

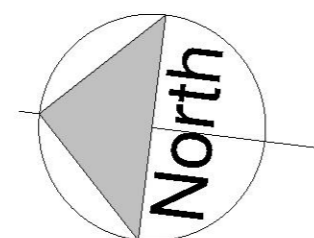


Chase New Homes
Jasmine House
8 Parkway
Wolwyn Garden City
AL8 6HG

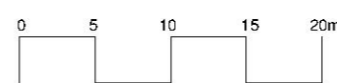
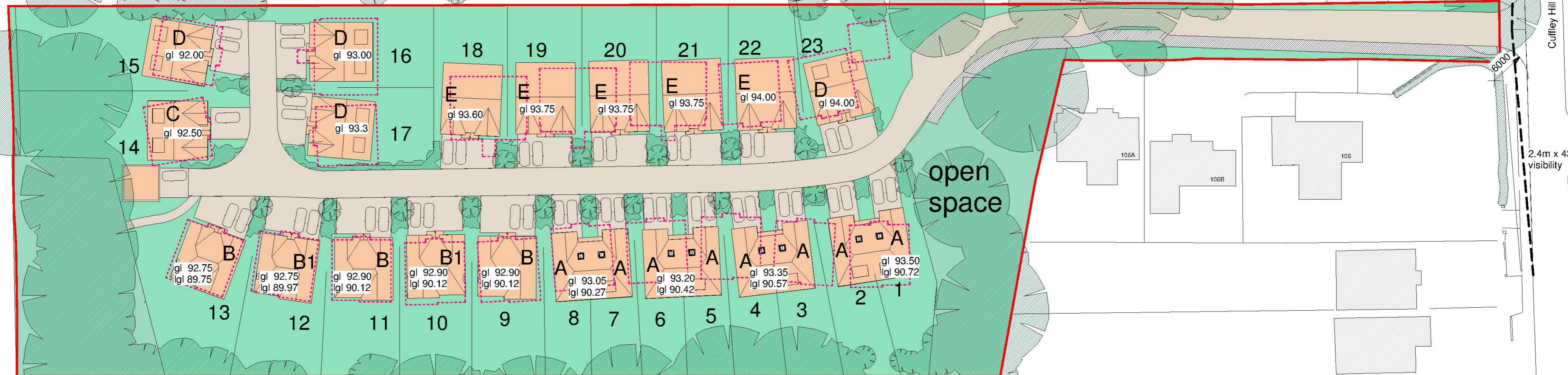
Tel: 01707 660 660

The Excitement is Building

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approved footprint shown dotted



Site
1 : 500

I	footpath access to open space to north	04/07/2019
H	dimensions added	27/03/2019
G	house types revised	13/02/2019
F	levels revised	28/01/2019
E	levels revised	16/01/2019

REV	AMENDMENTS	DATE
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Drawn by	Date
Author	Issue Date
Scale (@ A2)	Project number
1 : 500	CNH 004
TITLE	
Site layout	
PROJECT	
104 Cuffley Hill, Goffs Oak	
DRG NUMBER	
18 0048-11	

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04/07/2019 14:24:42

PLANNING AND REGULATORY COMMITTEE

12th September 2018

PLANNING APPLICATIONS FOR DETERMINATION

Item 1: 07/18/0363/F

Location: 104 Cuffley Hill, Goffs Oak, EN7 5EY

Description: Proposed redevelopment to provide 23 new houses

Applicant: Chase New Homes

Agent: N/A

Date Received: 10/04/2018 **Date of Committee:** 12/09/2018

Officer Contact: Peter Quaile **Expiry Date:** 02/08/2018

Ward Councillors: Cllr Mills-Bishop [Leader], Cllr Moule and Cllr Pearce

RECOMMENDED that planning permission be granted subject to submission to and clearance by the Secretary of State, the planning conditions and the applicant first completing a planning obligation under s.106 of the Town and Country Planning Act

1.0 CONSULTATIONS

- 1.1 HCC Highways – Raise objection due to insufficient information, inadequate access width and lack of sustainable access to the site.
- 1.2 HCC Surface Water FloodTeam – Reply awaited.
- 1.3 Herts and Middlesex Wildlife Trust – No objection subject to conditions.
- 1.4 Environmental Health Service – No objection subject to conditions.
- 1.5 HCC Fire and Rescue Service – Fire hydrants are needed for this scheme and should be secure via a s.106 planning obligation.
- 1.6 Herts Police – As the site is accessed along a driveway and there is woodland on its boundaries the detailed design of the houses should at a minimum be accredited for Secured by Design.
- 1.7 HCC Spatial Planning – The developer should be encouraged to minimise waste resulting from this development.

2.0 PUBLICITY

2.1 The application was advertised by means of a site notice posted 04/05/2018, a newspaper advert (in the Mercury on 03/05/2018) and 23 individual neighbouring letters were sent to properties on Cuffley Hill.

3.0 REPRESENTATIONS

3.1 Six letters of objection and one of support have been received from neighbouring properties raising the following issues:

- This is Green Belt land and there are no special circumstances
- Not reflective of local needs
- Poor road infrastructure for vehicular movement
- The Council should consider one new entrance to serve the three draft allocations to the north of Cuffley Hill,
- Lack of provision for local transport and cyclists [the road is too narrow], trains are often overcrowded at rush hour
- Environmental damage
- This development is on the edge of Goffs Oak
- The bus provision is inadequate due to cuts in the 242 service
- There need to be additional public services such as GP surgeries and hospitals serving the area
- There could be a detrimental impact on local wildlife such as deer, bats, partridges and their natural habitat
- The address/entrance to 106. 106a and 106b would need to change as part of this application
- Loss of privacy to adjacent houses from use of a new road
- Harm to air quality
- There should not be developments outside the local plan
- The current and future developments in the area will cause traffic and parking problems – traffic backs up already when vehicles enter the CG Edwards site
- Risk of flooding due to existing stream/culvert under entrance road
- Is the entrance road adequate for load bearing of the new traffic
- Is the Council able to consider granting permission before the Local Plan is approved?
- HCC should increase capacity at Goffs Oak Primary so children do not have to cross the B156

4.0 RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

SUS12	Development on Contaminated Land
SUS14	Water Supply Waste Water Treatment and Water Conservation
SUS18	Surface Water Drainage
GBC2	Development within the Metropolitan Green Belt
EMP6	Local Employment Sites
H8	Design Quality of Development

H13	Affordable Housing
HD13	Design Principles
HD14	Design Statement on Local Character
HD16	Prevention of Town Cramming
HD17	Retention/Enhancement of Landscape Features
HD18	Trees, Hedgerows and Woodlands
T3	Transport and New Development
T9	Pedestrian needs
T10	Cycling Provision
T11	Car Parking
IMP2	Community and Infrastructure Needs Linked To New Development

4.2 The draft Regulation 19 Local Plan 2016 – 2033 was submitted to the Secretary of State 16th March 2019 and the Examination in Public opened 11th September. The following draft policies within it are a material consideration in assessing this application:

DSC1	General Design Principles
ENV1	Residential and Environmental Quality
GO5	North of Cuffley Hill
H1	Affordable Housing
NEB1	General Strategy for Biodiversity
NEB4	Landscaping and Biodiversity in New Developments
NEB5	Ancient Woodland, Protected Trees and Hedgerows
TM1	Sustainable Transport
TM2	Transport and New Development
TM4	Parking Standards
W4	SuDS

4.3 The Borough-Wide Supplementary Planning Guidance (SPG) (August 2004) (updated in 2013) is relevant in this case as it provides design guidance for all forms of development.

4.4 The National Planning Policy Framework (NPPF) July 2018 also needs to be considered. The local planning policies listed above are generally considered to accord with the policies and principles of the NPPF.

4.5 The Interim Policy for Residential Car Parking Standards (approved February 2011) is a material consideration.

4.6 The Technical Housing Standards – nationally described space standards (March 2015) are also relevant.

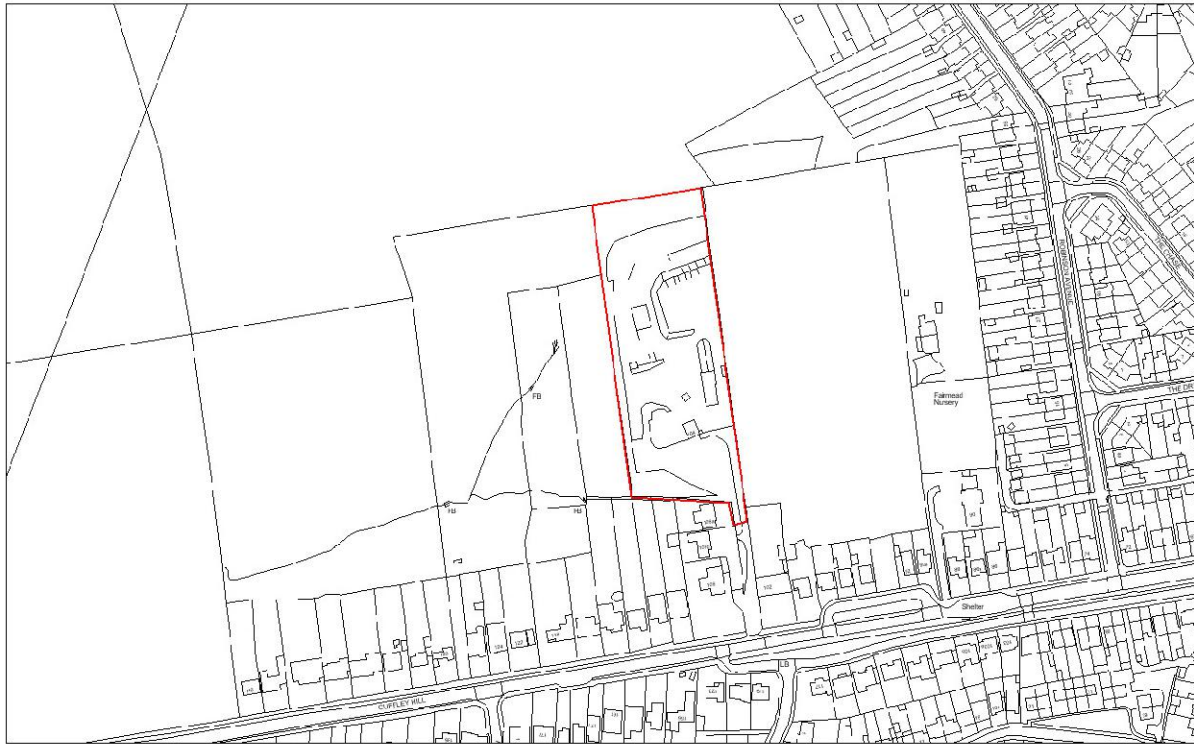
5.0 LOCATION AND DESCRIPTION OF SITE

5.1 The rectangular application site has an area just over one hectare and comprises what was originally a horticultural nursery which has been used for many years as a hard landscaping centre [CG Edwards]. The site lies at the eastern end of Goffs Oak and to the north of Cuffley Hill from which access is taken along a driveway. To the north of the site is open countryside, to the east there is a disused horticultural nursery while to the west is mature woodland.

- 5.2 The site has a general gradient from east to west with areas of made ground to provide terracing for level ground associated with the previous uses. There is a c.4m level difference from the west of the site into the adjoining woodland. There are a number of mature trees to the north and south of the site. The premises contains several single storey storage and administration buildings of minimal quality along with other bays and sales areas where paving and other hard landscape were displayed for sale
- 5.3 The entire site falls within the Metropolitan Green Belt and there are tree preservation orders in place covering both this site and the adjoining woodland to the west. The site does not lie within Flood Zones 2 or 3a as designated by the Environment Agency. Cuffley Hill [B156] is a busy secondary distributor road with a 30mph speed limit connecting Cheshunt/Goffs Oak with Cuffley and beyond.
- 5.4 Draft Policy GO5 of the Submission Local Plan - "North of Cuffley Hill" allocates the CG Edwards site for c.20 homes incorporating 40% affordable housing, public open space and retention of protected trees. The two sites immediately to the east of the application site [Fairmead and Rosemead Nurseries] also fall within that same draft policy designation for residential development.



Existing site



 BROXBORNE BOROUGH COUNCIL BOROUGH OFFICES CHURCHGATE CHESHUNT WALTHAM CROSS EN8 9QX TEL - 01992 785555	Title Planning application 07/18/0363/F		
	Location 104 Cuffley Hill, Goffs Oak, Herts		
	S. Bates / DP	Date: 18/7/2018	Scale: 1:2500
	Centre: 531600.20 , 203061.09		
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6.0 PROPOSAL

- 6.1 The application seeks full planning permission to construct 23 houses of which ten would be four bed detached, eight would be four bed semi-detached and five would be five bed detached. The four bedroom houses would have accommodation in the roof while the five bedroom houses would extend over four floors to include roof and basement living areas. The semi-detached houses would have basements and a bedroom in the roof.



CGI Looking west

- 6.2 Materials would be brick facades with tiled roofs and areas of half-timbering and tile hanging to add variety to the elevations.
- 6.3 The houses would be arranged either side of a north-south access road with an eastern cul-de-sac to accommodate four houses and a turning head. There would be an area of public open space/informal play at the northern end of the site with pedestrian access from the estate road. The existing structures and hard standing would all be demolished with the site re-graded and remediated as part of the proposed development of the site.
- 6.4 Road access would be taken from Cuffley Hill at the existing location with improvement/widening proposed.
- 6.5 The site has an area of 1.071 hectares. The gross density of the development would be 21.5 dwellings per hectare.
- 6.6 The application is supported by documents comprising:
- Planning, Design and Access Statement
 - Flood Risk Assessment
 - Transport Statement
- 6.7 The applicant undertook pre-application advice with the Local Planning Authority in respect of residential redevelopment on this commercial site which indicated that the principle of such a scheme is likely to be acceptable in the context of the draft site allocation.

7.0 RELEVANT PLANNING HISTORY

- 7.1 The relevant planning history is listed below.

Permission was granted on 20th January 1984 under reference 7/986/1980 for landscaping, car parking, storage of materials, oil storage tanks and a weighbridge.

- 7.2 The site has now ceased trading as a commercial hard landscaping business. Prior to that use in the 1970s it appears to have been used at least in part for vehicle repairs.

8.0 APPRAISAL

- 8.1 The main issues for consideration in this case are as follows:

- i. Principle of development;
- ii. Design, layout, and appearance;
- iii. Impact on the amenity of neighbouring residential properties;
- iv. Highways and car parking;
- v. Drainage/Flood Risk/Contamination
- vi. Ecology
- vii. Other matters;

These matters are assessed in turn, below.

Principle of Development

- 8.2 The site is allocated for development within the emerging Local Plan and is located within the Green Belt. The first issue to consider is the impact on the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.3 The National Planning Policy Framework (NPPF) identifies the construction of new buildings within the Green Belt as inappropriate development, unless they benefit from one of the exemptions set out in Paragraphs 145 and 146, one of which is the *“...partial or complete redevelopment of previously developed sites [brownfield land], whether redundant or in continuing use...”*
- 8.4 The business which has recently ceased trading was a commercial landscaping supplies company and the site is largely characterised by hard surfacing, commercial buildings and storage areas along with displays of various products which were offered for sale. As such it is considered that the application site is previously developed land as defined in the NPPF. As such this site is considered capable of benefitting from the NPPF exception policy which would allow its redevelopment as it would be appropriate development within the Green Belt.
- 8.5 The NPPF Green Belt policy set out in paragraph 145 is qualified by two bullets:
- The scheme would “not have a greater impact on the openness of the Green Belt than the existing development, or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land contributing to meeting an identified affordable housing need within the area of the local planning authority

The existing site is mainly laid to hard surfacing and has several single storey commercial buildings which were used for storage and administration along with a small weighbridge. The current application proposes 23 houses and associated development and in respect of the first bullet above, it is clear that the proposed dwellings would have a significantly greater impact on the openness of the Green Belt than the existing development. With regard to the second bullet, in terms of the wider NPPF and disregarding local emerging policy, it is considered that the development would have a significant effect on the openness of the Green Belt in this part of the Borough. **The current application would not comply with the ‘exceptions’ policy set out in the recently revised NPPF and is, therefore, inappropriate development in the Green Belt.**

- 8.6 As the proposal represents inappropriate development in the Green Belt it will be necessary to demonstrate that there are very special circumstances which would clearly outweigh the harm caused by inappropriate development and as a result allow residential development to proceed in terms of both local and national policy.

- 8.7 The applicant has put forward a case that there are very special circumstances which should allow development on this Green Belt site as follows:
- The Council does not have a five year housing supply
 - The Council's housing policies are out of date when assessed against the NPPF
 - The Government has housing delivery at the top of its agenda
 - The Council has a draft allocation for housing on this site which is a material consideration and is a very special circumstance in its own right
- 8.8 Taking these points in turn, it is correct to state that the Council does not have a five year housing land supply. However, as the site is within the Green Belt, the NPPF identifies that development should be restricted. This position is further supported by a Ministerial Statement [published on 06/10/2014] which states that housing need does not on its own justify the harm done to the Green Belt by inappropriate development. Whilst members could consider the absence of a five year land supply as part of a very special circumstances case, the lack of supply does not on its own constitute that case and it is considered that limited weight should be applied to this factor as constituting a very special circumstance.
- 8.9 With regard to Council policies being out of date, the draft allocation GO5 is considered to be in accord with the NPPF March 2012 against which it will be assessed at Examination. The general presumption against inappropriate development within the Green Belt is unaltered from the adopted Local Plan through the NPPF 2012 into the recently revised NPPF. In this context it is considered that this point made by the applicant can be afforded minimal weight.
- 8.10 The general tenor of Government statements in relation to its planning is helpful background but not determinative in relation to individual applications such as this. The draft allocation is capable of constituting a very special circumstance but the weight given to Policy GO5 is a function of the stage it has reached in terms of Examination and also how closely the current application is aligned with the precise terms of the draft allocation. Draft Policy GO5 [which also allocates Rosemead and Fairmead Nurseries] can be afforded weight as a material consideration as the most recent statement of this Council's planning policy but this weight is limited by the facts that it has yet to be assessed by the Local Plan Inspector and that it was subject to 32 comments at consultation stage which centred around impacts on wildlife, traffic, infrastructure [road] and loss of local views. With regard to the application site, the major portion of which is in hard surfaced commercial use, development for detached houses with good sized rear gardens and open landscaped area will overall be beneficial for wildlife/biodiversity. In terms of traffic generation/road infrastructure, there would not be a significant impact caused by use of the site, its entrance or on the wider highway network. Given the unattractive commercial operation currently in-situ there would not be a material impact on local views. In this context it is considered that draft Policy GO5 can be afforded considerable weight in assessing the principle of development.

8.11 In addition to the above, Members should also keep in mind the following matters which are considered relevant to the principle of housing development on this Green Belt site:

- This business has been dissolved and given the specialist nature of the operation it is unlikely that it would be re-started as a going concern. In this context the future of the site needs to be resolved so as to prevent dereliction and potential anti-social behaviour.
- Replacing the commercial operation with houses would permanently cease use of the access by HGV traffic with consequent environmental benefits to the surrounding area.
- The development would provide 23 houses towards the Council's required five year housing supply.
- New houses on this site, along with other similar developments in the area, would help to underpin the financial health and vitality of Goffs Oak village centre.
- The 23 dwellings proposed are only three more than set out in draft Policy GO5 which estimates circa 20 units.
- The applicant has offered a significant commuted sum towards off-site affordable housing provision, public open space forms part of the proposal and the TPO protected trees would be retained as part of the development.

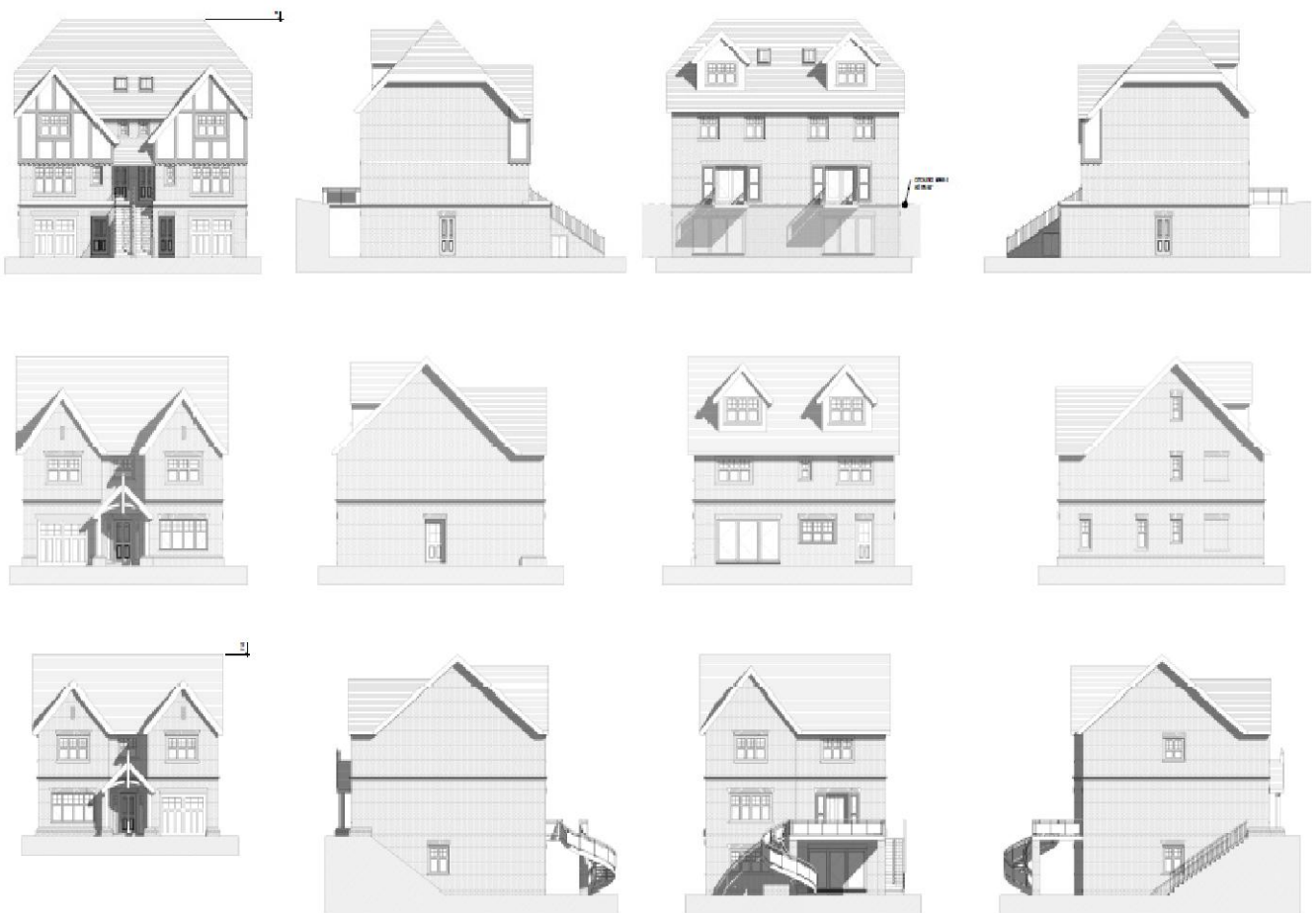
8.12 **The assessment of what constitutes very special circumstance varies in relation to each individual site. In this instance it is considered that while there is not a single circumstance which can be afforded very great weight, case law has established that the package of very special circumstances is required to be considered cumulatively. The nature of the application, the character of the site and its location along with the close correlation between the draft Policy and the current scheme mean that overall it can be considered that the case for very special circumstances is established to clearly outweigh the harm to the Green Belt and that the principle of development within the Green Belt is acceptable.**

8.13 The site has been in commercial use for many years, representing a local employment site not within a designated industrial area which is offered Local Plan protection under the terms of adopted Policy EMP6. This policy seeks to prevent loss of local businesses and jobs but in the case of this site, it is incompatible with the adjoining houses and its Green Belt location and has in any case closed as a going concern as the owners have disposed of the property. **In this context it is considered that there is no realistic prospect of this site resuming a commercial use and that a refusal as being contrary to Policy EMP6 would not be supportable. The most recent statement of Council policy is, of course, to allocate the site for residential use.**

Design, layout and appearance

8.14 The design and appearance of the houses has been the subject of discussion during the assessment of the application; primarily to reduce the height of the structures and to rationalise the detailed design. The applicant has supplied revised elevations as set out below. The designs would employ traditional features with predominantly brickwork facades and steeply pitched tile roofs which would be broken up by dormers. The general form of the houses would not be out of keeping in an area characterised by a varied townscape and house designs from bungalows to substantial detached houses. The detailed composition of the dwellings would have a discernible overall pattern but with a range of roof forms, external cladding and window styles set within articulated facades. The ratio of glazing to wall and the balance/symmetry of the main elevations are considered to result in a high quality design proposal which would use the level differences on site in a creative manner.

Proposed Elevations





- 8.15 The layout shown below is dictated to a significant degree by the linear nature of the site. The proposal has been amended since submission to provide a more open aspect as the access road approaches the houses by turning and setting back the dwellings. The layout has also been revised so that there would be a flow to the houses along the access road and turning to the east at the northern end rather than a harder edge to the building line. Plot 11 has been amended to set it back from the access road and to add visual interest to its public flank wall.
- 8.16 There would typically be at least three metres separation between the houses and all would be well set back behind parking areas which would ensure that the dwellings would not appear overbearing in relation to the road. The house plots would all meet the Council's standard in respect of garden sizes and would achieve good standards of daylight and sunlight. The interior dimensions exceed local and national space standards. The open space to the north and south of the site would add to the open feel of the development and assimilate the built form into the Green Belt setting. The proposed density of 21.5 dph is not considered to represent over development of the site.
- 8.17 With regard to the impact on Green Belt, it should be borne in mind that this site has been allocated for residential development in the Submission Local Plan [Policy GO5] which means openness would inevitably be compromised. The site is not visible from the public highway along Cuffley Hill due to its set back and surrounding vegetation and the site is isolated by tree cover to the north and the woodland to the west. To the east the land is also subject to the same draft allocation for housing development and would be likely to contain a housing development in the short to medium term. While there would be loss of openness, this is unavoidable if conventional housing development takes place. Due to the position of the site and the shielding vegetation it is considered that there would not be a significant impact on the character and appearance of the Green Belt in this part of the Borough and the wider area.

8.18 Impact on the amenity of neighbouring residential properties

There are no houses to the north, east and west of the application site. To the south there are two houses which face the access road but these would be flank on to the new houses with landscaped open space intervening. The other houses on this side of Cuffley Hill would be a full garden depth distant from the site boundary. Due to the orientation and distances involved there would not be a material impact on daylight/sunlight reaching adjacent houses and ample privacy would be retained by existing dwellings. There would be typical domestic activity in the new estate and there would be additional use of the access road in peak hours but this should be weighed against loss of the commercial use and HGV movements throughout the day. The impact from the houses in terms of noise is not considered a supportable reason for refusal.

8.19 Details of refuse/recycling storage have not been provided but there is ample space via access to rear gardens and delivery of these facilities can be ensured by planning condition, if the application were otherwise acceptable.

8.20 **The proposed development is not considered to cause material harm to the amenities enjoyed by neighbouring residents and is considered to provide sufficient amenity for future residents. It would consequently comply with the NPPF, Policies H8 and HD16 of the Borough of Broxbourne Local Plan Second Review, DSC1 of the emerging Broxbourne Local Plan and the Borough-Wide SPG.**

Highways and car parking

8.21 Vehicles would take access from Cuffley Hill Lane as at present. The applicant has submitted a detailed transport assessment which examines likely trip generation from the new houses, the site access, accident data for the previous five years in the local area and sustainability of access. HCC Highways as local highway authority has noted that trip generation would not be problematic but has raised objection on the grounds that there is insufficient information with the proposal, the revised access and access road should be wider to prevent potential vehicle conflict and consequent highway hazard and that there is a lack of proposed measures for sustainable transport. As a result, the applicant's consultant is working to revise the access in order to allow commercial vehicles to pass and is adjusting the internal access road seeking to meet the concerns of the highway authority. With regard to sustainable access, there are pedestrian footways serving the site and Cuffley Station is less than 1km away to the west.



Existing Vehicular Access

8.22 The applicant has agreed to contribute £48,300 in line with the request of HCC Highways in respect of measures to promote sustainable access to the site and this is likely to involve improvements to dropped kerbs towards Cuffley and Goffs Oak village. A verbal update will be provided at committee on progress with the concerns set out by HCC Highways. In terms of car parking, the overall site should provide 69 spaces [three spaces per house]. The proposed layout shows that each of the houses could provide at least three off-street parking spaces [including garages] which would exceed the Council's Interim Policy for Residential Car Parking Standards.

There may be conditions suggested by HCC Highways if their concerns have been met by the applicant and this will be clarified in the committee presentation.

8.23 **Subject to revisions it is considered that the development would not cause material harm to traffic conditions along the public highway in the vicinity of the site and the proposal would comply with the Interim Policy for Residential Car Parking Standards. As such the scheme is in accordance with adopted Policies T3 and T11 of the Local Plan and draft Policies TM1, TM2 and TM4 of the emerging Local Plan**

Drainage/Flood Risk/Contamination

8.24 The intention is to deal with foul water via the mains system which would entail a pumped solution. The surface water drainage would be a Sustainable Urban Drainage scheme which would utilise the areas of open space around the development and a drainage feature which runs south-west from the north of the site. Comments on the SuDS proposal are awaited from HCC and will be reported at committee if available. There is a surface water drain which runs through a culvert under the road access and which is overgrown and not well maintained as pointed out by objectors. A condition would ensure that this drainage feature is restored and made good. The site is not susceptible to fluvial flood risk.

- 8.25 In view of the commercial uses including horticulture, vehicle repairs and HGV usage, it will be essential to remediate the site thoroughly prior to implementation of any residential use. The Council's Environmental Health Service has stated that full investigation, remediation and validation is needed to ensure that the site is fit for human habitation. A condition is proposed to deal with this matter as set out at the end of this report.
- 8.26 **Subject to comments from HCC as Lead Local Flood Authority, submission of the detail of the on-site drainage measures and details of the scheme for remediation, the application is considered to be acceptable in terms of drainage and pollution control. In this context, the proposal is considered to comply with Policies SUS12 and SUS14 of the Borough of Broxbourne Local Plan Second Review.**

Biodiversity/ecology

- 8.27 The site is not designated as being part of a Local Wildlife Site or a Local Nature Reserve but there is woodland to the west and rural Green Belt land to the north. The woodland along with mature trees to the north and south of the site and on the boundaries are protected by a TPO and there is no intention to remove any of these trees as part of the proposal. Objectors have raised concerns about the impact on ecology but site visits have revealed that the majority of the site is covered by buildings and hard surfacing/storage areas. The Herts and Middx Wildlife Trust has no objection but has suggested that bat boxes be installed in the new houses. The amount of soft landscaping across the site would be greatly increased in redeveloping for residential use and structural/garden planting to be secured by condition would lead to delivery of increased bio-diversity of fauna and flora across the site.

It is considered that the application is acceptable in relation to adopted Policies HD17 and HD18 of the Local Plan and draft Policies NEB1, NEB4 and NEB5 of the Submission Local Plan.

Planning Obligations

- 8.28 With regard to affordable housing and planning obligations as set out in adopted Policy IMP2, as a Major application (10 dwellings or greater) the scheme is above the government imposed thresholds for seeking financial or other contributions to physical and social infrastructure via a s.106 agreement or unilateral obligation. In this context it is considered that a planning obligation should be sought in relation to the following matters:
- Affordable housing
 - A significant financial contribution towards social and physical infrastructure in the vicinity of the site to include Council projects along with education and health provision
 - The County Council has requested a sustainable transport contribution of £48,300 in line with their published planning obligations toolkit and provision of necessary fire hydrants

It is considered that the nature of the proposed development does not readily lend itself to on-site delivery of affordable housing and the applicant has therefore offered an off-site contribution in respect of affordable housing

The applicant has written to confirm their agreement to payment of the following contributions to be secured via a planning obligation;

- £2,274,000 off-site affordable housing and social/physical infrastructure projects in the vicinity of the site
- Sustainable transport contribution of £48,300

It is recommended that the Council agrees this overall level of contribution which is equivalent to just over £100,000 per dwelling. The sustainable transport contribution would be secured for HCC in respect of upgrades to pedestrian and other similar facilities in Goffs Oak while the individual components making up the remainder of the total would be agreed by the Head of Planning and Development in consultation with the Chairman. The footpath link to the adjoining sites should also be secured via the planning obligation.

Other matters

- 8.29 With regard to other matters over which residents have raised concerns, it would not be reasonable to withhold permission due to perceived deficiencies in cycle provision, bus services or the busy nature of Cuffley Hill in a context where the developer has offered a substantial contribution towards sustainable transport measures. As this is a relatively modest scale of development occupying previously developed land, it is not considered necessary to delay determination until after the Local Plan hearings on grounds of prematurity. Paragraph 50 of the NPPF 2018 advises that “where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”.
- 8.30 The road access would not be shared with the other two sites in the allocation but this on its own is not a supportable reason for refusal. Air quality would not be materially affected by this development. The Council, in conjunction with HCC, will be bringing forward plans to improve road infrastructure, increase school places and improve GP services as part of the wider strategic proposals for development through to 2033 as set out in the draft Local Plan and the draft Infrastructure Delivery Plan. It is not considered that the scheme as presented would significantly prejudice access to, or development of, the two nursery sites to the east of this site which form the remainder of the allocation under draft Policy GO5. There would be public access to the open space at the rear and the intention would be to link this with the two adjoining sites in due course to be secured in the planning obligation.

9.0 CONCLUSION

- 9.1 The application site is considered to be “previously developed land” and the report has concluded that the proposed development would be in general accordance with draft Policy GO5 of the Submission Local Plan. This is regarded as a very special circumstance which, in combination with the other matters set out in paragraphs 8.6-8.12, is capable of clearly outweighing the harm caused by inappropriate development in the Green Belt. The impact on the Green Belt is considered to be acceptable and an incompatible commercial use would be removed from this semi-rural area.
- 9.2 The report also notes that the layout and design are acceptable and the highway implications are considered likely to be acceptable subject to revision and suitable controlling conditions. The impact on bio-diversity is likely to be positive. There would not be a significant impact on local employment and uses as a result of the proposal. The proposed planning obligation would deliver significant funding towards physical and social infrastructure in the locality. The concerns of local residents have been assessed and none is considered to provide a compelling reason to refuse permission.
- 9.3 As the site area exceeds one hectare within the Green Belt, it is required to submit the proposal to the Secretary of State for a decision on whether to call in the application for his decision.

10.0 **RECOMMENDED that: planning permission be granted subject to submission to and clearance by the Secretary of State, the planning conditions and the applicant first completing a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report**

1. Time Limit (Full Applications)
2. Development in according with approved plans
3. Submission of external materials
4. Submission of surfacing materials
5. Submission of boundary treatments
6. Refuse/recycling storage and collection
7. Landscaping details
8. No felling of trees prior to landscape scheme
9. Details of surface water drainage and sewerage including improvements to the culvert under the access road
10. Wildlife enhancement details including bat boxes
11. Ground contamination assessment, remediation and validation
12. Completion of all roads and parking before first occupation
13. Private use of garages and parking spaces
14. No further flank windows
15. Hours of construction (8-6pm Mon-Fri) and (8-1 Saturdays). No Sundays/Bank Holidays
16. Visibility splays at junction
17. Details of access and turning within site
18. Construction management plan including wheel cleaning
19. Removal of Permitted Development Rights Class E [outbuildings]
20. Levels

07/18/0363/F

Location: 104 Cuffley Hill, Goffs Oak, EN7 5EY

Description: Proposed redevelopment to provide 23 new houses

Applicant: Chase New Homes

Agent: N/A

Date Received: 10/04/2018 **Date of Committee:** 12/09/2018 [Original]

Officer Contact: Peter Quaile **Expiry Date:** 02/08/2018

Ward Councillors: Cllr Mills-Bishop, Cllr Moule and Cllr Pearce

RECOMMENDED that planning permission be granted subject to the planning conditions and the applicant first completing a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report

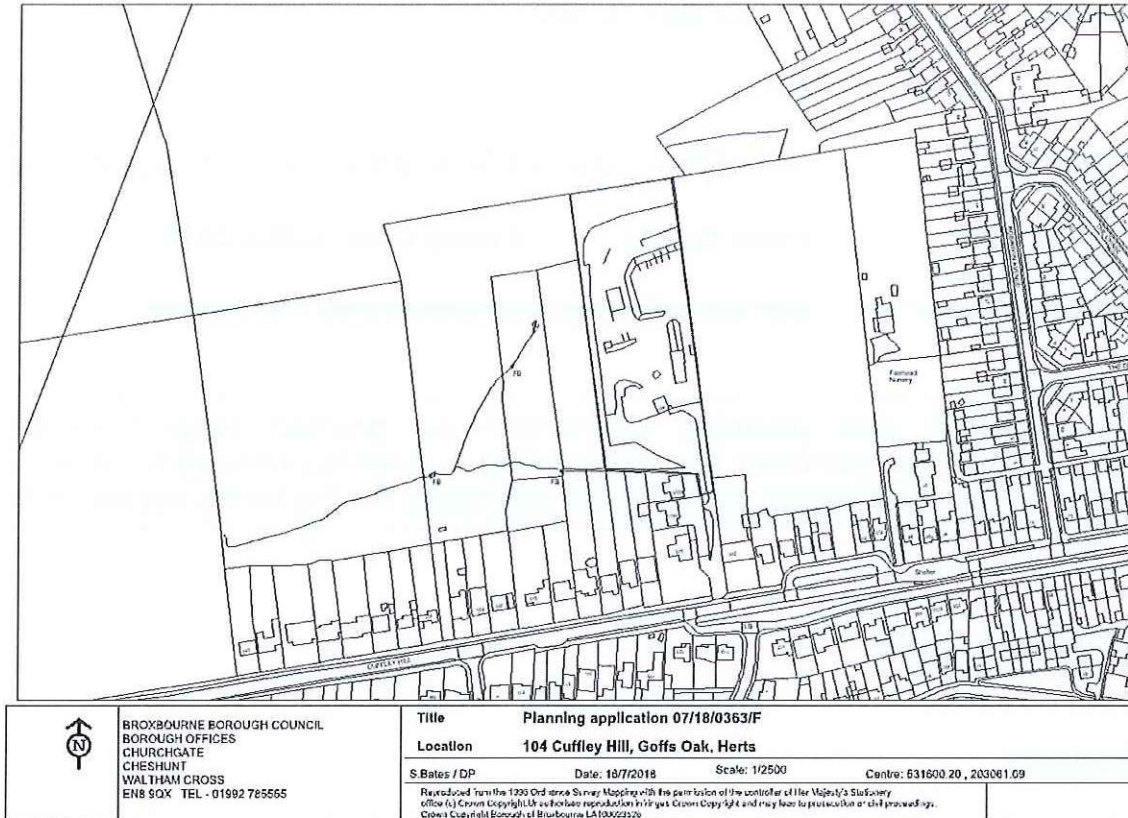
ADDENDUM REPORT

1.0 Background

- 1.1 Members will recall that a report [reproduced in full below] was presented to this committee last autumn relating to a scheme proposing to redevelop the former landscape gardening supplies site to provide 23 new homes. The resolution was to approve the scheme subject to the imposition of conditions, the completion of a planning obligation in respect of financial contributions towards affordable housing off-site and towards the provision of other social and community assets and formal confirmation that HCC as lead local flood authority does not object to the proposal. As a Green Belt site the scheme was also required to be submitted to the Secretary of State to ascertain whether it should be called in for his decision. HCC confirmed their agreement to the scheme of surface water drainage 19th October 2018 and the Secretary of State cleared the scheme for Council determination 9th January 2019. Discussions have since continued on the completion of the planning obligation and the applicant has submitted a draft unilateral obligation in line with the heads of terms and levels of contribution set out in the original committee report.
- 1.2 As part of the developer's preparations to construct the new houses, they have conducted a technical review of the original proposal and the outcome is a request to the Council to amend the design of the houses and to alter the re-grading of the site. To that end, a revised scheme has been submitted which would amend the current application. The updated proposal would retain the number of houses at 23 and the

mix of units, would largely replicate the proposed layout but redesign the houses and substantially reduce the removal of soil/made ground from the site.

Site location Plan



2.0 CONSULTATIONS AND REPRESENTATIONS

2.1 The Council has re-consulted all the neighbours and interested parties who wrote in to comment on the original scheme and their further comments, if any, are awaited.

3.0 RELEVANT LOCAL PLAN POLICIES

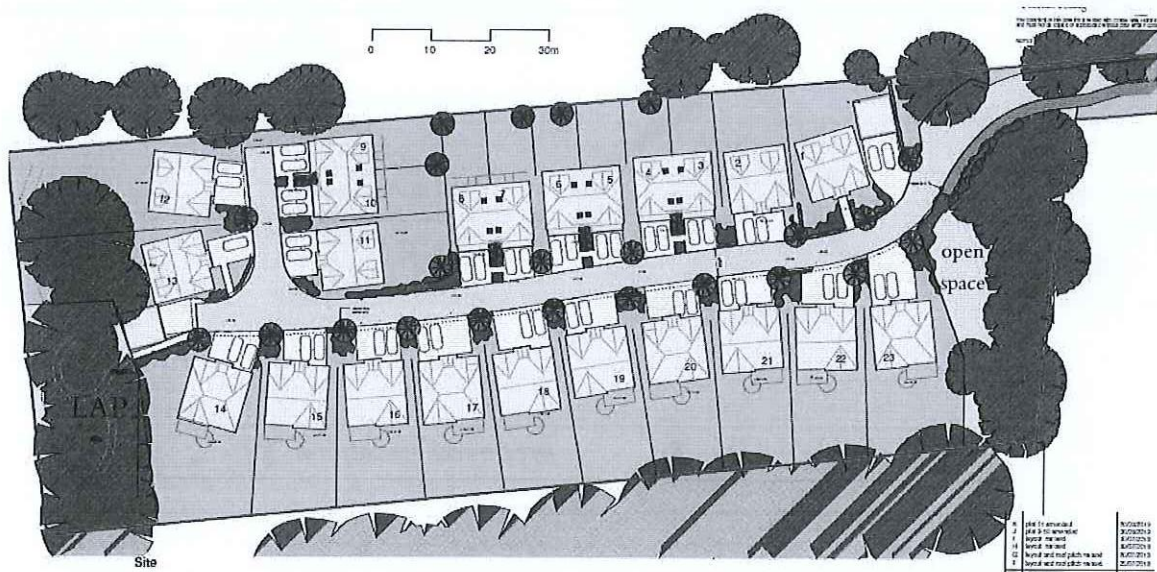
3.1 There have been no significant changes to local or national policy which would materially affect the determination of this scheme. However, since the committee resolved to approve this proposal the Local Plan Inspector has published his Post Hearing Advice note which endorses the Council's housing supply across the period of the new Local Plan and also supports the alterations which the Council proposes to the boundaries of the Green Belt. The site of this current application would be removed from the Green Belt under the terms of draft Local Plan Policy GO5 and it is considered that this emerging Local Plan Policy can now be afforded significant

weight. The Secretary of State has endorsed the Council's resolution to develop this site for 23 new homes by not intervening in the determination via call-in.

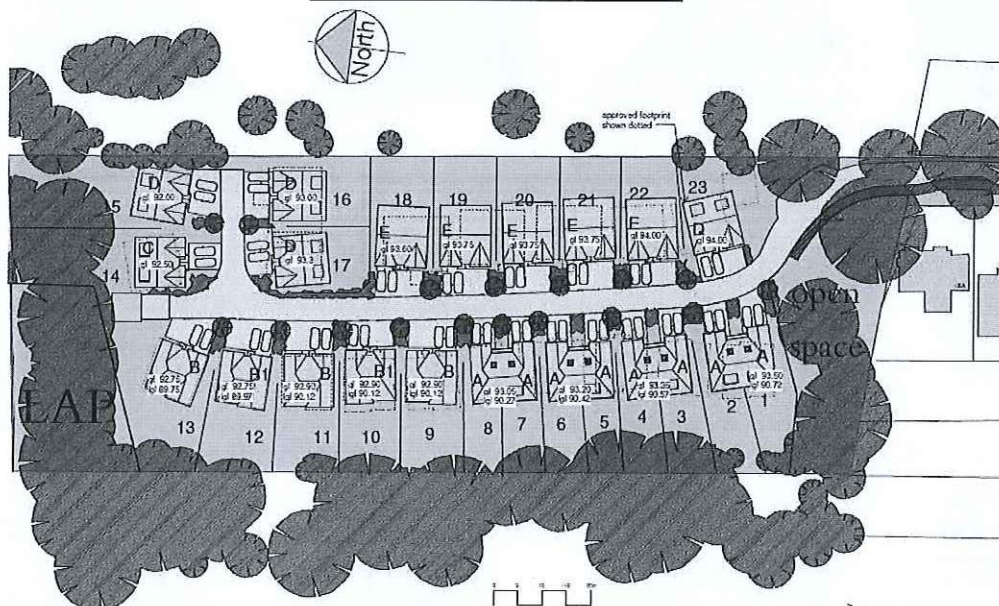
4.0 PROPOSAL AND ASSESSMENT

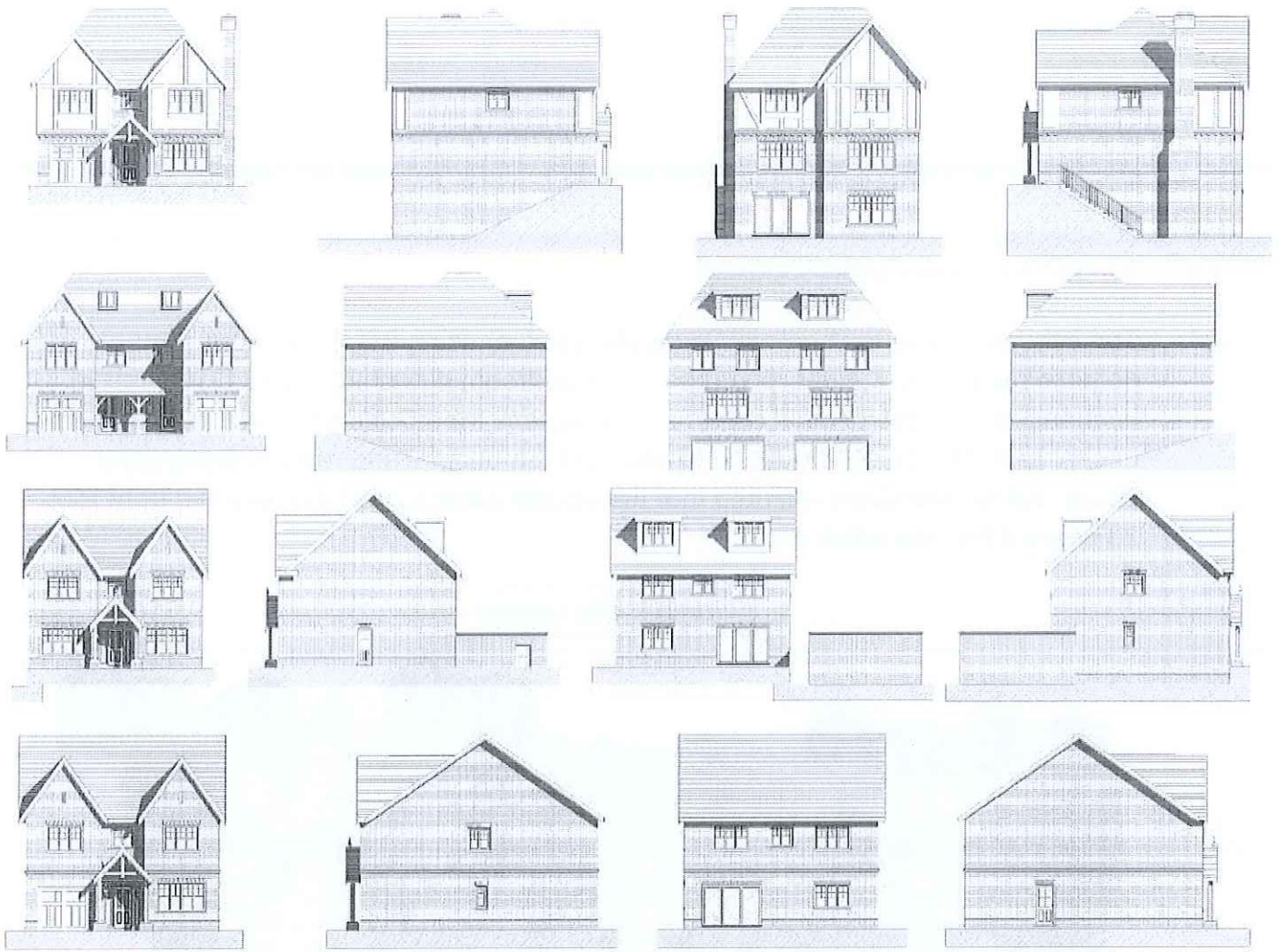
4.1 The scheme seeks to construct 23 dwellings comprising 8 X 4 bedroom semi-detached units, 10 X 4 bedroom and 5 X 5 bedroom detached houses. This mix is unchanged from the original scheme. The access from Cuffley Hill would be similarly unchanged. The layout would be similar and the original and revised layouts are shown below. Members will note that the double garage has been deleted from Plot 23 nearest the site entrance.

Original Site Layout

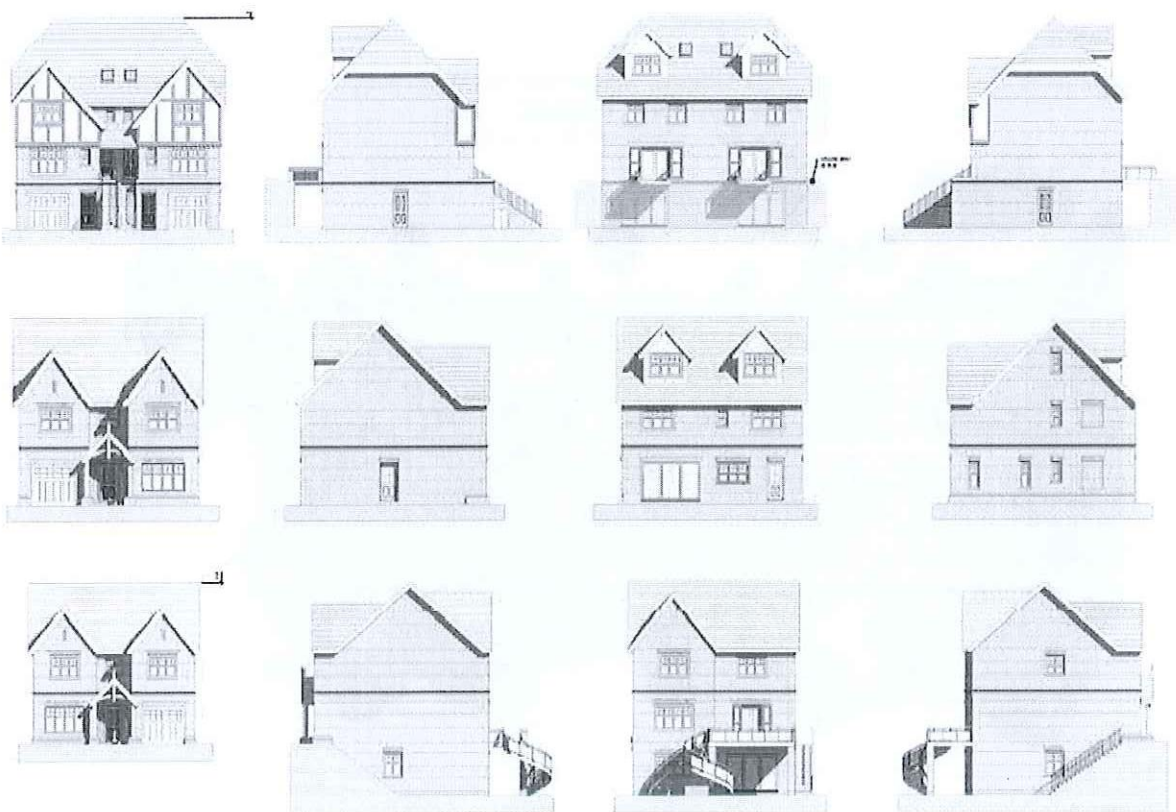


Revised Site Layout

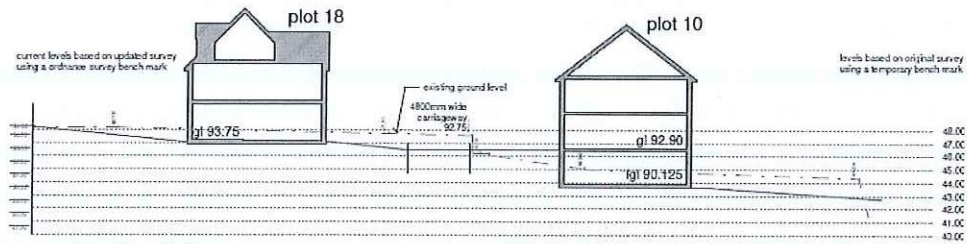




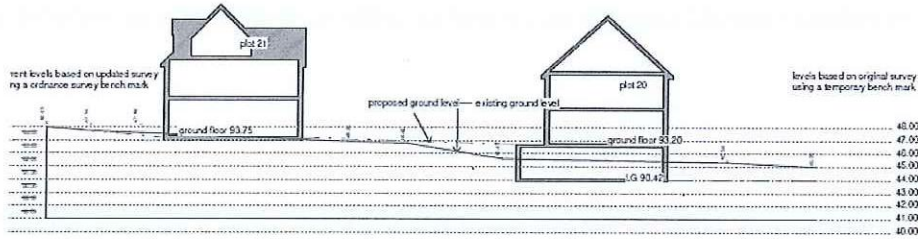
'Approved' elevations ↓ *Proposed elevations* ↑



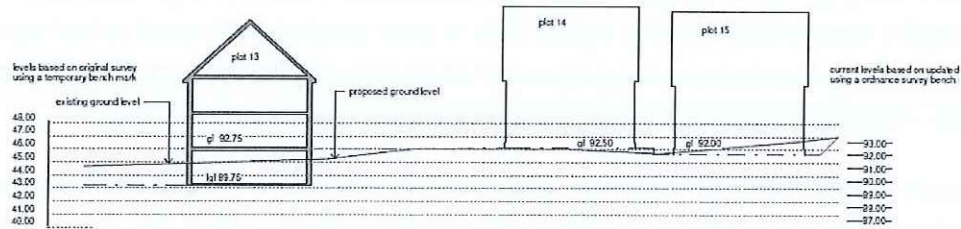
Proposed cross-section



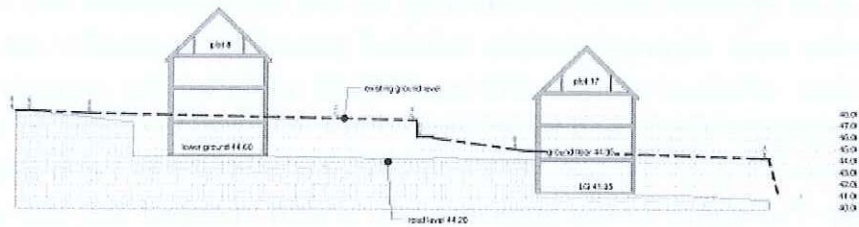
Section A-A
1 : 200



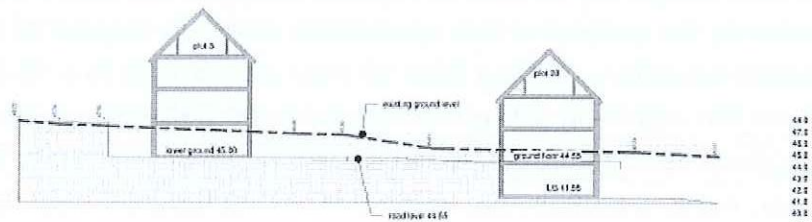
Section B-B
1 : 200



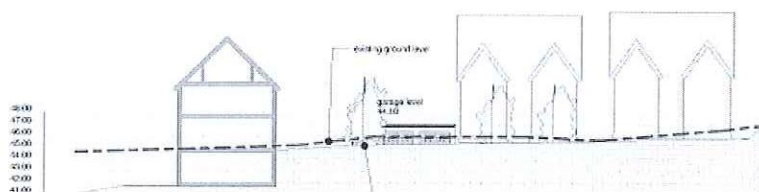
'Approved' cross-section



Section A-A
1 : 200



Section B-B
1 : 200



Design

- 4.2 The houses have been remodelled using similar, traditional architectural forms and materials such as brick, feature render, timber detailing and tiled roofs. The houses would be narrower but deeper in plan form and to the east of the new access would be arranged over two storeys rather than three. The updated design is considered overall to be an improvement on the scheme resolved for approval at committee with simpler and better resolved front elevations for the semi-detached houses along with more congruent hipped roof designs which would make the compositions more compact. A condition would require approval of details of the facing materials.

Amenity

- 4.3 The layout would largely reflect the form of development which was resolved for approval at committee. There would be no material additional impact on the houses which front Cuffley Hill or those which are accessed from the slip road into the site. One occupier has written noting again that a new access will need to be agreed with the owners of the houses on the slip road when the applicant upgrades the entrance to the site – this is a private matter for the two third parties to resolve.

The houses would meet all national and local standards in respect of floorspace and garden sizes. There would be no internal amenity issues within the site in relation to lack of daylight/sunlight or lack of privacy/overlooking.

There is now an application for 58 dwellings on the draft allocation site immediately adjoining to the east. At present there is mixed tree/shrub vegetation along the joint boundary. Much of this is proposed to be retained as part of the recently-submitted scheme but account does need to be taken of the separation distances in assessing the relationship between the two sites even though neither has been approved or implemented. The agent for the applicant has written to object that the revised scheme would be nearer to the common boundary as a result of the amendments noting that the two sites should be assessed holistically. The Council's SPG notes that within a new estate the window to window distance should be maintained at 25m. The scheme the subject of this application varies in respect of the distance from the eastern boundary ranging from as near as c.8.75m to c.10.5m. The houses/flats on the adjoining site are proposed to be between c.12.5 and c.17.9m from the boundary. At the nearest point the overall privacy distance would be around 23m. However, there is established vegetation along the joint boundary and there is a level difference with the land to the west set on a variably lower level than the adjoining land to the east. In this context it is considered on balance that the physical relationship with respect to separation distances for privacy purposes is acceptable as presented.

Planning obligation

- 4.4 The applicant has submitted a revised unilateral obligation in line with the terms set out in the original report/committee resolution and which is currently being checked by the council's legal officers.

Other matters

- 4.5 There would be an unchanged impact on the TPO trees around the boundaries of the site. The implications for highway safety and convenience are unaltered by the proposed changes. The scheme of surface water drainage which was unresolved at the time of the committee resolution has since been agreed with the LLFA and would be dealt with by conditions. The much reduced amount of excavation and removal of material from the site is welcomed in terms of the lessened impact on neighbours' amenity and improved sustainability.

PWQ 2nd July 2019

TOWN AND COUNTRY PLANNING ACT, 1990

Reference No: 07/18/0363/F

Mr Alan Ward
8 Parkway
Welwyn Garden City
AL8 6HG

Description of Development: Proposed re-development to provide 23 new houses

Location of Development: 104 Cuffley Hill Goffs Oak Hertfordshire EN7 5EY

In pursuance of its powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council **HEREBY PERMITS** the development proposed by you in your application dated, 09/04/2018 and received with sufficient particulars on 10/04/2018

The Council's resolution to come to this decision was based on an assessment of compliance with relevant policies in the development plan, taking into account all material considerations, and shown on the plan(s) accompanying such application, **SUBJECT TO THE FOLLOWING CONDITIONS:-**

1 The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this notice.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and any plan or drawing submitted therewith, unless the Local Planning Authority otherwise agrees in writing.

Reason - To ensure the development is carried out as permitted.

3 Details/samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority in writing before the development proceeds beyond slab level.

Reason - To secure a satisfactory external appearance in accordance with the council's adopted supplementary planning guidance.

4 Details/samples of all surfacing materials to be used shall be submitted to and approved by the Local Planning Authority in writing before the development proceeds beyond slab level.

Reason - To secure a satisfactory appearance in accordance with the council's adopted supplementary planning guidance.

5 Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved by the Local Planning Authority in writing such approved means of enclosure to be erected before any of the building(s) hereby approved is/are occupied and retained thereafter.

Reason - To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of the adjoining and nearby properties in accordance with the council's adopted supplementary planning guidance.

6 Details of satisfactory facilities to be provided for the storage and removal of refuse from the premises shall be submitted to and approved by the Local Planning Authority before the building is occupied.

Reason - In the interests of amenity.

7 A landscaping scheme comprising a plan and specification shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any demolition/construction work on the site. It shall be carried out and implemented within 1 year of the commencement of the development or such longer period as may be agreed in writing by the Local Planning Authority.

Reason - To enhance the general appearance of the development, in accordance with Policy HD17 of the Local Plan Second Review 2001-2011.

8 The landscaping scheme submitted in compliance with Condition 7 above shall comprise a contoured plan to a minimum scale of 1:500 showing the existing features to be retained, new features proposed and the treatment thereof and a specification, unless otherwise agreed in writing by the Local Planning Authority. The features to be shown on the plan shall include:-

- (i) * All existing trees (including details of their trunk position, spread and species), shrubs, hedges, grass areas and whether these are to be retained, or removed.
- (ii) * Proposed planting of trees, shrubs, hedges, grass areas showing the species, size of plants, planting distances/densities, and the number of plants to be used.
- (iii) * Details showing the location/depth and extent of any proposed underground works services within the spread of existing trees.
- (iv) * Any alterations in ground level around existing trees, shrubs or hedges.
- (v) * The location and height of all earthworks, embankments and walls and the materials to be used.
- (vi) * Watercourses.
- (viii) * Amenity areas indicating whether these are to be dedicated to public use.

The landscaping specification shall provide details of clearance works, ground preparation, planting and maintenance techniques.

Reason - To enhance the general appearance of the development in accordance with Policy HD17 of the Local Plan Second Review 2001-2011.

9 Unless and until a landscaping scheme has been approved by the Local Planning Authority in writing pursuant to Condition 7 above no tree shall be lopped, topped, felled or otherwise interfered with and no hedge removed.

Reason - To protect the existing trees and hedges in accordance with Policies HD17 and HD18 of the Local Plan Second Review 2001-2011.

10 The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy – Surface Water Drainage Note and the Initial Design – Drainage design Report, both prepared by Infrastructure Design Limited and dated 11 October 2018, and the following mitigation measures detailed within the drainage strategy:

1. Implementing appropriate drainage strategy based on attenuation and discharge into the ordinary watercourses to the north and to the south of the site respectively, as indicated on the Drawing No. 933-00-71 – Level and drainage strategy, Rev. P2, dated 11/10/2018, prepared by Infrastructure Design Limited and Drawing No. 933-00-CATCH – Drainage Catchment, dated October 2018, prepared by Infrastructure Design Limited
2. Limiting the surface water run off arising from the housing area generated by the 1 in 100 year + 40% for climate change critical storm to a maximum of 8 l/s.

3. Providing a minimum of volume attenuation of 175 m³ for the housing area to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

11 No development approved by this planning permission, beyond demolition, shall take place until the final surface water drainage scheme is completed and submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage scheme should include;

1. Identification of opportunities in terms of attenuation/underground storage considering the SuDS hierarchy. Explore the option of using sub-based permeable pavement in order to provide additional attenuation volume instead of oversized pipes. This option provides advantages as it is a more sustainable approach, has easier maintenance requirements and spreads the risk in case of failure.
2. Final detailed design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all final corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

1. To prevent the increased risk of flooding, both on and off site.
2. To ensure that ensure that the natural flow path will remain the same.

12 Full details of the proposed scheme of enhancements to biodiversity across the site shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented in full as approved prior to occupation of the 23rd dwelling.

Reason - In order to secure betterment in respect of biodiversity in accordance with draft Policy NEB1 and the NPPF February 2019.

13 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

Phase 1- Desk Study

1) The Phase 1 assessment should consist of a desk study, site walkover, a conceptual model of the site indicating sources, pathways and receptors and a preliminary risk assessment which identifies:

- all previous uses
- potential contaminants associated with those uses
- potentially unacceptable risks arising from contamination at the site.

Phase 2-Site Investigation

2) A site investigation scheme, including soil sampling based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include a survey of the extent, scale and nature of contamination, an appraisal of remedial options, and a proposal of the preferred option(s).

Remediation Strategy

3) A detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Verification/Validation Report

4) Following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before the first occupancy within the site. The verification report must also identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components requires the express consent of the local planning authority. The scheme shall be implemented as approved.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

CLR11 can be accessed on line via:

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 In the event that contamination is found at any time when carrying out the approved development, which was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 Prior to the demolition of the existing structures, a preliminary asbestos survey should be carried out and results forwarded to the Planning Authority for further consideration.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 The garages and parking space(s) shall be used for the parking of non-commercial vehicles only and shall be retained thereafter for that purpose and made available to the occupiers of that property.

Reason - To preserve the amenities of the neighbourhood and ensure the provision of off-street parking facilities, in accordance with Policies T11 and H6 of the Local Plan Second Review 2001-2011 and the council's adopted supplementary planning guidance.

17 No further windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted.

Reason - To safeguard the privacy of occupiers of the adjoining properties, in accordance with Policy H6 of the Local Plan Second Review 2001-2011 and the council's adopted supplementary planning guidance.

18 The applicants and/or their successors in title shall ensure that no deliveries or development shall take place outside of the hours of 8.00am-6.00pm Monday-Friday and 8.00am-1.00pm Saturday. No such deliveries or work shall take place on Sunday, Statutory or Bank/Public Holidays.

Reason - To preserve the amenities of neighbouring residential occupiers in accordance with Policy H6 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005).

19 Before first occupation, additional plans must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed (s278) design and construction of all works within the public highway, including the main site accesses and the proposed footway / pedestrian dropped kerbs and tactile paving as shown on drawing number SK01 REV D. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development.

Reason: To ensure the provision of an access and footway appropriate for the development in the interests of highway safety and convenience.

20 Before the relevant part of the development hereby approved is first occupied, all relevant on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

21 Prior to the commencement of construction, a 'Construction Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

1. phasing for the development of the site, including all highway works;
2. methods for accessing the site, including construction vehicle numbers and routing;
3. location and details of wheel washing facilities;
4. measures to suppress and minimise dust and noise from vehicles and construction
5. associated parking areas and storage of materials clear of the public highway.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

22 Notwithstanding the provisions of Article 3 of the Town and Country Planning General Permitted Development (Amendment) (No.2) (England) Order 2015, no development of the types described in Class E of Part 1 other than that hereby permitted, shall be undertaken without the prior written approval of the Local Planning Authority.

Reason - In order to safeguard the character and visual amenities of the locality, in accordance with Policy H6 of the Local Plan Second Review 2001-2011 and the council's adopted supplementary planning guidance.

23 Plans of the site showing the existing and proposed ground levels and levels of thresholds of all proposed buildings shall be submitted to and approved by the Local Planning Authority in writing before any part of the development hereby permitted proceeds beyond foundation level.

Reason - To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements in accordance with the council's adopted supplementary planning guidance.



Signed:.....
Head of Planning and Development
DC1001MW

Dated:12/07/2019

NOTE

This DOES NOT constitute Building Regulation Approval. If you are unsure whether you should submit a Building Regulation application prior to starting work please contact Building Control on 01992 785566.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under Section 78 of the Town and Country Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.