

**Land North of Cuffley Hill, Goffs Oak  
Statement of Common Ground**

**STATEMENT OF COMMON GROUND**

**SECTION 78 APPEAL BY COUNTRYSIDE PROPERTIES (UK) LTD AND  
LANDOWNERS**

**FORMER ROSEMEAD AND FAIRMEAD NURSERIES,  
LAND NORTH OF CUFFLEY HILL, GOFFS OAK**



**PROPOSAL:**

**ERECTION OF 58 RESIDENTIAL DWELLINGS WITH ASSOCIATED  
INFRASTRUCTURE**

**LPA REF: 07/19/0200/F**

**PINS REF: APP/W1905/W/22/3300254**

**DATE: 25 SEPTEMBER 2022**

<b>Signed:</b> 	<b>Signed:</b> 
<b>Name: J Thompson</b>	<b>Name: Liz Fitzgerald</b>
<b>On behalf of:</b> Borough of Broxbourne (the Local Planning Authority)	<b>On behalf of:</b> Barker Parry Town Planning (acting on behalf of the Appellant)
<b>Date:</b> 23.09.22	<b>Date:</b> 25.09.22

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## **Land North of Cuffley Hill, Goffs Oak Statement of Common Ground**

### **1.0 INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) has been prepared in conjunction with the Borough of Broxbourne (the Local Planning Authority).
- 1.2 It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of the Former Fairmead and Rosemead Nurseries, Cuffley Hill, Goffs Oak (the Appeal Site).
- 1.3 The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the Local Planning Authority) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues.

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## 2.0 THE APPEAL SITE LOCATION AND DESCRIPTION

2.1 The appeal site forms part of a wider site that is allocated for residential development for approximately 26 homes under Policy GO5 of the adopted Broxbourne Local Plan 2018-2033 (adopted June 2020) and is therefore acceptable in principle for residential development as indicated in Figure 1 below. Goffs Oak indicative Concept Plan from the Local Plan 2020. The wider site including that known as CG Edwards, was allocated for approximately 46 units.

2.2 Figure 1: Goffs Oak indicative Concept Plan from the Local Plan 2020



2.3 The allocation is formed of three sites, this appeal site is comprised of two of the sites, the former Fairmead and Rosemead Nurseries, plus additional land to rear of No. 90 Cuffley Hill.

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- 2.4 Extending to approximately 3.71ha, the site is located north of Cuffley Hill and to the west of Robinson Avenue/Millcrest Road. To the west of the appeal site is the remainder of the site allocation, the former CG Edwards site, upon which residential development is now well underway. To the north of the site are further residential gardens (extending from properties fronting Millcrest Road) and a dense tree belt, beyond which are agricultural fields.
- 2.5 The site is currently accessed via the main vehicular access to Fairmead Nursery from Cuffley Hill, to the west of No. 90 which is set back from the building line fronting Cuffley Hill. Rosemead Nursery provides a second access from the service road which provides access to Nos. 90a to 100 Cuffley Hill. This second access point has been long disused and is overgrown.
- 2.6 The site is set to the rear of properties fronting Cuffley Hill to the south and dwellings fronting Robinson Avenue to the east. By the time of any Inquiry being held, it is likely that properties on the former CG Edwards site will also be occupied.
- 2.7 The site is comprised of self-set vegetation along the garden boundary to the east and development site to the west. There is mature woodland to the northern part of the site and other mature, protected trees within the south-western part of the site. The land falls to the west with a notable gradient in the south-western corner of the site.
- 2.8 The site is located within Flood Zone 1 with a low probability of fluvial flooding. There is a drainage ditch close to the northern boundary which runs east-west and eventually connects through the woodland to Cuffley Brook.
- 2.9 The site is subject to a Tree Preservation Order (No. 2 2017 LT6-290) which covers the copse, significant individual and groups of trees on site.

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2.10 Cuffley Hill is a classified 'B' road (B156) and is subject to a 30mph speed limit where it passes the appeal site.

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**3.0 THE APPEAL PROPOSALS**

3.1 The Planning Application that is now the subject of this appeal was submitted to the Borough of Broxbourne on 4 March 2019. The description of Development was as follows:

*“Erection of 58 dwellings (12no. 2 bed 14no. 3 bed 22no. 4 bed 5no. 5 bed and 5no. 1 bed) with associated infrastructure.”*

3.2 The application was submitted in full.

3.3 Following extensive discussions with the Local Planning Authority the proposal was amended and a revised scheme (under the same application reference) submitted in August 2021.

3.4 The revised scheme removed the originally proposed flat block and amended the dwelling mix to the following:

<b>No. of Beds</b>	<b>No. of Dwellings</b>
2-Bed	14
3-Bed	9
4-Bed	32
5-Bed	3

3.5 The revised description of the development as reported in the Committee report for the application is therefore:

*“Erection of 58 dwellings (14no. 2 bed, 9no. 3 bed, 32no. 4 bed and 3no. 5 bed) with associated infrastructure”*

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- 3.6 The scheme consists of detached family housing, semi-detached properties and terraced dwellings of two to two and half storeys. Most properties benefit from on-plot parking, with frontage parking for the terraced properties.
- 3.7 The scheme includes 40% (23 dwellings) affordable housing. This is a significant benefit of the scheme.
- 3.8 There are significant areas of green space retained within the centre and northern parts of the site which would also include a play area and two SUDs basins. .
- 3.9 The revised scheme seeks to retain all significant, protected Oak trees on site. With the scheme resulting in the loss of 2no protected trees only, an Ash and an Apple tree.
- 3.10 Access into the site is proposed via a re-modelled access point adjacent to no. 90a Cuffley Hill. The service road would be re-configured to create a direct access onto Cuffley Hill with the existing service road becoming spurs accessed via the new connection.



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**4.0 APPLICATION PLANS AND DOCUMENTS**

4.1 The application plans and supporting documents that comprised the planning application at the time that the appeal was lodged, were as follows:

**Application Documents – At the time of submitting the application**

*Drawings:*

Site Location Plan	SLP.01 B
Site Layout	SL.01 B
Site Layout	SL.01 B
Affordable Housing Layout	AHL.01 B
Materials Layout	ML.01 B
Refuse Layout	RF.01 B
Street Elevations/Section	SE.01 A
HT - 2BH - Affordable Floor Plans and Elevations Option 1&2	HT.2BH-1-2.pe A
HT - 3BH - Affordable Floor Plans and Elevations Option 1&2	HT.3BH-1-2.pe A
HT – 301 Floor Plans and Elevations Option 1&2	HT.301-1-2.pe A
HT – 307 Floor Plans and Elevations	HT.307.pe A
HT – 319 Floor Plans and Elevations	HT.319.pe C
HT – 404 Floor Plans and Elevations	HT.404.pe A
HT – 407 Floor Plans and Elevations	HT.407.pe A
HT – 409 Floor Plans and Elevations	HT.409.pe B
HT – 416 Floor Plans and Elevations	HT.416.pe B

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HT – 417 Floor Plans and Elevations	HT.417.pe A
HT – 434 Floor Plans and Elevations	HT.434.pe B
HT – 502 Floor Plans and Elevations	HT.502.pe A
Flat Block Floor Plans and Elevations	PT-50-55.pe C
Garages Floor Plans and Elevations	GR.01.C
Levels Strategy	162101-002 F
Swept Paths and Visibility Plan	162101-003 D

*Application forms and supporting documents:*

Application Form
Cover Letter
Planning Statement 17086_PS1 dated December 2018
Arboricultural Impact Assessment and Method Statement Rev B dated 2018
Archaeological Desk Based Assessment dated August 2018 (1)
Archaeological Desk Based Assessment dated August 2018 (2)
Building For Life Preliminary Assessment
Flood Risk Assessment 162101-03A dated December 2018
Ecology Walkover Survey Letter Report rev A dated November 2018
Transport Statement R01B dated November 2018
Travel Plan Statement R02 dated December 2018
Landowner Information
List of Application Documents and Information dated February 2019

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Design and Access Statement rev C dated November 2018

**Documentation submitted after the application was submitted (November 2019)**

*Drawings:*

Affordable Housing Layout	AHL.01 C
Site Layout	CSL.01 C
Site Layout	SL.01 C
Materials Layout	ML.01 D
Refuse Layout	RL.01 C
HT – BH – Affordable Floor Plans and Elevations Option 1&2	HT.2BH-1-2.pe B
HT – 307 Floor Plans and Elevations	HT.307.pe B
HT – 404 Floor Plans and Elevations	HT.404.pe B
HT – 409 Floor Plans and Elevations	HT.409.pe C
HT – 416 Floor Plans and Elevations	HT.416.pe C
HT – 417 Floor Plans and Elevations	HT.417.pe B
HT – 434 Floor Plans and Elevations	HT.434.pe C
Garages Floor Plans and Elevations	GR.01 D
Flat Block Elevations Plots 44-50	PT-44-50.e A
Flat Block Floor Plans Plots 44-50	PT-44-50.p A
Levels Strategy	162101-002 J
Swept Paths and Visibility Plan	162101-003 E

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Landscape Strategy Layout	C00185_CSP_EL_X X_DR_L_X001 PL5
Landscape Management Responsibilities Plan	C00185_CSP_EL_X X_DR_L_X002 PL5

*Application forms and supporting documents:*

Landscape Management Plan to Open Spaces PL3
Flood Risk Assessment dated November 2019
Travel Plan Statement R02B dated October 2019

**Documentation submitted after the application was submitted (April 2020)**

*Drawings:*

Landscape Strategy to Woodland	C00185_CSP_EL_XX_DR_L_X003 PL1
Attenuation Basin Sections	162101-020

**Documentation submitted after the application was submitted (July 2020)**

*Drawings:*

Western Attenuation Basin Section	162101-022
Eastern Attenuation Basin Section	162101-023
West-East Attenuation Basin Section	162101-024
Proposed Layout	TCTC-21217-PL-02 C
Tree Protection Plan	TCTC-21217-PL-03 C
Attenuation Basin Plan	162101-025

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*Application forms and supporting documents:*

Tree Work Schedule Rev C
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**Documentation submitted after the application was submitted (August 2021)**

*Drawings:*

Site Location Plan	SLP.01.A
Affordable Housing Layout	AHL.02 P2
Coloured Site Layout	CSL.02 P14
Materials Layout	ML.02 P2
Refuse Layout	RL.02 P2
Streetscenes	SE.02 P2
HT – 2B AFF Floor Plans and Elevations	HT.2B AFF.pe P2
HT – 2B AFF – Terrace Floor Plans and Elevations	HT.2B AFF-1.pe P2
HT – 2B AFF – Terrace Floor Plans and Elevations	HT.2B AFF-2.pe P2
HT – 2B AFF – Terrace Floor Plans and Elevations	HT.2B AFF-3.pe P2
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF.pe P2
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF_1.pe P1
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF_2.pe P1
HT – 401 Floor Plans and Elevations	HT.401.pe P2
HT – 401 Floor Plans and Elevations	HT.401-1.pe P2
HT – 401 Floor Plans and Elevations	HT.401-2.pe P2

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HT – 401 Floor Plans and Elevations	HT.401-3.pe P2
HT – 401 Floor Plans and Elevations	HT.401-4.pe P2
HT – 404 Floor Plans and Elevations	HT.404.pe P2
HT – 405 Floor Plans and Elevations	HT.405.pe P2
HT – 407 Floor Plans and Elevations	HT.407.pe P2
HT – 407 Floor Plans and Elevations	HT.407-1.pe P2
HT – 407 Floor Plans and Elevations	HT.407-2.pe P2
HT – 407 Floor Plans and Elevations	HT.407_3.pe P2
HT – 410 Floor Plans and Elevations	HT.410.pe P2
HT – 410 Floor Plans and Elevations	HT.410-1.pe P2
HT – 412 Floor Plans and Elevations	HT.412.pe P2
HT – 412 Floor Plans and Elevations	HT.412-1.pe P2
HT – 416 Floor Plans and Elevations	HT.416.pe P2
HT – 416 Floor Plans and Elevations	HT.416.pe P2
HT – 4019 Elevations	HT.419.pe P2
HT – 419 Floor Plans	HT.419.p P2
HT – 424 Floor Plans and Elevations	HT.424.pe P2
HT – 500 Floor Plans	HT.500.p P2
HT – 500 Elevations	HT.500.pe P2
HT – 500 Elevations	HT.500-1.pe P2
Garages Floor Plans and Elevations	GR.02.P2
Landscape Strategy Layout	C00185_CSP_EL_XX_DR_L_X001 PL9

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Cut and Fill Appraisal	C00185-ACE-IG-XX-DR-C-P005 P1
Cut and Fill Calcs Longsections (1 of 3)	C00185-ACE-IG-XX-DR-C-P006
Cut and Fill Calcs Longsections (2 of 3)	C00185-ACE-IG-XX-DR-C-P007
Cut and Fill Calcs Longsections (3 of 3)	C00185-ACE-IG-XX-DR-C-P008
Cut and Fill Isopachyte	C00185-ACE-IG-XX-DR-C-P010
Tracking Plan	C00185-ACE-IG-XX-DR-C-P011 PL2
Fire Tracking Plan	C00185-ACE-IG-XX-DR-C-P012 PL2
Refuse Tracking Plan	C00185-ACE-IG-XX-DR-C-P013 PL2
Attenuation Basin Sections (1 of 2)	C00185-ACE-IG-XX-DR-C-P020 PL1
Attenuation Basin Sections (2 of 2)	C00185-ACE-IG-XX-DR-C-P021 PL1
Existing Topography Catchment Areas	C00185-ACE-IG-XX-DR-C-P040
Proposed Drainage Strategy	C00185-ACE-IG-XX-DR-C-P100 PL2
Proposed Levels Strategy	C00185-ACE-IG-XX-DR-C-P101 PL2

*Application forms and supporting documents:*

DAS Addendum dated August 2021
Arboricultural Impact Assessment and Method Statement dated July 2021
BNG Assessment dated August 2021
Biodiversity Metric dated August 2021
Flood Risk Assessment dated July 2021

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**Documentation submitted after the application was submitted (September 2021)**

*Drawings:*

Landscape Strategy Layout	C00185_CSP_EL_XX_DR_L_X001 PL9
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**Documentation submitted after the application was submitted (October 2021)**

*Drawings:*

Affordable Housing Layout	AHL.02 P4
Coloured Site Layout	CSL.02 P15
Materials Layout	ML.02 P4
Refuse Layout	RL.02 P4
Landscape Strategy Layout	C00185_CSP_EL_XX_DR_L_X001 PL12
Proposed Habitat Areas Rev B	

*Application forms and supporting documents:*

Biodiversity Metric 3.0 dated October 2021
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**Documentation submitted after the application was submitted (January 2022)**

*Drawings:*

Affordable Housing Layout	AHL.02 P5
Materials Layout	ML.02 P5
Refuse Layout	RL.02 P5
Site Layout	SL.02 P16
HT – 2B AFF Floor Plans and Elevations	HT.2B AFF.pe P3
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF_1.pe P2



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HT – 405 Floor Plans and Elevations	HT.405.pe P3
HT – 4019 Elevations	HT.419.pe P3
HT – 419 Floor Plans	HT.419.p P3
Proposed Habitat Areas Rev D	

*Application forms and supporting documents:*

Biodiversity Metric 3.0 dated January 2022
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**Plans for Approval**

4.2 It is agreed that the plans that would be approved if the appeal is allowed would be as follows:

*Drawings:*

Site Location Plan	SLP.01.A
Affordable Housing Layout	AHL.02 P5
Materials Layout	ML.02 P5
Refuse Layout	RL.02 P5
Site Layout	SL.02 P16
HT – 2B AFF Floor Plans and Elevations	HT.2B AFF.pe P3
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF_1.pe P2
HT – 405 Floor Plans and Elevations	HT.405.pe P3
HT – 419 Elevations	HT.419.pe P3
HT – 419 Floor Plans	HT.419.p P3

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HT – 2B AFF – Terrace Floor Plans and Elevations	HT.2B AFF-1.pe P2
HT – 2B AFF – Terrace Floor Plans and Elevations	HT.2B AFF-2.pe P2
HT – 2B AFF – Terrace Floor Plans and Elevations	HT.2B AFF-3.pe P2
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF.pe P2
HT – 3B AFF Floor Plans and Elevations	HT.3B AFF_2.pe P1
HT – 401 Floor Plans and Elevations	HT.401.pe P2
HT – 401 Floor Plans and Elevations	HT.401-1.pe P2
HT – 401 Floor Plans and Elevations	HT.401-2.pe P2
HT – 401 Floor Plans and Elevations	HT.401-3.pe P2
HT – 401 Floor Plans and Elevations	HT.401-4.pe P2
HT – 404 Floor Plans and Elevations	HT.404.pe P2
HT – 407 Floor Plans and Elevations	HT.407.pe P2
HT – 407 Floor Plans and Elevations	HT.407-1.pe P2
HT – 407 Floor Plans and Elevations	HT.407-2.pe P2
HT – 407 Floor Plans and Elevations	HT.407_3.pe P2
HT – 410 Floor Plans and Elevations	HT.410.pe P2
HT – 410 Floor Plans and Elevations	HT.410-1.pe P2
HT – 412 Floor Plans and Elevations	HT.412.pe P2
HT – 412 Floor Plans and Elevations	HT.412-1.pe P2

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HT – 416 Floor Plans and Elevations	HT.416.pe P2
HT – 416 Floor Plans and Elevations	HT.416.pe P2
HT – 419 Elevations	HT.419.pe P2
HT – 424 Floor Plans and Elevations	HT.424.pe P2
HT – 500 Floor Plans	HT.500.p P2
HT – 500 Elevations	HT.500.pe P2
HT – 500 Elevations	HT.500-1.pe P2
Garages Floor Plans and Elevations	GR.02.P2
Landscape Strategy Layout	C00185_CSP_EL_XX_DR_L_X001 PL9
Cut and Fill Appraisal	C00185-ACE-IG-XX-DR-C-P005 P1
Cut and Fill Calcs Longsections (1 of 3)	C00185-ACE-IG-XX-DR-C-P006
Cut and Fill Calcs Longsections (2 of 3)	C00185-ACE-IG-XX-DR-C-P007
Cut and Fill Calcs Longsections (3 of 3)	C00185-ACE-IG-XX-DR-C-P008
Cut and Fill Isopachyte	C00185-ACE-IG-XX-DR-C-P010
Attenuation Basin Sections (1 of 2)	C00185-ACE-IG-XX-DR-C-P020 PL1
Attenuation Basin Sections (2 of 2)	C00185-ACE-IG-XX-DR-C-P021 PL1
Proposed Drainage Strategy	C00185-ACE-IG-XX-DR-C-P100 PL2
Proposed Levels Strategy	C00185-ACE-IG-XX-DR-C-P101 PL2

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**5.0 REASON FOR REFUSAL**

5.1 The application was reported to the Planning Committee meeting on the 25 January 2022 with an Officer's recommendation of approval.

5.2 There were no technical objections to the application and the Committee Report concluded:

*7.3 The principle of residential development is considered to be acceptable under the terms of Policy GO5.*

*7.4 As amended the scheme is considered to offer an attractive layout which makes good use of the land. The scheme is considered to be in accordance with adopted Policy DSC1.*

*7.16 There would be habitat improvements via new hedgerows, significant levels of additional tree planting, installation of two drainage ponds in the new open space and by widespread installation of bird and bat boxes. This would have achieved a level which would result in a net gain of 1% in biodiversity overall. While this is a marginal uplift, it is in line with the methodology set out by DEFRA and would meet the terms of Policy NEB1 by generating a net gain. Subject to the actions set out above, the scheme is considered to be acceptable in accordance with Policies NEB1 and NEB4.*

*9.1 The application site is allocated for residential development in the Local Plan as the larger component of adjoining land to the north of Cuffley Hill under the terms of Policy GO5. The scheme has been amended as the applicant has sought to meet the main criteria set out in above policy to achieve 40% affordable housing, public open space and retention of the protected trees. The agenda report indicates that there is no technical shortfall in the proposal in terms of the sizes of dwellings, their plots or the relationships between them in terms of privacy and outlook. There would*

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*be no material impact on amenity for nearby residents. The design of the houses would not be out of place in Goffs Oak and has the potential to produce attractive façade designs as were approved in the scheme which is under construction to the south of Goffs Lane. There is no substantive outstanding technical issue to resolve in this scheme: the site and views from neighbouring houses would change fundamentally as a result of any residential scheme built under this Local Plan allocation for housing.*

*9.2 Officers understand and fully appreciate that there is disquiet around the application site and in Goffs Oak more generally over the amount of development which is taking place in the area and which will be on going for several years as all the Local Plan housing sites come on stream. The Local Plan does of course include a programme of improvements to the village centre including community facilities, a new village green and remodelling of the main junction to ease congestion. If approved, the scheme would deliver substantial financial benefits towards social and physical infrastructure in the locality and across to Cheshunt. The concerns of neighbours are acknowledged, but objection cannot be sustained to the principle of development. The number of dwellings proposed is more than double the amount estimated in the Local Plan policy but the density of development would be less than 16 dwellings per hectare: this is partly a function of the amount of developable area on the site but is low density nonetheless. There would be an area of public open space to the northern part of the site, there would be 40% affordable provision, all of which would be houses. The section above on ecology sets out the impact on natural vegetation and in particular the TPO protected mature trees. There would be a modest gain in biodiversity from the development.*

*The Transport Statement contends that the scheme would not have a significant impact on the local highway network, a position accepted by the County Council as local highway authority. The historic refusal on highways grounds is noted but the site is allocated in the context of up-to-date traffic modelling and the access is considered to be acceptable. The overall effect of sites being developed in Goffs Oak increase pressures on the road system but the Local Plan proposes measures to*

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*address network pinch points and local congestion. This proposal would contribute financially to these highway works. The scheme is recommended for approval subject to the conditions and legal agreement as set out below.*

- 5.2 Members voted to refuse the application, contrary to the Officer's recommendation and a decision notice was issued on the 9 February 2022 with the following single reason for refusal:

*"The proposal would over-develop the site to the detriment of its semi-rural character. As a result of the quantum of development, the proposal is incapable of guaranteeing delivery of a net gain in biodiversity, as secured by an additional buffer. As such the proposal would be contrary to policies DSC1 and NEB1 of the Broxbourne Local Plan and to the aims and objectives of paragraph 174 of the NPPF 2021 which seeks to conserve and enhance the natural environment and promote biodiversity."*

- 5.3 It is agreed that the appeal should focus on this reason for refusal, having regard to the quantum of development and its associated impact on the character of the site, alongside impact of the quantum of development on Biodiversity Net Gain.

## **6.0 PLANNING HISTORY**

6.1 It is agreed that the site forms part of the Local Plan Allocation GO5 which relates to 3 individual sites: CG Edwards; Fairmead Nursery and; Rosemead Nursery. Within this allocation 26 dwellings were shown as an indicative number to be delivered across the Fairmead and Rosemead Nursery sites.

6.2 It is agreed that the Local Plan sets out approximate numbers of dwellings for site allocated for residential development within the Borough.

6.3 Paragraph 3.19 of the Local Plan states:

*“The indicative dwelling figures are neither a minimum nor maximum, but rather an estimate of capacity to inform the plan making process and to provide a starting point for consideration of site-specific issues through the planning application process. In considering the merits of planning applications at the Local Plan sites, the Council will apply the dwelling numbers in the context of sustainable place-making, to achieve efficient use of land through a design-led approach. Proposals at Local Plan sites which differ from the indicative dwelling numbers provided within this Plan should be fully justified with regard to site-specific factors.”*

It is agreed that this statement makes clear that the approximate figures set out within the allocation policies that the dwelling numbers are only a starting point and were used to inform the plan making process. That development should in the context of sustainable place-making make efficient use of land through a design-led approach.

6.4 Planning permission has been granted and development is well advanced on the Former CG Edwards site. Application ref: 07/18/0363/F is of relevance. The application approved the development of 23 dwellings, over the estimated capacity of 20 dwellings.

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### **7.0 PLANNING POLICY**

7.1 This section identifies the planning policies and guidance that will be of most relevance to this appeal. All the documentation referred to will be included within the list of Core Documents.

#### **National Guidance**

##### National Planning Policy Framework

7.2 The NPPF (2021) will be a material consideration in the determination of the appeal. Both parties will make reference to the NPPF in support of their case.

##### National Planning Practice Guidance

7.3 The NPPG will be a material consideration in the determination of this appeal. Both parties will make reference to other relevant sections of the NPPG.

#### **The Development Plan**

7.4 Both parties agree and accept that under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.5 At the time of preparing this SoCG, the Statutory Development Plan that directly relates to the proposed development and the use of the land for the appeal site is comprised solely of the Broxbourne Local Plan 2018 – 2033 (adopted June 2020).

##### Broxbourne Local Plan 2018-2033

7.6 It is agreed that the most important policies of the Local Plan for the purposes of this appeal are as follows:



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GO5 North of Cuffley Hill  
DSC1 General Design Principles  
DSC4 Management and Maintenance  
NEB1 General Strategy for Biodiversity  
NEB3 Green Infrastructure  
NEB4 Landscaping and Biodiversity in New Developments  
ORC1 New Open Space, Leisure, Sport and Recreational Facilities  
P01 Planning Obligations  
INF8 Local Cycle and Walking infrastructure  
INF11: New ad Expanded Primary Schools  
INF12: Educational Facilities  
INF13: Health Care  
TM1 Sustainable Transport  
TM2 Transport & New Development

### **Other Material Considerations**

7.7 There are several other documents that are relevant to this appeal, and these are as follows:

- Borough Wide Supplementary Planning Guidance (August 2004 updated 2013)
- Environment Act 2021
- HCC Guide to Developer Infrastructure Contributions (July 2021)
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**8.0 MATTERS NOT IN DISPUTE**

8.1 This section sets out the matters that are not in dispute between the Appellant and the Local Planning Authority.

**Format of Planning Application and Supporting Material**

8.2 It is agreed that the format of the planning application forms, plans and the supporting documentation fulfilled the requirements of the various regulations and validation checklists applicable at the time of submission.

8.3 It is agreed that the Local Planning Authority agreed to register the application and proceed with its consideration.

8.4 It is agreed that the Local Planning Authority did not exercise its powers to seek any further information pursuant to the Environmental Impact Assessment Regulations.

**The Principle of Development**

8.5 It is agreed that the appeal site is allocated for residential development in the Local Plan under Policy GO5.

8.6 It is agreed that Officers entered into extensive pre-application discussions and further discussions through the life of the application with the Appellant.

8.7 It is agreed that Officers recommended that planning permission should be granted subject to the completion of a Section 106 Agreement and conditions when the application was reported to the Planning Committee on the 25 January 2022.

**Land North of Cuffley Hill, Goffs Oak  
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**Housing Land Supply and Delivery**

- 8.8 It is agreed that the Annual Monitoring Report 2020-21 shows a 5.17 year supply.
- 8.9 It is agreed that the trajectory supporting the Annual Monitoring Report 2020-21 includes the delivery of 84 dwellings on this appeal site.
- 8.10 It is agreed that at Appeal ref: APP/W1905/W/21/3271027, the Council confirmed (June 2021) that the Council could not demonstrate a 5 year land supply.
- 8.11 It is agreed that the Council only delivered 335 dwellings in 2021-2022, which is 119 less than the annual housing requirement.
- 8.12 It is agreed that the Council only achieved 72% against the Housing Delivery Test: 2021 Measurement, accordingly the presumption in favour of sustainable development is triggered.
- 8.13 It is agreed that there are no restrictive policies in NPPF Footnote 7 which would disapply the presumption in favour of sustainable development in this case.

**Development Plan Designations**

- 8.14 It is agreed that, apart from the site allocation for housing, there are no other designations that apply to the appeal site.

**Access and Highways**

- 8.15 It is agreed that the proposals would not have an unacceptable impact on highway safety or have a severe impact on the road network subject to highway contributions. As such there are no grounds for withholding planning permission on highway grounds.

**Land North of Cuffley Hill, Goffs Oak  
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8.16 It is agreed that the Local Highway Authority raise no objection to the application, subject to highway contributions. The matter of contributions is a point in dispute.

8.17 It is agreed that opportunities to improve sustainability of the site have been explored and that the site is well placed to take advantage of opportunities to walk to local facilities and to use the bicycle and public transport to reach higher order facilities.

**Design and Layout**

8.18 It is agreed that detailing, for example materials, can be secured via an appropriately worded planning condition.

**Residential Amenity**

8.19 It is agreed that there are no residential amenity issues that would prevent the grant of planning permission.

8.20 It is agreed that there is no right to a view from a private residential property.

**Noise**

8.21 It is agreed that there is no objection in relation to noise subject to securing appropriate conditions.

**Air Quality**

8.22 It is agreed that there is no objection on air quality grounds.

**Minerals and Waste**

8.23 It is agreed that there is no objection in relation to minerals or waste.

## Land North of Cuffley Hill, Goffs Oak Statement of Common Ground

### Housing Mix

- 8.24 It is agreed that the housing mix proposed is appropriate for this location and should not prevent the grant of planning permission.

### Affordable Housing

- 8.25 It is agreed that the appeal proposals will deliver 40% affordable housing in accordance with policy H2, The Council's Affordable Housing Strategy 2020-2025 identifies that there are around 1,400 households on the Council's housing register and that the affordable housing supply in the Borough is low compared to the level of demand. The strategy states the lack of supply of affordable housing has put pressure on the demand for temporary accommodation with the Council accommodating around 300 households in temporary accommodation. It also states the evidence base demonstrates the need for more homes at more affordable prices within the Borough to meet local housing need. The high need for new affordable housing in the Borough is also acknowledge in the Council's Review of Objectively Assessed Housing need (2016), which states:

*"An assessment of affordable housing need has been undertaken which is compliant with Government guidance to identify whether there is a shortfall or surplus of affordable housing in Broxbourne. This has estimated current affordable housing need in 2014 of between 696 and 967 households, excluding existing social housing tenants where they would release a home for another household in need. The affordable housing needs model then looked at the balance between needs arising and the supply of affordable housing. Each year an estimated 406 to 596 households are expected to fall into affordable housing need and 215 properties are expected to come up for relet.*

*Overall, in the period from 2014 to 2031 a net deficit of 232-438 affordable homes per annum is identified.*

*There is thus a requirement for new affordable housing in the Borough and the Council is justified in seeking to secure additional affordable housing."*

## **Land North of Cuffley Hill, Goffs Oak Statement of Common Ground**

### **Drainage and Flood Risk**

- 8.26 It is agreed that the proposed dwellings are located entirely within Flood Zone 1, the zone with the lowest risk of flooding.
- 8.27 It is agreed that the Lead Local Flood Authority have raised no objection to the appeal proposals.

### **Biodiversity**

- 8.28 It is agreed that Herts & Middlesex Wildlife Trust had no objection to the application subject to condition securing biodiversity gain on-site.
- 8.29 It is agreed that the Environment Act 2021 has not yet come into effect.

### **Built Heritage**

- 8.30 It is agreed that the appeal proposals will have no impact on the heritage significance of any designated or non-designated heritage asset.

### **Open Space, Outdoor Recreation and Sports Facilities**

- 8.31 It is agreed that there is no shortfall in the provision of sports facilities locally.

### **S106 Contributions**

- 8.32 It is agreed that appropriate contributions should be made to ensure the impact of the development on local infrastructure is mitigated against.
- 8.33 It is agreed that there is no requirement for any contribution towards Air Quality.

**Land North of Cuffley Hill, Goffs Oak  
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**Public Benefits**

- 8.34 It is agreed that the proposed development would secure benefits in economic, social and environmental terms. The weight to be attributed to the benefits is disputed.

**9.0 MATTERS THAT REMAIN IN DISPUTE**

9.1 The matters that remain in dispute between the Appellant and the Local Planning Authority area:

Issue 1 – The extent of s106 Contributions that can be reasonably justified.

- The Appellant has set out in evidence matters that require a CIL Justification to enable the requested contributions to be CIL compliant.
- The Local Planning Authority considers the contributions sought at the time of determination remain relevant. These are set out and justified appropriately within the separate CIL Compliance schedule.

Issue 2 – Whether the development represents overdevelopment and whether this has a detrimental impact on the semi-rural character of the site and the area.

- The Appellant considers the proposal to represent an efficient use of an allocated site that appropriately responds to the character and appearance of the site and the local context and is a high quality design solution for the site.
- The Local Planning Authority consider the number of units provided represents an overdevelopment that diminishes the quality of the on site development and erodes the local character of Goff's Oak. As a result of quantum of provision, views into the development from surrounding areas are jarringly at odds with those which presently exist. For this reason the Council has been unable to agree that the design and layout of the proposals is acceptable, not due to any design issue identified with house units, but merely as the layout would by nature amend and become more spacious with a reduced quantum, thus can not be agreed. Similarly landscape and visual impacts can not be agreed as acceptable as were the quantum to be reduced visual impacts and views from the surrounding area would be improved from that presently proposed.

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## **Land North of Cuffley Hill, Goffs Oak Statement of Common Ground**

Issue 3 – Whether the overdevelopment of the site undermines the ability of the development to provide Biodiversity net gain on site.

- The Appellant has demonstrated that a 0.96% Biodiversity Net Gain can be delivered on site.
- The Local Planning Authority considers a greater Biodiversity Net Gain is possible with a reduced quantum of development. The Appellant revised the Defra Matrix on three occasions during the course of the application in order to achieve 0.96% gain..

Issue 4 – The level of deliverable housing sites to meet the identified 5YHLS requirement.

- The Appellant can demonstrate that the Council can only deliver 3.33yrs of housing land supply.
- The Local Planning Authority can demonstrate 5.86 yrs of housing land supply.

Issue 5 – The weight to be afforded to planning benefits when considering the planning balance.

- The Appellant considers the following weighing should apply to the planning benefits:
  - Housing delivery with 40% affordable housing – very significant weight.
  - Economic benefits – limited weight.
  - Sustainable location – significant weight.
  - Open space provision – significant weight.
- The Local Planning Authority considers the following weighing should apply to the planning benefits:
  - Housing delivery with 40% affordable housing – significant weight
  - Economic benefits – Limited weight
  - Sustainable location – significant weight
  - Open space provision – limited weight

**Land North of Cuffley Hill, Goffs Oak  
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**10.0 PLANNING CONDITIONS AND OBLIGATIONS**

10.1 An agreed set of conditions will be provided to the Inspector prior to the opening of the Public Inquiry.

10.2 The Appellant will also present deeds pursuant to Section 106 of the Town and Country Planning Act which will secure any planning obligations that are deemed necessary to make the development acceptable.