education

27. The proposal would give rise to an agreed number of additional primary and secondary school pupils, and the parties agree that the forecast years of 2027/28 and 2031/32 should be used for the primary and secondary education contribution based on when completions are expected. They also agree that an operating margin of 2% is appropriate and the area to assess capacity in primary and secondary schools. That leaves two matters of dispute. The first is whether an adjustment should be made to the pupil forecasts; the second is that, if an adjustment should be made, what the extent of that adjustment should be.

Whether an adjustment should be made

28. GCC as the Local Education Authority (LEA) has a statutory duty to provide

sufficient school places for all 4- to 19-year-old young people in its area. To assist with achieving this, GCC produces three distinct pupil forecasts based on different data and uses them for different purposes. The base forecasts are calculated annually for schools across GCC using a range of data sources⁴, but they do not factor in any development, so they are not adjusted in any way, but they do assume that historical trends will continue.

29. The second forecast is the Schools Capacity Survey (SCAP) forecast, which GCC compiles annually for all schools. The SCAP forecast uses the base forecast and adds all pupils forecast to be generated by every potential future housing development outlined in five-year housing land supply reports. The SCAP forecast is prepared and submitted to the Department for Education (DfE), and it is not used by GCC for the purposes of calculating the extent of any education contribution. The DfE uses the SCAP forecast to assess the likely demand for school places, assuming that all the developments in the five-year housing land supply assessments are completed and mature. In practice that does not happen for a variety of reasons, such as slower build-out rates, unforeseen delays to commencing a development, and developments not being implemented.
30. The third forecast is the s106 forecast which is prepared for individual planning applications based on the relevant school planning areas. They use the base forecast and then add on pupil yield from the proposed development and any pupil yield from unfunded committed developments in the area. These are schemes that benefit from planning permission (not any allocated sites without planning permission), which have not made any school place contributions and are benefiting from any space capacity within the school place planning area. The S106 assessment does not include any pupil yield from potential development.
31. As the SCAP forecasts are not used to determine whether any contribution is necessary and the extent of that, they are not relevant to my assessment. Instead, the base forecast and the s106 forecast are.
32. The Updated SoCG on Schools and Libraries Infrastructure and GCC's Education Rebuttal are inconsistent in GCC's explanation of whether the base forecasts include an allowance for future migration or not. Given that the former document addresses the point specifically, I have taken that to be GCC's stance. Therefore, the base forecasts do not include an allowance for future migration, which is instead factored into the agreed 2% operating margin. Even so, the base forecasts still assume the continuation of cohort progression rates (relative popularity and intake patterns) that have occurred over the last five years.
33. It is conceivable that the historic rates of cohort progression could change upwards or downwards based on the rate of housing delivery. The Appellant says that as the rate of housing completions is forecast to take a significant downturn, it would be appropriate to adjust the forecasts and refer to the DfE SCAP Survey 2025 (SCAP Survey) in support of that approach to avoid double counting so that only the expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts are included, i.e., those with full planning permission or sites that will yield pupils in the forecast period.
34. That is all well and good to produce GCC's SCAP forecast, but it would not be appropriate to adjust the base forecast based on the rate of housing delivery, as

⁴ CD C11, Paragraph 3.7

the base forecast is 'child based', not 'development based'. The adjustment talked about in the SCAP Survey is to the amount of development and thus the pupil yield that will take place in the five-year period, not to the baseline forecast, which is known child-based. In other words, following the Appellant's approach would result in an adjustment of something not within the base forecast.

35. Regardless, there is no reliable data about the level of housing delivery in the district. The Appellant's expectation that it will decrease sharply to zero by 2027/28 simply will not happen, as housing development will not stop altogether and it would still come forward irrespective of the proposal. I do, however, say that the level at which it comes forward is uncertain. The emerging plan's progress will likely affect the rate of housing delivery, as a plan-led system provides certainty and a clear strategy for development to take place within. But conversely, the proposal would aid the rate of new homes being delivered and thereby avoid the sharp decline to a non-existent rate of new homes being delivered suggested by the Appellant. Given the doubt, I cannot be sure that GCC's approach to annually considering any recent changes to the trends as part of producing the base forecasts is not appropriate, given they are best placed to respond to those and reflect any changes in the forecast.
36. Therefore, by using the base forecasts and using the pupil yield from the proposal and any unfunded committed developments in the area, it means that allocated or speculative developments are not factored in, along with schemes that are already making pupil place contributions. Thus, the s106 forecasts are appropriate to use.
37. I note the Newent appeal decision, and while the base forecasts will not ever be completely accurate as they are assumption based, GCC have explained the make up of each forecast, why the base forecast does not consider development, and that the SCAP forecast is not used for the basis of determining any education contribution. I have considered that stance having regard to the SCAP Survey rather than the 2024 version cited in that decision, which is not before me. While there is a need for consistent decision-making, I have reached a different conclusion than my colleague based on the evidence before me, which does not include all the documentation that was before him.
38. In any event, the level of accuracy of GCC's pupil forecasts against actual numbers of pupils on roll provides a strong indicator that they are experienced and able to forecast with a high degree of accuracy the number of pupils in primary and secondary schools in the County. GCC performs far better than the bulk of LEA's.

What should be the extent of any adjustment

39. The Appellant says that there are 86.7 primary school pupils and 76.146 secondary school pupils arising from unfunded developments. GCC says that there are 126.36 primary school pupils and 91.14 secondary school pupils.
40. The Updated SoCG on Schools and Libraries Infrastructure offers an agreed list of sites with planning permission for residential development that informs the basis of this dispute. As a matter of principle, I concur with the parties that no adjustment should be made for developments which have secured financial contributions towards additional school places. There are several sites that have secured financial contributions towards education places on the list, but they have not been taken into account by GCC in its adjusted figures.
41. The other factor is whether the adjustments have been made using an incorrect

number of dwellings on the basis that the base forecasts already include pupils from completed dwellings. GCC disagree with the finding in the Newent decision⁵, but did not challenge the decision. They say that the dwellings would not be 'fully formed' when they are 'completed' which the Newent Inspector determined was reasonable to assume to mean 'occupied'. GCC's reason for this is that the homes would not have their full complement of children as subsequent children come along, and other children in the house go onto secondary school.

42. Forecasts are not a perfect science, and circumstances between each dwelling will vary in terms of the number of children and when they come along. Subsequent children will not always come along, as families may have already had them, though at the other end of the spectrum, children can be born after people move into the homes. However, sites deliver houses at different rates and not neatly in accordance with the start and end of the base forecast period. Further, some of the sites would have multiyear buildouts due to the quantum of dwellings involved. Therefore, people will have already occupied homes by the time the base forecasts are done, and some sites may cover multiple base forecast periods. Any children in those homes would be known to GCC and picked up in the base forecast. Consequently, the full adjustment suggested by GCC is not appropriate, as it would result in additional pupil yield.
43. Hence, I prefer the Appellant's analysis on the extent of any adjustment. This means that the justified sums of money are Primary Education Contribution Option 2 and Secondary Education Contribution Option 2.

Public transport

44. A sum of £1,286,000 is sought to fund a new bus as part of an amalgamated route of services 60 and 62. The existing services run between Dursley and Thornbury, and they are subsidised by GCC.
45. The sum sought by GCC is for a five-year period, so the amount per year would be £257,200, which is made up of a £40,000 vehicle cost per annum, driver insurance, and fuel and maintenance cost of £60 per hour, with the bus operating for 10 hours per day and 362 days per year. The Appellant does not dispute the yearly figure of £257,200 but contends that the amount should be reduced year on year by 20%, which would result in a total sum of £771,600.
46. The combined service, including the new bus, would offer a better frequency of service than the current one bus per hour. There is no dispute that this enhanced service is necessary to achieve the sustainable travel objectives that development needs to make provision for. It is therefore necessary and reasonable for the Appellant to fund the new bus to operate as part of the combined service for a five-year period, bearing in mind the build-out time for the whole development.
47. A development quantum between 1,600 and 2,200 dwellings is needed so an additional bus service becomes commercially viable in the long term. GCC based the sum of money sought on the lower end of that range as the breakeven point.
48. Service 60 is currently operating with an £181,000 deficit per year, and service 62 is operating with a £159,958 deficit per year. Combined, GCC is footing the approximate £340,000 deficit of operating these services.
49. However, patronage is expected to increase with increased development, which would typically increase the revenue of the service. While the Appellant says 1,605

⁵ CD G1, Paragraph 27

new dwellings are likely to be completed or close to being completed in Cam, Dursley and Thornbury by 2031 when the public transport contribution would end, this figure assumes all the identified sites will come forward by then and the building rates will not change. Those assumptions have not been tested with any of the developers or landowners involved in these sites, nor has SDC's Housing Land Availability assessment been interrogated for its robustness.

50. An element of those 1,605 dwellings will be complete by 2031, but it is optimistic to think all of them will, given that the Hitchins site has not yet obtained planning permission, and pre-commencement planning conditions are likely to be required given the approach adopted in this case. Those would need to be discharged, and similar issues may arise insofar as the requested contributions and mechanisms to secure highway mitigation. Further, the Appellant's evidence is in stark contrast to its own education evidence, where it says delivery rates through to 2028 will dramatically decline to 2028. Both cannot and will not be right, so I cannot be certain what level of extra patronage will happen.
51. In any event, whatever the level of increased patronage is, it would likely gradually build over time as developments complete. That would be reflected in revenue changes, but the public would not distinguish between an existing bus and a new bus; they would simply get on the first available bus. Therefore, not every pound received in revenue would be attributable to the new bus; an element would go towards addressing the existing operating costs, which are not expected to change any time soon. So, while the contribution sought by GCC does not directly consider any revenues generated by the new bus in the five years that the contribution is sought for, the money would be used to get the new bus in place and pay for its cost. Any revenues generated in this time would then be used towards funding the bus for a further two years, though it could be more. GCC do not expect the new bus to be self-funding after year seven, albeit they expect a lower level of subsidy to be necessary, but one that GCC can absorb.
52. Given that future residents of the appeal scheme would build over a thirteen-year period, GCC's assessment is more likely to be correct. Conversely, the Appellant's tapered approach, whilst understandable in logic, is not appropriate given the uncertainty around exactly how much development will be completed by 2031. Hence, I consider the amount sought by GCC satisfies the three tests, as the sum would encourage the use of sustainable transport and help achieve carbon net zero targets. Public Transport Contribution Option 1 is the justified amount.

Libraries

53. I consider Libraries Contribution Option 2 is the justified sum for library provision.

Healthcare

54. The appeal scheme would fall within two practice boundaries, namely those at Cam and Uley and May Lane, but the demand for, and impact on, services would be most likely felt at the Cam and Uley practice. There is insufficient capacity at these practices for the existing population, yet the money sought by the NHS is to form additional primary care floor space to serve future occupiers of the proposal.
55. The NHS considers that VAT costs should be included in the amount of money sought to account for the capital works and procurement required to deliver the health infrastructure mitigation. I do not have details of those costs. Nor is there any substantive taxation evidence before me to explain why VAT should be included given that it is commonly understood to be recoverable on projects such as that identified here. So, while the NHS may say a funding gap will arise if VAT

were excluded, its inclusion has not been justified having regard to the three tests.

56. Notwithstanding this, the new dwellings will in some form lead to additional demand on health services. To calculate the additional floor space required, the NHS suggests the use of the projected average household figure of 2.19 people per household in 2043. While this figure originates from ONS data recommended for use by NHS England guidance, that guidance was withdrawn on 17 September 2025. Thus, I do not prefer this figure.
57. An alternative figure is 2.13 people per dwelling as derived from the 2021 Census. Using a figure per dwelling is more accurate, as not all the dwellings will be occupied by a household. But using this figure would assume every new dwelling proposed would be occupied by residents who are new to the area. That won't be the case, as people will also move from existing households. So that any contribution would be fairly and reasonably related in scale and kind to the proposal, the net additional population figure should be used to avoid double counting and thus inflating the demand placed on local practices.
58. The net additional population per dwelling figure proposed by the Appellant derives from the increase in dwelling stock in Gloucestershire between the 2011 and 2021 Census and the additional number of household residents. This means that 1.69 people were additional to the local population out of the 2.13 people per dwelling figure from the 2021 Census. I prefer the use of this figure for the reasons outlined. Applying this figure would result in an increase of 1,345 people for 795 dwellings and 1,209 people for 715 dwellings.
59. Applying these figures along with the NHS's floorspace requirement methodology means that there would be a need for 112m² costing £517,883.52 (795 dwellings) and 101m² extra floorspace costing £467,019.96 (715 dwellings). When a proportionate contribution towards the NHS's community-based services that are attached to primary care buildings is factored in, £172,08.48 (795 dwellings) at 18% or £15,467.14 (715 dwellings) at 16% of the room would be justified towards the cost of a new community health room. Therefore, I find that a total sum of £535,092.00 is justified for 795 dwellings and a sum of £482,487.10 is justified for 715 dwellings (NHS Contribution Option 2).

Policing

60. GP seeks a sum of £122,474.90 for 795 dwellings for staffing, equipment and vehicle costs towards policing based on a prorated sum of £154.06 per dwelling. Hence, for the scenario with 715 dwellings, the sum sought would be £110,152.90.
61. GP have explained that the proposal would create additional crime and increase the likelihood of other incidents occurring, which would increase the demand for policing over and above what is currently necessary in the area even with part of the future population moving within the district.
62. It is for GP to determine what its resource requirements are based on the geographic area it serves and the incidents and demands that arise within it. Comparisons drawn by the Appellant to other police forces are not helpful as their resource requirements will vary according to the relevant geographic area and the incidents and demands that are placed on the relevant force. I am therefore satisfied that The Police Contribution Option 2 is the justified amount.

What is the justified collective amount?

63. I consider the monies sought by GCC, GP and the NHS to be as that shown in the

Table below, based on either 715 or 795 dwellings.

	Amount (£) 795 Dwellings	Amount (£) 715 Dwellings
Public transport	£1,286,000.00	£1,156,591.19 ⁺
Libraries	£155,820.00	£140,140.00 [*]
Primary education	£1,173,617.28	£1,055,112.71 ⁺
Secondary education	£1,079,137.73	£970,545.25 ⁺
Healthcare	£535,092.00	£482,487.10 [*]
Policing	£122,474.90	£110,152.90 [*]
Total	£4,352,141.91	£3,915,029.15

Note: the cost for * is a proportionate cost worked out using the SDC/GCC 106 agreements of the per unit cost then multiplied by 715. The cost for + is a proportionate cost for 715 dwellings based on the per dwelling cost for 795 dwellings multiplied by 715.

The principle

64. SDC is the charging authority for the purposes of CIL. SDC adopted its CIL Charging Schedule Policy (CIL Schedule) in February 2017. It sets out that CIL is one of the mechanisms to facilitate and pay for necessary infrastructure provision.
65. The appeal site is not allocated in the Local Plan, and while it is a proposed allocation in the emerging plan, for the purpose of my decision, SDC would collect CIL receipts arising from the proposal, as it would be chargeable development.
66. Local Plan Policy CP6 states that SDC will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. The CIL Schedule sets out the level of developer contributions towards new or upgraded infrastructure to support the overall development strategy and includes an indicative list in Appendix 2 of the areas of infrastructure to be funded or part-funded through CIL.
67. That said, Local Plan Policy CP6 states that section 106 legal agreements will not be completely replaced and will be used for affordable housing and anything required to make site-specific developments acceptable in planning terms. However, the policy explains that it is very important that there is a clear distinction between what CIL and what s106 payments are used for. This is to avoid duplication of payments made through CIL.
68. The Planning Obligations Supplementary Planning Document (SPD) reflects the approach of not paying twice. The SPD offers guidance on what s106 payments will be sought for once the CIL was put in place by SDC. The subsequent intention was that these types of infrastructure were not to be funded through s106 planning obligations. SDC published a Regulation 123 list of infrastructure that SDC intended to be, or may be, wholly or partly funded by CIL. The SPD explains the reasons why and includes the provision of new facilities and improvements to existing facilities where proposals create an increased population and pressure on education and social infrastructure such as schools, GP surgeries and libraries. The SPD says the exception to this is where developments can provide their requirements on-site. Further, transport infrastructure, including highway improvement schemes, cycling and walking infrastructure and public transport, is

- to be funded through CIL except for development-specific highway infrastructure.
69. Having regard to the broad categories of infrastructure listed in the CIL Schedule, the infrastructure sought by GCC, GP and the NHS could all fall into those.
 70. The Infrastructure Delivery Plan (“IDP”) was prepared for and to support the emerging plan. As the site is a proposed allocation, the IDP identifies a need for a new primary school with contributions being made to primary and secondary education. However, the IDP adds little to the issue as it is a document prepared to support the site’s proposed allocation. It does not address the situation before me.
 71. Regulation 123 of CIL Regulations was repealed in 2019. This regulation prevented the use of a planning obligation for the provision or funding of infrastructure which was to be funded, wholly or partly, by CIL, to ensure that a developer did not pay twice for the same infrastructure in connection with a particular development; and by restricting the pooling of planning obligations to no more than five where they were funding a single piece of infrastructure. Hence, infrastructure can be funded through s106 agreements and/or CIL.
 72. While the CIL Schedule and SPD were published before the repeal of regulation 123, SDC has produced an Infrastructure Funding Statement (IFS) as required by s121A(1)(a) of the CIL Regulations. The current IFS⁶ reports all the developer contribution activity in the relevant financial year, as well as requiring information on unspent money collected in previous years. The IFS states that s106 agreements are used for either site-specific measures required to make the development acceptable, specific agreed affordable housing requirements, on-site POS and social provision, or major allocated schemes. Section 12 of the IFS outlines identified areas of prioritisation for infrastructure funding – CIL. The table found here replicates that found in Appendix 2 of the CIL Charging Schedule Policy, and it reflects the SPD’s approach. As such, the infrastructure sought by GCC, GP and the NHS could all fall into the broad categories listed in the IFS. There is also no suggestion from any party that any previous version of the IFS has set out a different prioritisation list for infrastructure funding. This casts doubt on GCC’s point that the prioritisation list in any future IFS could change.
 73. The policy framework set by the CIL Charging Schedule Policy and supported by the SPD, IDP and IFS are consistent, in that they set an expectation about what infrastructure is to be primarily funded through CIL receipts unless that infrastructure is at a strategic site allocation. The terminology found in section 12 of the IFS broadly reflects that found in s121A(1)(a) of the CIL Regulations. SDC confirmed at the Inquiry that it has not nor intends to abandon the CIL Charging Schedule Policy, SPD or IFS. As such, even though the CIL Charging Schedule Policy and the SPD were published prior to the repeal of Regulation 123, the IFS has reaffirmed the clarity that the Planning Practice Guidance (PPG)⁷ advocates.
 74. Section 12 of the IFS includes the term ‘prioritisation’. To my mind this means the type of infrastructure that will be a priority for SDC to deliver to meet its needs. Those areas identified do need to be broad and flexible to respond to situations as they arise, and while ‘prioritisation’ is not a certainty, it does, still, provide a clear framework and an expectation that CIL monies are to be spent on those areas. If the monies were not spent on the types of infrastructure listed, then SDC would

⁶ CD D8 as required to be published by section 121A(1)(a) of the CIL Regulation: *a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL*

⁷ PPG, Paragraph: 169 Reference ID: 25-169-20190901

potentially not be spending the money responsibly and in line with its own priorities. That is not in their interests or the community it serves.

75. However, the IFS does not mean that every type of infrastructure listed must be met by CIL. The PPG says that the latter “is not intended to make individual planning applications acceptable in planning terms...there is still a legitimate role of development specific planning obligations, even where the levy is charged, to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.”⁸ The PPG also says that the levy cannot be expected to pay for all the infrastructure required, but it is expected to make a significant contribution.”⁹
76. The DfE document Securing developer contributions for education¹⁰ reflects this approach, though it advises LEAs to work with local planning authorities to consider the most appropriate mechanism to secure contributions from developers towards education facilities alongside other infrastructure funding priorities. Given the dispute between GCC and the Appellant, and SDC’s reluctance to state its view as the local planning authority and charging authority, it strikes me that there is not a clear agreed approach between SDC and GCC, when in fact there ought to be, and it would be in everyone’s interests for there to be so that the necessary infrastructure is delivered as part of the district’s development strategy.
77. Notwithstanding this, I consider that there is a policy framework in place that provides sufficient clarity on what types of infrastructure CIL monies should be used for. The list is wide-ranging. I consider, in line with the PPG, that a nuanced approach is appropriate in that s106 agreements are suitable to secure site-specific mitigation so that a development addresses its direct impacts. CIL is the mechanism that could and should be used for non-site-specific mitigation based on the policy framework in place. To do otherwise would run contrary to that.

Process for CIL monies and the certainty.

78. After a bid process, SDC’s Environment Committee determines whether CIL monies are directed to a particular infrastructure type using a robust assessment procedure. Hence, the allocation of CIL monies lies outside the scope of this appeal; however, there is a framework, and an expectation of what types of infrastructure CIL monies should be used on, and these include some or all of the infrastructure that GCC, GP and the NHS seek. In practice, that is what is expected, and it would be a matter for SDC to responsibly address if planning permission is granted given s59(1) of the CIL Regulations which says SDC must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.
79. The CIL monies directed by SDC to GCC for physical improvement works at Gastrells Community School illustrate that the mechanism can work. Although it may have only been on one occasion since 2017, it is, as per the DfE guidance, for GCC and SDC to work together as public bodies to secure contributions towards education alongside other infrastructure funding priorities and then fund that necessary infrastructure. It is not the Appellant’s role to duplicate funding, and Local Plan Policy P6 makes that clear.
80. Therefore, I consider that, subject to the strategic CIL pot being sufficient, CIL

⁸ PPG Paragraph 167 Reference ID: 25-167-20190901

⁹ PPG Paragraph: 169 Reference ID: 25-169-20190901

¹⁰ CD D24

receipts should be used for the primary and secondary education and library contributions sought by GCC (Option 1 for each contribution respectively). I also conclude that they should also be used for the contributions sought by the NHS (The NHS Contribution Option 1) and GP (The Police Contribution Option 1) because they are infrastructure demands which arise from a population increase and are not site-specific infrastructure necessary to make the development acceptable in planning terms.

81. The concerns and fears of GCC, the NHS and GP about whether they would actually secure those monies and mitigate the proposed development's effects are genuine. However, it is for those parties to bid and make their case for the necessary monies from SDC's Environment Committee. While that will involve further work for those parties, the CIL receipts are not just hypothetical money, and there is a process in place to seek them and for SDC to responsibly allocate them to address the infrastructure demands in the district arising from the proposed development. Until a bid has been made and monies allocated, the infrastructure identified by GCC, the NHS and GP would not be an identified project in the IFS. Thus, they do not need to be a project identified now.
82. While I understand the Appellant's rationale behind the proposed split approach to the public transport contribution given that the new bus service would also benefit the existing or growing population, this proposition is not supported by any substantive evidence; it is purely an estimate. However, I disagree with this approach because the necessity for a new bus derives directly from the proposed development. This is not altered by the wider benefit to the local population, as the same knock-on benefits point would equally apply to the A38 improvement works and the POS without changing the necessity for those provisions in the first place. So, while I will take the wider public transport benefit into account as part of my planning balance, I consider that this contribution should be secured through the GCC s106 agreement (Public Transport Contribution Option 1).

What would be the available CIL Pot?

83. Projected potential and secured CIL contributions to the strategic fund amount to £1,390,931.84¹¹. It is agreed the proposal would add £4.1 million to the strategic CIL fund. Together this amounts to £5,490,931.84. The Appellant says that the total strategic CIL fund should include a further £1,561,196.42 based on IFS's executive summary of the 'available CIL on account to 31 March 2024'. If correct, that would lead to a total strategic CIL pot of £7,052,128.26. However, if the 'total amount retained in 23/24' figure from the IFS is used¹², which would consider already committed funds, the total would be £6,417,616.19.

Contributions agreed between the Appellant and GCC

84. Improvements are necessary to the A38 corridor to mitigate the effects of additional traffic generated by the proposed development. Without the mitigation there would be increased congestion, which would likely affect highway safety, and mean that carbon net zero targets may not be met. There would also be an effect on the ability to bring forward future developments without the mitigation in place. The contribution sought directly relates to the proposal's traffic effects albeit the contribution would be part of a wider cumulative impact. As such, the A38 Corridor Contribution Option 1 is necessary, directly related to the development, and fairly

¹¹ £407,878.09 add £983,053.75 CD D8, p23

¹² £926,684.19 CD D8, P23

and reasonably related in scale and kind to the development. The GCC s106 agreement secures the contribution.

85. The GCC s106 agreement secures a contribution of £25,000 towards the costs of two TROs for waiting prohibitions and a 30mph speed limit. The latter is necessary to ensure road safety and the free flow of traffic around the proposed site access. The former is necessary to protect the signalised junction at the proposed entrance to the site to prevent parking on the junction and its approaches. These measures would ensure the free flow of traffic at the junction and a reduction in conflict and road safety issues. The TRO Contribution satisfies the three tests.
86. The travel plan would encourage future occupiers to use sustainable and active modes of travel to reduce single occupancy vehicle journeys, to improve road safety and congestion and to help achieve carbon net zero targets. The Travel Plan Deposit is necessary should the owner default in any way and GCC step in to carry out any steps to deliver the travel plan. The Travel Plan Deposit has been calculated based on the upper quantum of dwellings, so it is directly related to the development and fairly and reasonably related in scale and kind to it.
87. The GCC s106 agreement includes provision for monitoring fees in respect of the A38 corridor, libraries, primary and secondary education, public transport, travel plan, and the TROs. There is a charge per trigger for each obligation. Due to the number of clauses within the GCC s106 agreement, I consider that the contributions insofar as the A38 corridor, public transport, travel plan, and the TROs are necessary to enable the ongoing monitoring of the trigger points and administration of the obligations by officers. The monitoring fees relating to libraries and education are not necessary given my findings that CIL receipts should be used for these types of infrastructure.
88. The proposed development makes land available for a primary school, which can be taken up at GCC's election. The provision is necessary in the interests of delivering adequate education provision in the area. The GCC s106 agreement secures this provision, and depending on whether the option is taken up, the proposed development would comprise of either 715 or 795 dwellings.

Is there a funding gap?

89. Once the public transport contribution is removed from the sums of money that I have determined to be justified for primary and secondary education, libraries, policing and healthcare, they total £3,066,141.91 for 795 dwellings and £2,758,437.96 for 715 dwellings¹³. Therefore, whichever total strategic CIL pot figure I were to use, there would be surplus monies available beyond the contributions sought by GCC, the NHS and GP, whether that be for 715 or 795 dwellings (this would still be the case if the public transport contribution for 795 dwellings were applied to 715 dwellings). Effectively, the CIL receipts arising from the proposal would exceed the infrastructure demands that the development would create regardless of the quantum of dwellings, which would mean that there would be monies available to SDC to put towards other infrastructure even after fully mitigating the proposal's effect. Therefore, no funding gap would exist in the strategic CIL pot, though the actual amount would vary depending on which total CIL pot figure is correct and the number of dwellings that come forward.
90. Even if I am wrong about the level of adjustment for the primary and secondary

¹³ £4,352,141.91 - £1,286,000.00 = £3,066,141.91 (795), £3,915,029.15 - £1,156,591.19 = £2,758,437.96 (715)

education contribution, the strategic CIL pot would still be greater than all the infrastructure sought by GCC, the NHS and GP¹⁴ and there would be around £2,267,831.27 remaining in the strategic CIL pot if the IFS total amount retained in 23/24 figure were used. Or as a worst-case scenario, if I just used the projected potential and secured CIL contributions along with the proposal's CIL receipts, there would be £1,341,146.92 remaining in the strategic CIL pot. Hence, there would still not be a funding gap regardless of any other potential funding sources.

91. It is unclear who may in the end deliver the M5 motorway improvements. It could be another developer, it could be the Appellant, or it could be a combination of people. It is possible that if the Appellant delivers the improvements, or part of them, they could seek to reduce their CIL liability. Yet, there is no certainty that this will happen or any detail of the sum of money involved in delivering them so I cannot reach a view on whether all or a good proportion of the proposal's CIL receipts would not be payable, even if the Appellant delivered the works.

Contributions sought by SDC

92. The SDC s106 agreement would secure a quantum of affordable housing compliant with Local Plan Policy CP9, which seeks at least 30% of net units proposed on residential proposals of 4 or more dwellings to be affordable dwellings, where viable. The SDC s106 agreement also secures a mix of dwelling sizes, tenures and types following discussion with SDC and consideration of the Strategic Housing Market Assessment as required by Local Plan Policy CP8.
93. Although the appeal site is not an allocated strategic site in the Local Plan, the proposal would secure 5% of the total dwellings proposed for self or custom build plots. The supporting text to Local Plan Policy HC3 explains the intention behind the policy, which chimes with the Framework's objective in paragraphs 62 and 63 to deliver the housing needed, which includes self or custom build homes. So, while the 5% is not necessarily required by Local Plan Policy HC3, the proposal is consistent with the objective to increase the provision of this type of housing, provided there is an identified demand. SDC confirmed that there is an ongoing demand for this form of housing¹⁵.
94. Without any POS on the site, there would be increased demand placed on existing infrastructure due to the number of residents who would occupy the appeal site. As such, it is necessary to create a range of POS that connects throughout the site and to the existing public rights of way (PRoW) network and highways so that it is accessible to all and it offers a range of outdoor play space, allotments and scope for a community orchard. Although the emerging plan refers to the provision of an on-site community building, I agree that there is adequate provision already in the area, and the proposal would deliver a new car park in connection with Jubilee Fields that could be used by future residents as well as existing residents.

Conclusion on main issue

95. I have decided what the appropriate amount of money is in respect of the education, public transport, policing and healthcare contributions sought by GCC, the NHS and GP, having regard to the tests in Framework paragraph 58 and Regulation 122 of the CIL Regulations. I have also concluded that CIL receipts are the appropriate mechanism to secure those contributions, save for public transport, along with the library contribution.

¹⁴ £4,149,784.92 based on £1,928,493.40 + £1,407,904.62 + £155,820 + £122,474.90 + £535,092 (795)

¹⁵ ID11

96. I have also concluded that SDC and GCC have explained the relevant policy justification together with how the affordable housing, self-build plots, POS, highway improvements, public transport, travel plan, TROs and monitoring fees for them have been calculated and how the monies would be spent. Hence, I conclude that they meet the statutory tests set out in Framework paragraph 58 and in Regulation 122 of the CIL Regulations. Each would be secured either through the SDC s106 agreement or the GCC s106 agreement. They are material considerations in this appeal.
97. Bringing both strands together, I conclude on this issue that the proposal would make adequate provision for the various matters sought by SDC, GCC, the NHS and GP either through the SDC or GCC s106 agreements or through CIL receipts. The proposed development would accord with Local Plan Policies CP6, CP7, CP8, CP9, and HC3; Local Transport Plan 2020-2041 Policies PD0.3 and PD0.4; emerging plan Policy PS24; Framework paragraphs 58, 63, 96, 98, 100, 101, 103, 115, 116 and 118, and the PPG.

Character and appearance

98. Detailed proposals of phase 1 are before me, whereas detailed proposals for phases 2 and 3 are not before me, and would be for determination later should the appeal be allowed. I do, nevertheless, need to consider whether those parts of the site could accommodate the development proposed in a manner that could respond to the area's character and appearance.
99. When considering density, it is not just as simple as an arithmetical number; factors such as scale, massing and layout, but also the locality in which the development would be situated, should be considered. Taking that point, Framework paragraph 135 c) requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Therefore, repeating what has gone before is not necessarily the answer. Nor is just increasing densities to maximise the use of land. Instead, the Framework seeks developments to make effective use of land, taking into account the desirability of maintaining an area's prevailing character and setting and securing well-designed, attractive and healthy places.
100. A varied approach to density is proposed across phase 1 with three different character areas. Indicatively, a similar approach is proposed across phases 2 and 3, with the higher-density homes clustered around the access road and key nodal points before dropping down to medium-density homes and then lower-density homes towards the edge of the development.
101. Cam has distinct character areas with development of a varied scale, massing, layout, appearance, form and type that contributes to a mixture of densities. Thus, the principle of a varied approach would respond to local character and history.
102. The appeal site straddles the 'Draycott' and 'Manor Avenue' character areas in the Cam Parish Neighbourhood Development Plan 2019 – 2031 (NP). Within these areas there is a range of densities, but phase 1 would be more readily experienced in connection with the Manor Avenue density given that it is characterised by more recent housing development set around cul-de-sacs or highways. It is typically two storeys high, though there are examples of two and a half and three storey high development. The general scale, massing and layout of the development in most of this area creates an impression of a relatively dense pattern of built form.

103. The development proposed in phase 1 would reflect the suburban layout found locally with dwellings arranged around internal roads and cul-de-sacs. The width and alignment of the spine road and active travel corridor influence the layout of phase 1, particularly given the point of access onto the A4135. Consequently, green infrastructure and POS would be on the outskirts of phase 1. However, they would enable connections to the PRoW network, and given the size and extent of those areas, and the potential to extend those areas throughout phases 2 and 3, the layout proposed in phase 1 would be an acceptable design response. This is because it would create a buffer to nearby development, or the playing fields and houses would be grouped with treed edges and set within landscaped garden plots with reasonable separation distances.
104. The overall varied approach proposed to scale and massing would also be a suitable design response, whilst achieving an appropriate balance between being sympathetic to local character and history and not preventing or discouraging appropriate innovation or change. This is because the three storey dwellings proposed would be located within the urban core character area of the site and the spine road, where they would help with placemaking and defining key nodes. This is consistent with the Cam Design Code, as there would be a clear layout and townscape created, bearing in mind the changing topography in the area.
105. Although the Cam Design Code suggests that three storey homes may be suitable on lower parts of the site adjacent to the properties on Draycott Crescent, I consider the three storey homes proposed on plots 5, 6, 10, and 11 would not create a suitable transition between the two-storey development on that road and phase 1 given the proposed siting and proximity to those properties. A planning condition would overcome this harm and enable a more suitable design response to be considered and approved by SDC.
106. While there are only indicative details of how phases 2 and 3 may be laid out and designed, the size of the land is large enough to achieve a satisfactory balance between the density of development, the effective use of land, accessibility requirements, and green infrastructure provision, among other things. While the spine road's alignment would influence that, it does not need to result in the same layout or density of development, though indicatively more green infrastructure is shown more centrally and alongside corridors to connect respective spaces. That could create a welcome and attractive place with a clear hierarchy of spaces that provides a suitable setting for the proposed homes in a sylvan character.
107. Overall, I conclude on this issue that the proposal would and could have an acceptable effect on the character and appearance of the area, having regard to density, layout and the scale of the dwellings. Hence, the proposal would accord with Local Plan Policies CP8 and ES12 as well as NP Policy CAMCD1 and Framework paragraphs 130 and 135. Jointly, among other things, these policies seek new housing development to be well designed and high quality, built at an appropriate density that is acceptable in townscape, local environment, character and amenity terms, and have a layout that is appropriate to the site and its surroundings. Further, proposals should demonstrate how the design principles in the Cam Design Code have been taken into account.

Green infrastructure and connectivity

108. The NP explains that the neighbourhoods making up the local distinctiveness of Cam are bound together by their distinct and embedded relationship with the landscape setting, trees and other green infrastructure elements. Green threads

criss-cross Cam with the many 'snickets' and public footpaths that link people, places and habitats. The green network helps to define the landscape structure within the built area and creates links with the surrounding countryside, enabling walking and cycling and enhancing connectivity not only for people but also for wildlife and between different habitats. Collectively, the routes are central to active travel and how people go about their day-to-day lives.

109. Phase 1 would provide four opportunities to enter and exit this part of the site other than by vehicle. That would be a numeric uplift compared to the existing situation (phase 1 only) which has PRowS providing entry and exit points onto Draycott Crescent and Everside Lane. The former would be retained, while the latter would be moved further up the lane to facilitate the primary school. However, should scenario 1 not take place, then further consideration could be given to connections between the lane and this parcel of land that would be used for housing.
110. An active tree-lined travel corridor would also run alongside the spine road, providing a dedicated space for non-vehicular traffic to use, thereby linking phase 1 with the existing settlement and providing links from the existing settlement to the other routes within phase 1 and the existing PRow and snicket network beyond the site's boundaries. In doing so, it would provide an attractive and safe route. The proposal would likely see the alignment of the existing PRowS diverted, but the proposed routes through the site would utilise existing boundary features and intersect with roads at suitable points that would enable people to make use of the routes through the site for short and longer journeys as part of their daily lives.
111. Detailed designs for phases 2 and 3 are not before me, but there is opportunity to incorporate existing PRow routes into the design and layout of these parts of the appeal site and to add attractive new routes in the manner described by the Cam Design Code to connect people to the landscape and everyday destinations. This could be achieved alongside landscaping, suitable surfacing and lighting to maximise pedestrian and cycle movement.
112. CPC raises a point about a pinch point of a PRow at the railway bridge, and while I understand the issues raised here, that lies outside of the appeal site.
113. I conclude that the proposal would offer suitable green infrastructure and connectivity and would comply with Local Plan Policies CP8 and ES12 together with NP Policies CAMES1, CAMCD1 and CAMCD2 and Framework paragraphs 115 b) and 117 a). Among other things, these policies jointly seek development to have legible and well-planned routes, blocks and spaces; accessible and safe pedestrian and cycle routes without traffic conflict; enhanced network of green infrastructure with trees and hedgerows retained and new planting.

Other Matters

Heritage assets

114. I have a duty under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) that requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
115. The Grade II listed building of Woodend Green Farmhouse is 350 metres to the south-west of the site. The building has historical and architectural interest as an example of a local late 17th century farmhouse within an arable rural context. Its immediate setting includes several outbuildings and barns which, while converted to residential use, still evoke the farm complex layout. The rural setting of the

former farmhouse, especially to the south and west, contributes to its significance by allowing its historical function and arable setting to be understood. However, the proposal would not affect this due to the higher ground to the northeast and mature vegetation, and as the appeal site does not have a historical association with the former farmhouse. As such, the proposal would have a neutral effect on the designated heritage asset.

116. The former Grade II listed industrial structure of the Goods Shed at Coaley Junction is now a dwelling and within a modern housing estate. The building has architectural interest, but due to the intervening distance, the proposal would not give rise to a harmful effect, and so a neutral effect would arise.
117. There is a range of archaeological potential and significance on the site. These include Romano-British settlement activity, Medieval ridge and furrow cultivation, post Medieval field boundaries, and isolated later prehistoric cremation burial. Full or partial excavation and recording has already taken place for the settlement activity and cremation burial, but further work could and should be carried out to aid the understanding of both and to identify if there are any further features that ought to be excavated, with the results published. While the proposal would affect these features due to construction activities, a suitable scheme of archaeological work could be secured to mitigate that adverse impact.
118. The ridge and furrow are visible remains of medieval and later farming practice. They are generally two metres wide and are orientated north/south and northeast/southwest. They hold archaeological and historic interest but are a widespread and common feature. This would be lost by developing the site; however, their presence and character are recorded, so this would mitigate the proposal's effect. There are several post-Medieval field boundaries that hold archaeological and historic interest, albeit that is limited. Most of these features are to be preserved in the proposal. While some would be removed, their presence and character have already been recorded. This mitigates the proposal's impact.
119. There are three Scheduled Monuments in the wider area around the site: Uley Bury Camp, West Hill Roman-Celtic Temple, and Nympsfield long barrow. Each holds archaeological interest and holds an elevated position in the landscape. That helps inform their significance and thus their setting. I agree with the assessment of their contribution in the Heritage Note¹⁶ and about the proposal's neutral effect on each designated heritage asset.
120. The proposal would not therefore affect the historical and architectural significance of Woodend Green Farmhouse and the Goods Shed at Coaley Junction, thereby preserving their special interest. No effect would also be caused in respect of the three Scheduled Monuments, and with the mitigation and recording programme, the proposal would not result in an adverse impact on the site's archaeological significance. Thus, the proposal would accord with Local Plan Policy ES10.

Highway modelling and phasing

121. South Gloucestershire Council considers that the first phase of the proposed development at Sharpness (1,000 dwellings), which is currently subject of a planning application and a proposed allocation in the emerging plan, should be included in the modelling and proposed mitigation at junction 14 of the M5 Motorway with the B4509 and the A38. This is because of the potential queuing from the junction from the eastbound approach of the B4509 and the subsequent

¹⁶ CD B5

impact on the A38/B4509 junction. I have no reason to disagree with the Appellant's rationale for excluding this site from the assessment of the proposal's cumulative effects given that there is not a reasonable degree of certainty of the Sharpness development proceeding in the next three years¹⁷ due to the Examining Inspectors comments and the emerging plan's progress. Hence, I am satisfied with the scope of the modelling undertaken of the cumulative effect of development on the road network and the proposed mitigation.

Alternative emergency access

122. If the carriageway of the proposed spine road were blocked or unable to be used, alternative provision using the active travel route alongside the spine road is proposed. That alternative provision would serve the whole development and is an acceptable alternative emergency access solution, so the dispute about the use of Everside Lane as another emergency access is a moot point.

Community infrastructure provision

123. While the allotments are shown to the north of the site next to the motorway, this location is not fixed and could be subject to further consideration as part of any reserved matters application. However, the principle of their location is acceptable in air quality terms and with the provision of noise mitigation measures. The SDC s106 agreement requires precise details of how the allotments are designed and managed to come forward with the first reserved matters application for phase 2.
124. The indicative location of the community orchard would fall within phase 2 and be situated broadly in the centre of the appeal site. It would be the reserved matters application(s) to provide satisfactory and final details of the community orchard. Although the community orchard would not be delivered as part of phase 1, not everything can be, but the timing of when the community orchard is delivered could be controlled by a planning condition on a subsequent reserved matter.
125. The SDC s106 agreement secures the delivery of the proposed car park before the 150th dwelling in phase 1 is occupied so that it could be used in conjunction with Jubilee Fields at a suitable point in the construction of phase 1. Details of the car park itself will also be provided to SDC. The SDC s106 agreement also secures the delivery of the POS and play area within phase 1 before half of the dwellings in that phase are occupied. I consider the design and location of the play area to be suitable for future occupiers and the existing community to use. A similar trigger would apply to phases 2 and 3 in terms of POS and play areas in those parts of the site. Collectively, this will ensure that POS and a mix of play areas are delivered in a phased manner as the development is occupied, with the first POS and play area to be delivered closest to the existing community to use.
126. It will be for GCC to decide whether to take up the primary school option in due course and whether to deliver a new primary school. That is their role as LEA, but the proposal provides the opportunity for a new primary school as proposed in the emerging plan. While a new school would change the existing noise environment for some residents at certain parts of the day across the school year, this would be during the daytime and not harmful to residents' living conditions. The school site is also capable of accommodating a primary school set away from residential properties to ensure that any out of typical school hours activities do not cause harm to residents' living conditions. However, there are no details of how the school may be used, and in any event, SDC confirmed before the Inquiry that it

¹⁷ PPG, Paragraph: 014 Reference ID: 42-014-20140306

was not seeking an indoor leisure contribution.

Flood risk

127. The appeal site lies within Flood Zone 1 and is at a low risk of fluvial flooding, and it is not subject to flooding from any rivers. However, there is a likelihood of surface water flooding across the site. I agree that SuDS will help manage surface waters on the appeal site at a suitable rate of discharge into the nearby watercourse. A planning condition can ensure that satisfactory details can come forward. As such, the proposal would not increase flood risk. The Appellant has also demonstrated that the appeal site is the most sequentially preferable and available site for the type of development proposed in Cam and the wider district.

Best and most versatile (BMV) agricultural land

128. Most of the site is classified as subgrade 3, though within this most of it comprises subgrades 3A with smaller parcels of subgrade 3B, and subgrade 4 is located at the western boundary of the site. The Framework defines BMV as land in grades 1, 2, and 3a. As such, the proposal would result in the loss of the subgrade 3a BMV land. This loss carries limited weight against the proposal, having regard to Framework paragraph 187 b).

Appropriate Assessment

129. The appeal site is around 3.7 to 3.9 km from the SAC, SPA and Ramsar sites and within the Zone of Influence for recreational pressure on the SAC. Regulation 63(1) requires a Competent Authority ("CA") to make an AA of the implications of any plan or project potentially affecting a site with regard to the site's conservation objectives. Regulation 63(5) says that the CA may, in light of the conclusions of the AA, agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site. I have, therefore, in carrying out the AA, considered the information provided by the Appellant through a shadow Habitats Regulation Assessment¹⁸ (shadow HRA) and ID9, and the views of SDC and NE, who provided responses before and after the Inquiry closed¹⁹.

130. The SAC is designated for its estuaries, subtidal sandbanks, reefs, intertidal mudflats and sandflats, saltmarsh and populations of sea lamprey, river lamprey and twaite shad. The SPA is designated for supporting populations of European importance of wintering Bewick's swan, curlew, dunlin, pintail, redshank and shelduck and passage ringer plover, together with supporting various species of wintering waterfowl each year. The Ramsar site is designated for the same habitat features as the SAC, along with unusual estuarine communities, its diverse fish and migratory fish population and various waterfowl populations.

131. The proposed development is not directly connected with or necessary for the nature conservation of the SAC, SPA or Ramsar site. Given the type, scale and proximity of development proposed, increased visitor pressure during the proposal's operating phase and waterborne pollutants from the construction and operational phases of the development (run-off and groundwater discharge into the River Cam, which flows into the Severn Estuary) could both adversely affect the qualifying habitats and species, identified in the shadow HRA, of the SAC, SPA and Ramsar site without mitigation. Further, in-combination effects with other projects could also adversely affect those qualifying habitats and species because of increased visitor pressure and waterborne pollutants, without mitigation. Hence,

¹⁸ CD E54

¹⁹ ID23

- I consider the proposal could result in a significant impact and likely significant effect on the integrity and qualifying features of the SAC, SPA and Ramsar site during the construction and operational phase of the development.
132. I need to determine the appeal based on the Mitigation Strategy, as it is the current approach following the input of numerous organisations. To determine the appeal based on the 2017 Strategy, which was applicable when the planning application was submitted to SDC, would result in a lower quantum of monies that would not mitigate the proposal's effect. NE concurs with my approach.
133. Compared to its predecessor, the Mitigation Strategy increased the Zone of Influence, further detail about on-site Suitable Alternative Natural Greenspace (SANG) and an increased financial contribution per dwelling to help fund the Strategic Access Management and Monitoring Measures (SAMM). Option 1 of the SDC s106 agreement would reflect the amount of mitigation per dwelling that ID11 and the Mitigation Strategy seeks for SANG and SAMM. NE concurs.
134. On-site POS and links to the wider area would also be provided or diverted, which would in overall terms improve accessibility to the land for leisure and recreational activities. Together with the approach to landscaping, future residents would be encouraged to use these spaces and connections. Despite the Mitigation Strategy's approach to on-site SANG, I consider, owing to the passage of time since the planning application was submitted, that these would, in tandem with the SANG contribution, effectively mitigate the proposal's extra recreational pressure.
135. Best practice management and controls during the construction phase as set out or referred to in the shadow HRA would be secured by imposing a planning condition for a construction environment management plan (CEMP). These, together with suitable foul and surface water drainage provision during the operational phase, would ensure that the proposal would not cause a significant effect on the River Cam and no likely significant effect on the SAC, SPA and Ramsar site from downstream flooding.
136. I consider that the same measures to be secured through the CEMP, together with ground levels and the anticipated SuDS, would minimise the interaction between ground and surface waters and enable surface waters to be directed away from the River Cam, which will mean that an adverse effect on groundwater quality and the river itself would not arise. Therefore, I conclude that there would be no likely significant effect on the SAC, SPA and Ramsar site from groundwater pollution impacts on the River Cam during the construction and operational phases of the proposed development.
137. It is expected that the nearby wastewater recycling works, and existing infrastructure improvement works will enable foul drainage flows from the proposal to be accommodated. However, additional loading from the proposal on the existing point source pollution from the works in the CAM catchment could potentially result in an increased polluting effect on the River Cam. But that may be affected by the site's current land use. Given this, together with the proposed SuDS design, use of rainfall harvesting and low water consumption appliances, and the distance between the site and the SAC, SPA and Ramsar site, I consider that a likely significant effect from foul drainage will not occur.
138. Various other developments for residential development which benefit from planning permission or are a proposed allocation in the emerging plan would, in combination with the proposal, create an increased surface water runoff. However, adequate mitigation and control measures, including suitable SuDS designs to

maintain runoff rates to greenfield levels, would negate an in-combination effect. Furthermore, best practice construction methods and design, including the use of low-water appliances and water recycling, could minimise any increased loading on the wastewater recycling works and potable water supplies for the region. Again, this would negate an in-combination effect.

139. Therefore, I conclude that Option 1 of the SDC s106 agreement would satisfy the statutory tests, and the required mitigation would be secured through that agreement and planning conditions. Accordingly, I concur with NE, who do not object to the proposed development on this basis. This leads me to conclude that there are mitigation measures capable of reducing the adverse effect identified to the extent that there would be no likely significant effects on the integrity and qualifying features of the SAC, SPA and Ramsar site either alone or in combination. As such, the proposal would accord with Local Plan Policies ES3 and ES6, the Mitigation Strategy Article 6(3) of the Habitats Directive and Regulation 63(5) the Regulations. Collectively they seek development alone or in combination not to have a significant effect on the SPA, SAC and Ramsar site, and if so, provide adequate mitigation to avoid and mitigate any potential adverse effect.

Other

140. The proposal would, despite the sustainable transport measures that would be secured through planning conditions and the GCC s106 agreement, result in additional vehicle movements. Even so, the proposed access arrangements would provide satisfactory access for all and not create any cumulative impacts on the local road network following mitigation, having regard to Framework paragraphs 115 and 116.
141. Residents criticise the Appellant for not including any solar panels or heat pumps to help achieve zero-carbon targets. The detailed designs for phase 1 do not include these measures, but they could be included in phases 2 and 3. However, the Appellant proposes to use other methods to help meet the target in phase 1. These include orientating the dwellings to maximise natural lighting and passive solar gain to reduce energy costs, making the best use of sustainable travel routes, SuDS to control surface water runoff, and low water use sanitary features. The dwellings will also need to comply with building regulations that require new homes to produce significantly less carbon dioxide.
142. I note the points about the scheme being advanced ahead of the emerging plan being found sound and adopted by SDC and that there are no retail facilities within the appeal scheme, but I have determined the development that has been applied for in this appeal on its planning merits.

Planning Balance

The development plan

143. I have found limited harm in respect of the proposal's conflict with Local Plan Policies CP2, CP3, and CP15 because of the proposed development's location.
144. The proposed development would, however, accord with Local Plan Policies CP6, CP7, CP8, CP9, and HC3, together with Local Transport Plan 2020-2041 Policies PD0.3 and PD0.4 in respect of the planning obligations sought by SDC, GCC, the NHS and GP notwithstanding my finding about the principle in respect of some of those. Further, the proposal would accord with Local Plan Policies CP8 and ES12 as well as NP Policies CAMCD1, CAMCD2, and CAMES1 in respect of character

and appearance and green infrastructure matters. The proposal would also comply with Local Plan Policies ES3 and ES6 insofar as its effect on the SAC, SPA and Ramsar site. In respect of the various heritage assets, the proposal would accord with Local Plan Policy ES10.

145. Taking these issues in the round, the proposal would be contrary to the development plan when taken as a whole. I shall now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.

The benefits of the proposal

146. The current housing land supply position stands at 3.24 years, a shortfall of 1,461 dwellings over a five-year period which is significantly short of the Framework's minimum requirement. The proposal would contribute to the number of dwellings delivered in SDC in the next five years but only by a proportionate amount because not all the proposed dwellings (either scenario) would be delivered in this timeframe. The dwellings within the outline part of the scheme are not expected to deliver within the next five years, and a rate of 60 homes per annum is anticipated. Therefore, the proposal would not erase the shortfall, though it would help SDC to meet its ongoing housing requirement. While some of the dwellings may not meet the Nationally Described Space Standard, a matter that weighs against the provision of those dwellings, overall, the proposal would provide a suitable mix of house types and sizes to reflect what is required locally.
147. The proposal would help address the demand for custom and self-build housing, and 30% of the dwellings would be affordable homes. Given the cumulative shortfall of affordable homes in the district, the proposal would help address around 25% of the current shortfall, albeit it would be a staggered contribution. The proposal would therefore make a meaningful contribution to the supply of housing in the forms identified and help address the existing shortfalls on a site in an accessible location, albeit the proposal would not, on its own, result in an immediate change to the SDC's supply and the provision of good, affordable homes for people in need now, though it would in the future. However, given the quantum of development involved, I attach very substantial positive weight to the provision of market, affordable and self-build housing.
148. The proposal would result in economic benefits in the form of direct, indirect, and induced jobs from the construction of the development, and once it is fully occupied, future occupants would spend locally. As these benefits would be both short-and long-term, I give them moderate positive weight.
149. The POS would chiefly be mitigation for future occupiers of the appeal scheme, but it would be accessible to the wider population also given the proposed connections to the local community. The new car park could be used by the local community whilst using Jubilee Fields. Those connections and facilities would be accessible to all, which would be a betterment than the existing situation, but the appeal site is already publicly accessible through a network of PRoWs. Therefore, with these factors in mind, the POS provision carries limited positive weight.
150. There is no statutory requirement for BNG as the planning application was submitted before 12 February 2024. Local Plan Policy ES6 requires new development to conserve and enhance the natural environment. Framework paragraph 193 d) seeks proposals to secure measurable net gains for biodiversity. The 10% statutory requirement is a relevant consideration, but it is a matter of

planning judgement whether the stated gains are benefits and how much weight they carry. Here, a 12.79% (83.16 units) gain for habitats would arise along with a 10.66% gain (45.46 units) for hedgerows. While these gains may be relatively modest and their robustness not tested using the latest metric, they would still assist locally and help reverse the national decline in biodiversity. The gains carry moderate positive weight in my view.

151. As part of the landscape proposals in phase 1 and the strategy for phases 2 and 3, existing trees and hedgerows would be retained and incorporated into the site's layout. This is positive but the Framework expects this as trees make an important contribution to the character and quality of urban environments and have an ability to help mitigate and adapt to climate change. Further, large areas of landscaping are necessary to achieve an appropriate balance between the amount of built form proposed and a visually attractive development that is sympathetic to local character whilst making effective use of land. These matters carry neutral weight. The proposal would result in limited negative weight given the loss of BMV.
152. Although Council Tax receipts and New Homes Bonus payments would be created for SDC, they are not benefits, as they are collected or paid to mitigate the additional demand that the new homes would bring on services that SDC provides. These matters attract neutral weight.
153. Save for the affordable housing, custom and self-build housing, the A38 corridor improvements, and elements of the public transport contribution and the POS, the remaining obligations secured through the SDC s106 agreement, and the GCC s106 agreement unless where I have determined that CIL is the appropriate mechanism, mitigate the development's impact. They are not, therefore, benefits and carry neutral weight. The A38 corridor improvements are necessary to mitigate the proposal's impact on the road network, but the wider population would also benefit from those works, so carry moderate positive weight given the wider significance of those works to development taking place in the area. The public transport contribution is necessary to mitigate the proposal's impact, but there would be knock-on benefits to the existing community through a more frequent service, as they would not distinguish between an existing bus and the new bus funded by the appeal scheme. This benefit carries limited positive weight.

Conclusion on Planning Balance

154. The planning system should be genuinely plan-led. The development plan directs development to suitable locations to enable strategic growth and development to help meet the objectively assessed needs of the district by providing for the development of housing, employment, retail and other necessary development for the period 2006-2031. For the reasons outlined earlier, SDC's spatial strategy is not keeping pace with the housing needs of the district and while the appeal site is broadly in accordance with the Local Plan's settlement hierarchy, the proposal does not accord with it. Further, in developing the land for housing, the proposal would result in the loss of countryside and BMV even though the appeal site is part of a proposed allocation in emerging plan Policy PS24.
155. There would, however, be no conflict with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and the proposal would deliver a range of much-needed homes in an accessible location where safe and suitable access can be achieved for all and appropriate mitigation provided for the development's highway impacts. Furthermore, the development would and can respond to local character in its layout, form, density, scale and appearance to

achieve a well-designed place that includes appropriate landscaping and snickets whilst making effective use of land.

156. The proposal would result in benefits and harms, and weighing the two is not a mathematical exercise, but the harms mean that the proposal conflicts with the development plan as a whole. Yet, the adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. The proposal would comply with Local Plan Policy CP1, despite its wording reflecting a previous version of the Framework. Hence, the material considerations indicate that planning permission should be determined other than in accordance with the development plan. Hence, I conclude that the appeal should be allowed.

Conditions

Full application

157. In the interests of certainty, along with the standard time limit (1), I have imposed an approved plans condition (2). I have imposed a ground levels condition (3) in the interests of the character and appearance of the area. A condition (4) is necessary for a programme of archaeological work to help understand any archaeological remains. Details of how surface water will be drained are necessary so that there is a satisfactory means of drainage (5). In the interest of highway safety, I have imposed a condition to secure full construction details of the approved access onto the A4135. In the interests of the character and appearance of the area, conditions requiring details of the materials and boundary treatments are necessary (7 and 8). For the same reason, and having regard to the NP, I have imposed a condition (9) requiring the submission of details for plots 5, 6, 10 and 11. A condition (10) to secure vehicular and cycle parking details is necessary in the interests of highway safety. To ensure the effective implementation of waste minimisation, I have imposed a condition (11) to secure refuse and recycling storage details. I have imposed a condition (12) so that the strategic landscaping comes forward at a suitable point.

Outline application

158. I have imposed the standard condition relating to outline planning permission (13) and conditions (14 and 15) setting out when the reserved matters application for phases 2 and 3 must be submitted by in the interests of certainty. It is also necessary to impose a condition (16) confirming when development in phases 2 and 3 must be commenced by. A plan's condition (17) is necessary to inform the reserved matters applications. I have imposed a condition (18) limiting the number of dwellings in the interests of certainty. So that the proposal responds to the district's needs I have imposed a condition (19) so that the reserved matters applications for phases 2 and 3 are based on the strategic housing market assessment at the time of the submission. A condition (20) is necessary to inform the landscape element of the reserved matters for phases 2 and 3 in the interests of the landscape and the visual amenity of the area. In the interests of biodiversity, I have imposed a condition (21) for an ecological design strategy.
159. A condition (22) is necessary to secure surface water drainage details as per the drainage strategy principles. I have imposed a condition (23) to secure details of vehicle and cycle parking provision in the interests of highway safety. A condition (24) is necessary in the interests of delivering a variety of housing types to ensure 5% of the total number of dwellings contribute to the district's supply of this type of housing. To ensure the effective implementation of waste minimisation, I have

imposed a condition (25) to secure refuse and recycling storage details with the reserved matters application.

160. A condition (26) to secure details of existing and proposed ground levels for phases 2 and 3 is necessary given the character and appearance of the area. I have imposed a condition (27) for a programme of archaeological work to aid the understanding of any archaeological remains. Conditions are necessary, in the interests of the character and appearance of the area, to secure details of the materials and boundary treatments (28 and 29). For the same reason, it is necessary to impose a condition (30) to ensure the strategic landscaping is delivered at a suitable point in the development. A self-build delivery strategy (31) is necessary to assist with the delivery of the self-build dwellings.

Both full and outline application

161. A construction method statement (32) is necessary in the interest of highway safety and amenity and residential amenity. To protect the health of future occupiers and users of the site, I have imposed a condition requiring a remediation scheme (33). In the interests of biodiversity, I have imposed conditions requiring the submission of a landscape and ecological management plan (34) and a CEMP (35). For the same reason, a condition to secure a lighting design strategy is necessary (36). So that adverse impacts on GCN are adequately mitigated, I have imposed conditions (37, 38 and 39) requiring development to take place in accordance with specific detail and not until a certificate has been obtained regarding GCN compensation measures.
162. To protect biodiversity and the character and appearance of the area, I have imposed a condition (40) to secure tree protection measures. To protect the living conditions of future residents, a condition (41) is necessary so that there are certain sound levels during different parts of the day. So that there are satisfactory foul drainage arrangements, I have imposed a condition so that further details are submitted (42). In the interests of highway safety, travel movement and sustainable modes of transport, I have imposed a condition (43) requiring details of the access roads, footways and footpaths for each phase to be submitted. Validation of the noise mitigation measures and the land remediation is necessary in the interests of future occupiers' living conditions (44 and 45).
163. To avoid flooding, management and maintenance details of the sustainable drainage are necessary, so I have imposed a condition to that effect (46). In the interest of the safe and efficient operation of the Strategic Road Network (M5 Motorway) I have imposed a condition (47) to ensure that the agreed improvement works are carried out by a certain point. To ensure the safe and efficient operation of the A38/B4509 road network, a condition (48) is necessary to ensure the identified works are carried out before a certain point in the development. I have imposed a condition to secure details of management and maintenance arrangements of the proposed streets to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians is achieved (49). In the interests of promoting and encouraging sustainable modes of travel, I have imposed a condition (50) requiring the implementation of the travel plan and its subsequent monitoring and management for five years after the first occupation of each phase.
164. I have not imposed a condition concerning construction or delivery hours, as that detail will be secured through the construction method statement.

Conclusion

165. The proposed development would conflict with the development plan, but the material considerations in this case indicate that a decision should be made other than in accordance with it. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

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Neil Tiley BSc (Hons), Assoc MRTPI

Senior Director, Pegasus Group

Chris Charlton*

Partner, Clarke Willmott

FOR STROUD DISTRICT COUNCIL:

Stephen Whale of Counsel

he called:

John Chaplin BSc (Hons), MSc

Majors and Environment Team Manager,
SDC

Jeremy Patterson*

Principal Planning Lawyer, SDC

FOR GLOUCESTERSHIRE COUNTY COUNCIL:

Douglas Edwards KC of Counsel

he called:

Stephen Chandler BSc (Hons)

Place Planning Manager, GCC

Elizabeth Fitzgerald BA (Hons), DipTP, MRTPI

Managing Director, Barker Parry Town
Planning

Thomas Martindale-Sheldon BEng
(Hons), MCIHT, MTPS

Managing Director, Highways Development
Planning and Management Consultancy
Ltd/GCC

Krzysztof Kwiatkowski* MCILEX

Specialist Advisor, Legal Services, GCC

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FOR ROUNDTABLE SESSIONS ON POLICING AND HEALTHCARE:

Oliver Neagle BA(Hons), MAURP, MRTPI

Associate Director (Planning) Strutt and Parker
/ BNP Paribas Real Estate UK

Andrew Hughes

Associate Director, NHS Gloucestershire ICB

INTERESTED PARTIES:

Tina Walker

Robert Green, Cam Parish Council

Steve Willetts, Cam Community Action Group

Councillor Ian Hamilton, SDC

Councillor Terri Kinnison, SDC

INQUIRY DOCUMENTS

- ID1 Appellant opening submissions
- ID2 SDC opening submissions
- ID3 GCC opening submissions
- ID4 Tina Walker submissions
- ID5 Robert Green of Cam Parish Council submissions
- ID6 Steve Willetts of Cam Community Action Group submissions
- ID7 Councillor Ian Hamilton, SDC
- ID8 Councillor Terri Kinnison, SDC
- ID9 Appellant note on Natural England response
- ID10 Gloucestershire Constabulary emails
- ID11 SDC Update Note
- ID12 SDC Updated CIL Compliance Statement
- ID13 GCC Updated CIL Compliance Statement
- ID14 Transport Planning Advice Sheet 7
- ID15 District License Report, 9 October 2025
- ID16 Impact Plan for Great Crested Newts District Licensing
- ID17 Email exchange on NHS contribution
- ID18 Community clinical room for new Cam population proportion
- ID19 Healthcare calcs
- ID20 GCC closing submissions
- ID21 SDC closing submissions
- ID22 Appellant closing submissions
- ID23 Natural England email, dated 10 November 2025

SCHEDULE OF CONDITIONS

Full application

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted in respect of Phase 1 shall be carried out in all respects in accordance with the following approved plans:

Site Location Plan edp6826_d016a; Play Equipment Plan 2104.291166; Tree Protection Plan 19250.505 Rev A; Proposed Site Plan 121 C; Materials Key Plan 102 B; Affordable Homes Key Plan 104 A; Storey Heights Key Plan 000 A; Street Scenes Key Plan 000 A; Character Areas Key Plan 000 A; Southern Site Access 20158 0040 P4; Fences & Enclosures Details 110-1; Proposed Wider Extent of Works 20158 0035 P2; Concept Drainage Plan WHS10234 001B; Detail POS Softworks Plan (Sheet 1 of 3) 10003-FPCR-ZZ-XX-DR-L-0007 P04; Detail POS Softworks Plan (Sheet 2 of 3) 10003-FPCR-ZZ-XX-DR-L-0008 P04; Detail POS Softworks Plan (Sheet 3 of 3) 10003-FPCR-ZZ-XX-DR-L-0009 P04; Detailed On-Plot Softworks Plan (Sheet 1 of 6) 10003-FPCR-ZZ-XX-DR-L-0001 P04; Detailed On-Plot Softworks Plan (Sheet 2 of 6) 10003-FPCR-ZZ-XX-DR-L-0002 P04; Detailed On-Plot Softworks Plan (Sheet 3 of 6) 10003-FPCR-ZZ-XX-DR-L-0003 P04; Detailed On-Plot Softworks Plan (Sheet 4 of 6) 10003-FPCR-ZZ-XX-DR-L-0004 P04; Detailed On-Plot Softworks Plan (Sheet 5 of 6) 10003-FPCR-ZZ-XX-DR-L-0005 P04; Detailed On-Plot Softworks Plan (Sheet 6 of 6) 10003-FPCR-ZZ-XX-DR-L-0006 P04; Arden 120.1 A; Danbury 121.1 A; Danbury 121.2 A; Delamare 122.1 A; Delamare 122.2 A; Saunton 123.1 A; Sherwood 125.1 A; Sherwood 125.2 A; Charnwood 126.1 A; Charnwood 126.2 A; Charnwood corner 127.1 B; Charnwood corner 127.2 A; Ashdown 128.1 A; Ashdown corner 129.1 A; Burnham 130.1 B; Burnham 130.2 A; Burnham 130.3 A; Whinfell 131.1 A; Whiteleaf 132.1 A; Whiteleaf 132.2 A; Stapleford 133.1; Apartments 140.1 A; Apartments 140.2 A; Apartments 140.3 A; 2A 142.1 B; 3A 143.1 B; and 4A 144.1 A; Garages Plans and Elevations 150.1.

Pre-commencement

- 3) No development within Phase 1 shall take place until a measured survey of that part of the site and a plan showing details of existing ground levels for the application site and proposed finished ground and floor levels (in relation to a fixed datum point) and finished roof levels for that phase shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4) No development shall take place within Phase 1 of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. The scheme of investigation shall then be implemented in accordance with the approved details.
- 5) No development shall take place within Phase 1 of the site until a detailed surface water drainage scheme that complies with the overarching drainage strategy principles contained in the Environmental Statement is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:
 - i) assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version)

- ii) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- iii) include a timetable for its implementation.

No above ground works hereby permitted shall be commenced in Phase 1 until the approved surface water drainage works for that phase have been implemented in accordance with the approved details.

- 6) Prior to the commencement of the development of Phase 1, full construction details of the proposed vehicular access on to the A4135 that accords with Ridge Drawing Southern Site Access Review of Design Standards Drg no: 20158 0040 Rev P4 and Ridge Proposed Wider Extent of Works Drg no: 20158 035 P2 shall be submitted to and approved by the Local Planning Authority. The access shall be formed and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the first occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Above ground work

- 7) No above ground work within Phase 1 to construct any building shall commence on site until details (including samples) of the walling, roofing and fenestration to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved by the Local Planning Authority. This shall include a schedule of which materials shall be used on each building. Development shall be carried out in accordance with the approved details.
- 8) No above ground development shall take place within Phase 1 until a plan showing full details, including elevations, of the type of boundary treatment to be erected has been submitted to and approved by the Local Planning Authority. The boundary treatment surrounding each dwelling hereby permitted shall be completed before first occupation of that dwelling. The development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the house type details submitted for Phase 1, specific house type details in respect of plots 5, 6, 10 and 11 (the 3 storey units, on the southern edge of the spine road to the rear of existing properties serve by Draycott Crescent), including details on proposed dwelling heights and design shall be submitted and approved by the Local Planning Authority prior to above ground work on these plots. The development shall thereafter be implemented in accordance with the approved details.

Pre-occupation

- 10) No dwelling within Phase 1 shall be occupied until the vehicular accesses, driveways, parking, and turning areas (including any unallocated space) and secure, covered cycle storage/parking facilities for that dwelling have been provided in accordance with the approved details. The vehicle parking shall not be used for any purpose other than parking, and the turning areas shall remain available for turning at all times. The cycle storage/parking shall be permanently retained in the approved form and used for no other purpose.
- 11) Prior to first occupation of the dwellings within Phase 1 of the development hereby permitted, details of a scheme for the provision of refuse and recycling storage for those dwellings shall be submitted to and approved by the Local Planning Authority.

The approved provision for refuse and recycling storage for dwellings within Phase 1 shall be implemented for each dwelling prior to that dwelling first being occupied and thereafter maintained for the life of the development.

- 12) The approved strategic landscaping for Phase 1 of the development hereby permitted shall be provided no later than the first planting season following the first occupation of 75% of that phase of the development. Thereafter the strategic landscaping shall be retained as such. Any plants that die, become diseased or are otherwise removed for any other reason (either accidentally or deliberately) within the first 5 years of the first implementation of the planting shall be replaced on a like for like basis within the next available planting season.

Outline application

- 13) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development (excluding Full element Phase 1) takes place in Phases 2 or 3 and the development shall be carried out as approved.
- 14) Application for approval of the reserved matters for Phase 2 shall be made to the Local Planning Authority no later than 4 years from the date of this permission.
- 15) Application for approval of the reserved matters for Phase 3 shall be made to the Local Planning Authority no later than 7 years from the date of this permission.
- 16) The development in Phases 2 and 3 hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved associated with that Phase.
- 17) The outline development hereby permitted shall be carried out in general accordance with the Design and Access Statement to ensure also that subsequent reserved matters applications are consistent materially with the Design and Access Statement, and the following approved Parameter plans: Site Location Plan edp6826_d016a; Density Parameter Plan edp6826_d008e; Land Use Parameter Plan edp6826_d005h; Access and Movement Parameter Plan edp6826_d006e; Scale and Building Heights Parameter Plan edp6826_d007d; and Illustrative Framework Plan edp6826_d002d.
- 18) The number of dwellings constructed shall not exceed 795 dwellings in total.

Submission at reserved matters stage

- 19) Notwithstanding the details submitted with this application, the applications for reserved matters shall include a schedule of the mix of type and size of market dwellings proposed within Phases 2 and 3 of the development that has regard to the relevant figures and requirements of the Strategic Housing Market Assessment for the area at the time of the submission.
- 20) The reserved matters application(s) for Phases 2 and 3 shall include a comprehensive and fully specified landscaping for consideration by the Local Planning Authority. For the avoidance of doubt this shall include a high-quality strategic landscape buffer in the northwestern area of the site, the POSs and SUDS features and the allotments as outlined on the approved masterplan.
- 21) The reserved matters applications for Phases 2 and 3 shall include an Ecological Design Strategy (EDS) for consideration by the Local Planning Authority. The EDS

shall include as a minimum the following information;

- a) full details of hedgerows to be retained and protected during construction.
- b) details of planting, such as hedgerows, wildflower planting and establishment.
- c) type and source of materials to be used where appropriate, e.g. native species of local provenance.
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- e) details for the erection and location of bird/bat boxes.
- f) details of enhanced reptile refugia and hedgehog friendly fencing
- g) details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The development shall be implemented in accordance with the approved details and thereafter retained as such.

- 22) The reserved matters applications for layout for Phases 2 and 3 shall include a detailed surface water drainage scheme, in accordance with the drainage strategy principles contained in the Environmental Statement. The drainage scheme shall include:
- i) an assessment for the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment.
 - ii) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - iii) include a timetable for its implementation.

No development within the relevant Phase hereby permitted shall be commenced until the approved surface water drainage works for that phase have been implemented in accordance with the approved details.

- 23) The reserved matters application(s) dealing with 'layout' for Phases 2 and 3 shall include details of car and cycle parking in accordance with the Council's adopted policies. No dwelling shall be occupied until the vehicular accesses, driveways, parking, and turning areas (including any unallocated space) and secure, covered cycle storage/parking facilities for that dwelling have been provided in accordance with the approved details. The vehicle parking shall not be used for any purpose other than parking, and the turning areas shall remain available for turning at all times. The cycle storage/parking shall be permanently retained in the approved form and used for no other purpose.
- 24) The reserved matters application dealing with 'layout' for Phase 3 shall include provision for self-build development to meet the minimum policy requirement of Local Plan Policy HC3 of 5% of the total number of dwellings within Phases 1-3 and as a minimum fix the layout and access arrangements. The self-build housing will be located in general accordance with the Figure 34 of the Design and Access Statement.
- 25) The application(s) for reserved matter(s) of layout for Phases 2 and 3 shall include details of a scheme for the provision of a refuse and recycling storage for the dwellings hereby permitted. The approved scheme shall be implemented for each dwelling prior to that dwelling first being occupied and thereafter maintained.

Pre-commencement

- 26) Each reserved matters application related to scale and layout shall include a measured survey of that part of the site and a plan showing details of existing ground levels and proposed finished ground and floor levels (in relation to a fixed datum point) and finished roof levels for that phase shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 27) No development shall take place within each phase following approval of reserved matters until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. The scheme of investigation shall then be implemented in accordance with the approved details.
- 28) No above ground work within each phase to construct any building shall commence on site until details (including samples) of the walling, roofing and fenestration to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved by the Local Planning Authority. This shall include a schedule of which materials shall be used on each building. Development shall then only be carried out in accordance with the approved details.
- 29) No above ground development shall take place within each phase until a plan showing full details, including elevations, of the type of boundary treatment to be erected has been submitted to and approved by the Local Planning Authority. The boundary treatment surrounding each dwelling hereby permitted shall be completed before first occupation of that dwelling. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 30) The approved strategic landscaping for each phase of development hereby permitted shall be provided no later than the first planting season following the first occupation of 75% of that phase of the development. Thereafter the strategic landscaping shall be retained as such. Any plants that die, become diseased or are otherwise removed for any other reason (either accidentally or deliberately) within the first 5 years of the first implementation of the planting shall be replaced on a like for like basis within the next available planting season.
- 31) Prior to occupation of any dwelling (excluding within Phase 1 and 2) hereby permitted a self-build delivery strategy shall be submitted and approved by the Local Planning Authority. The self-build delivery strategy shall include a design framework/design code and details of the marketing and disposal timetable. Any application for approval of reserved matters for self-build plots shall be in accordance with the approved self-build delivery strategy.

Full and outline application

Pre-commencement

- 32) No works shall take place within each phase until a Construction Method Statement (CMS) has been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the CMS shall include the following measures;
 - a) hours of operation for delivery and construction activities

- b) parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
- c) routes for construction traffic
- d) any temporary access to the site;
- e) locations for loading/unloading and storage of plant, waste and construction materials
- f) method of preventing mud being carried onto the highway
- g) measures to protect vulnerable road users (cyclists and pedestrians)
- h) any necessary temporary traffic management measures
- i) arrangements for turning vehicles
- j) arrangements to receive abnormal loads or unusually large vehicles
- k) methods of communicating the CMS to staff, visitors and neighbouring residents and businesses.
- l) dust and dirt management measures
- m) surface water pollution control measures
- n) a scheme for recycling and disposal of waste resulting from construction works.

The development in each phase shall be carried out in accordance with the approved CMS.

- 33) No works shall take place within each phase of the development hereby permitted until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:-
- 1) a Phase I site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - 2) if identified as required by the above approved Phase 1 site investigation report, a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.
 - 3) if identified as required by the above approved Phase II intrusive investigation report, a remediation scheme detailing how and when the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined.
- 34) No works shall take place within each phase until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved by the Local Planning Authority for that phase. The LEMP shall include the following:
- a) description and evaluation of the features to be managed.
 - b) aims and objectives of management.
 - c) appropriate management options for achieving aims and objectives.
 - d) prescription for management actions.

- e) preparation of work schedule (including an annual work plan capable of being rolled forward over a 20-year period).
- f) details of body or organisation responsible for implementation of the LEMP.
- g) ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management regime responsible for its delivery. The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

35) No works shall take place within each phase (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include, but not limited to the following:

- a) risk assessment of potentially damaging construction activities
- b) identification of “biodiversity protection zones”
- c) details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
- d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- e) the locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- f) the timing during construction when ecological or environmental specialists need to be present on site to oversee works
- g) responsible persons and lines of communication
- h) safeguarding measures to prevent pollution entering the local drainage network including details of equipment, materials and waste storage
- i) the role and responsibilities on site of an ecological clerk of works (ECoW) or similar person, including prior to commencement checks for nesting birds.
- j) use of protective fences, exclusion barriers and warning signs to ensure protection of badgers and otters.
- k) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
- l) soil management strategy that includes reasonably practical measures to minimise soil damage and where possible secure soil re-use on site.

The approved CEMP for each phase shall be adhered to and implemented throughout the construction period of that phase in accordance with the approved details.

36) No works shall take place within each phase of development until a lighting design strategy for biodiversity has been submitted to and approved by the Local Planning Authority for that phase. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for foraging bats;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above

species using their commuter route.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy.

- 37) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan "Land West of A4135 Draycott Cam: Impact plan for great crested newt District Licensing (Version 1)", dated 8 October 25.
- 38) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority and the Local Planning Authority has provided written authorisation for the development to proceed under the district newt licence.
- 39) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR138, or a 'Further Licence') and in addition in compliance with the following:
- a) works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - b) capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - c) amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
- 40) No development or other operation on site shall commence within each phase of the development hereby permitted until the retention and protection of trees, shrubs and hedges growing on or adjacent to that phase has been implemented in full in accordance with the tree protection measures as outlined in the Arboricultural Survey, Impact Assessment and Protection Plan by MHP V7 including Appendix 4 Tree Protection Plan Drawing number 19250.505 Rev A.

The protective fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works in that phase, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been sought and obtained.

- 41) No above ground development shall take place within each phase of the development hereby permitted until a noise mitigation scheme for that phase has been submitted to and approved by the Local Planning Authority. The scheme shall detail measures to ensure that all residential units meet the following:-
- a) sound levels within habitable rooms during the hours of 07:00 to 23:00 shall not exceed 35 dB LAeq,16hour, with windows closed but adequate alternative means of ventilation provided;
 - b) sound levels within bedrooms during the hours of 23:00 to 07:00 shall not exceed 30 dB LAeq,8hour, with windows closed but adequate alternative means of ventilation provided;
 - c) sound levels within bedrooms during the hours of 23:00 to 07:00 shall not exceed

- 45 dB LA_{max,F} on more than 10 occasions per night period, with windows closed but adequate alternative means of ventilation provided; and
- d) sound levels within garden areas during the hours of 07:00 to 23:00 shall not exceed 55 dB LA_{eq,16hour}.

The noise mitigation scheme for each phase shall include a plan identifying a representative sample of residential units and the dwellings it represents within that phase that will require a validation noise report. The development shall be implemented in accordance with the approved noise mitigation scheme.

- 42) No above ground works shall take place within each phase of the development until the proposed foul water drainage arrangements that accord with the submitted Outline Foul Drainage Strategy in Chapter 14 of the Environment Statement, including elevations of the proposed pumping station have been submitted to and approved by the Local Planning Authority. The approved foul drainage scheme for that phase shall be implemented prior to the first occupation of any dwelling within that phase of the development.
- 43) Prior to the commencement of development within each phase details of the access roads, footways and footpaths for that phase (including drainage, lighting, lines widths, levels, gradients, drainage, cross sections, tree planting areas, tree pits and measures to prevent vehicles from crossing from one turning head to another over soft landscaping) shall be submitted to and approved by the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that before each dwelling is first occupied it shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 44) Prior to the first occupation within each phase of the development hereby permitted, a pre-occupation validation noise survey of the representative sample dwelling which covers that dwelling identified within the approved noise mitigation scheme and carried out by a competent acoustic assessor, shall be submitted to and approved by the Local Planning Authority to demonstrate compliance with the requirements set out in the approved noise mitigation scheme.
- 45) No part of each phase of the development hereby permitted shall be occupied until:-
- a) any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
 - b) a verification report detailing the remediation works undertaken and quality assurance certificates to show that the works within that phase have been carried out in full accordance with the approved methodology has been submitted to and approved by the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 46) No dwellings within each phase of development shall be occupied until a sustainable drainage (SUDS) management and maintenance plan for all SuDS/attenuation features and associated pipework within that phase has been submitted to and approved by the Local Planning Authority. This shall include the provision of a management and maintenance plan for the lifetime of the development and arrangements for adoption by

any public authority or statutory undertaker or details of other arrangements (management company) to secure the operation of the scheme throughout its lifetime. The approved SUDS maintenance plan shall be implemented in accordance with the approved terms and conditions.

- 47) No more than 153 dwellings within any phase of development hereby permitted shall be occupied until the M5 Motorway Junction 14 Improvement Scheme identified to support South Gloucestershire applications P19/18237/O and P19/2452/O on Norman Rourke Pryme Drawing No. 7815-001 Revision 7.0 annexed hereto, has been completed and is fully operational.
- 48) No more than 200 dwellings within any phase of development hereby permitted shall be occupied until the A38 / B4509 works set out in Jubb Drawing No. 20158 0037 P1 annexed hereto, have been completed and are fully operational.
- 49) Prior to the occupation of each phase of the proposed development, details of the proposed arrangements for future management and maintenance of the proposed streets within that phase of the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the details as approved under the management and maintenance detail until such time as a dedication agreement has been entered with the Local Highway Authority. Those streets that remain unadopted shall continue to be managed and maintained in accordance with the approved details.
- 50) The travel plan strategy within the approved travel plan Jubb Ref: 20158-TP-01 V3 shall be commenced prior to first occupation of each phase of the development hereby permitted and shall be continued thereafter in accordance with the details therein with the monitoring and management continuing for 5 years after first occupation of the associated phase.

END OF SCHEDULE