

Appeal Decisions

Inquiry opened on 5 September 2023

Accompanied site visits made on 2 & 17 November 2023

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2024

Appeal A Ref: APP/P1940/W/22/3311477

Land rear of 17-49 Church Lane, Sarratt, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Burlington Property Group against the decision of Three Rivers District Council.
- The application Ref 22/0601/OUT, dated 29 March 2022, was refused by notice dated 5 October 2022.
- The development proposed is 'outline application for the erection of up to 83 new dwellings, a new doctors' surgery with vehicular access on to Sarratt Road (appearance, layout, landscaping and scale as reserved matters)'.

Appeal B Ref: APP/P1940/W/22/3311479

Land adjacent to 97 Church Lane Sarratt, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Burlington Property Group against the decision of Three Rivers District Council.
- The application Ref 22/0602/OUT, dated 29 March 2022, was refused by notice dated 30 September 2022.
- The development proposed is 'outline application for 9 new homes, associated access, parking and landscaping (appearance, layout, landscaping and scale as reserved matters)'.

Decisions

1. Appeal A is allowed and outline planning permission granted for up to 83 new dwellings, a new doctors' surgery with vehicular access on to Sarratt Road (appearance, layout, landscaping and scale as reserved matters) on land rear of 17-49 Church Lane, Sarratt, Hertfordshire, in accordance with the terms of the application Ref 22/0601/OUT, dated 29 March 2022, subject to the conditions in the attached schedule.
2. Appeal B is allowed and outline planning permission granted for 9 new homes, associated access, parking and landscaping (appearance, layout, landscaping and scale as reserved matters) on land adjacent to 97 Church Lane Sarratt, Hertfordshire, in accordance with the terms of the application Ref 22/0602/OUT, dated 29 March 2022, subject to the conditions in the attached schedule.

Procedural Matters

3. The Inquiry opened on 5 September 2023 and sat on the following days: 5-8 & 12 September, 31 October, 1, 3, 20-21 & 24 November 2023. It was agreed by the main parties that, in view of the particular timetabling circumstances and individuals' availability, closing submissions would take place virtually on 24 November 2023.
4. In addition to my accompanied site visits on 2 & 17 November 2023, I made a series of unaccompanied visits on other occasions, at different times of the day, including during the hours of darkness, before, during and after the Inquiry.
5. I held two Case Management Conferences (CMC) on 8 March 2023 and 3 May 2023 to discuss the ongoing management of the Inquiry, the likely main issues, including the best method for hearing the evidence, and to ensure the efficient and effective running of the Inquiry.
6. At the first CMC, the Appellant made a request to amend the description of the Appeal A scheme after the original planning application was determined by the Council. The amendment was to remove reference to a 'scout hut' and replace it with the provision of 5 extra dwellings, thereby increasing the total number of dwellings from 78 to 83. The overall 'red line' area of the application did not change. After detailed submissions from both main parties, I ruled that I was content to accept the amendment¹, having regard to the tests in *Holborn Studios* and *Wheatcroft*², subject to a further round of public consultation, as well as reconsulting technical consultees if necessary. This process was undertaken by the Council and Appeal A has proceeded on the basis of the amended description. The header above reflects this change.
7. Both applications are made in outline with all matters apart from access reserved for subsequent determination. In Appeal A, there were originally seven reasons for refusal and in Appeal B, there were originally five. The Council has since confirmed that, following further discussions and provision of information, the reasons for refusal relating to biodiversity and drainage have now fallen away. Matters relating to affordable housing are now addressed by a planning obligation, meaning the reasons for refusal on that issue are no longer being pursued. Provision of a healthcare financial contribution has been agreed as part of a planning obligation, such that objections on that ground no longer stand.
8. A planning obligation, relating to both appeals, dated 7 December 2023 in the form of a Unilateral Undertaking (UU) has been completed by the Appellant and owners of the site in favour of the Council. Certain aspects of the UU remain disputed, but this does not bear on whether the appeals should be allowed or dismissed, simply on what obligations should be provided. I deal with the UU in the body of my decision.
9. The Secretary of State has considered both planning applications subject of these appeals in terms of the Environmental Impact Assessment (EIA)

¹ Inspector's Inquiry Note dated 12 April 2023

² *R(Holborn Studios) v London Borough of Hackney* [2017] EWHC 2923; *Bernhard Wheatcroft Ltd v SSE* [JPL 1982 P37]

Regulations 2017 and has confirmed that neither proposal constitutes EIA development³.

10. A new National Planning Policy Framework (the Framework) was published in December 2023. Comments were sought on this document from the main parties which I have taken into account in my decision⁴.

Main Issues

11. In the light of the above, the main issues in both appeals are:

- (i) the effect of the proposals on the Green Belt, including openness;
- (ii) the effect of the proposals on the character and appearance of the area, particularly the landscape;
- (iii) the locational sustainability of the sites;
- (iv) the effect of the proposals on highway safety;
- (v) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.

Reasons

Planning Policy Context

12. The relevant legislation⁵ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Core Strategy (CS), adopted in October 2011; the Development Management Policies Local Development Document (DMP), adopted in July 2013, and the Site Allocations Local Development Document (SA), adopted November 2014.
13. The Framework sets out the Government's planning policies and is a material consideration in planning decisions. The main parties accept that both proposals comprising housing and a doctors' surgery (Appeal A) and housing (Appeal B) would represent 'inappropriate development' within the Green Belt in terms of the Framework⁶. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances⁷. The Framework directs substantial weight is given to any harm to the Green Belt. It also states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations⁸.
14. Both main parties agree that the most important policies for determining the appeals are as follows⁹ which largely derive from the reasons for refusal: from the CS, Policy PSP4 (Development in Villages); Policy CP1 (Overarching Policy

³ Letters dated 24 January 2023 from The Planning Inspectorate

⁴ Comments received on 15 January 2024 [ID43]

⁵ Section 38(6) of the Planning and Compulsory Purchase Act 2004

⁶ Statement of Common Ground (SoCG), Paragraph 4.24 [CD 7.3]

⁷ Paragraph 152

⁸ Paragraph 153

⁹ ID15

on Sustainable Development); CP2 (Housing Supply); Policy CP3 (Housing Mix and Density); Policy CP4 (Affordable Housing); Policy CP10 (Transport and Travel); Policy CP11 (Green Belt) and Policy CP12 (Design of Development). In terms of the DMP, Policy DM1 (Residential Design and Layout), Policy DM2 (Green Belt), Policy DM7 (Landscape Character) and DM12 (Community, Leisure and Cultural Facilities).

15. Following agreement of certain issues in relation to the reasons for refusal, the following policies remain particularly relevant: Policy CP1 of the CS provides a wide range of criteria against which proposals will be assessed to achieve sustainable development. Policy CP12 of the CS sets out design criteria for developments, including the need to have regard to local context and character, and to conserve natural assets. Policy CP11 of the CS and Policy DM2 of the DMP deal with the Green Belt. Policy CP11 seeks to maintain the general extent of the Green Belt and restricts inappropriate development. Policy DM2 similarly restricts inappropriate development other than in very special circumstances. Policy DM7 deals with landscape character, requiring proposals to make a positive contribution to the surrounding landscape, and requiring that proposals that unacceptably harm the landscape be refused.
16. Policy PSP4 of the CS is one of the 'place-shaping' policies which provide more detail on the overall spatial strategy, setting out how the various settlements within the settlement hierarchy will accommodate future development¹⁰. Policy PSP4 deals with development in villages (including Sarratt) and sets out a series of wide-ranging criteria that must be met. These include, amongst other things, requiring development in villages to protect the character, landscape, heritage and wildlife of the wider countryside, and the openness of the Green Belt. Strict control is placed on development by certain criteria within the Policy, including; allowing only small scale development in or on the edge of villages in order to meet community or business needs; allocating and releasing sites solely for affordable housing using a rural exception site policy approach to accommodate households which contain current residents or have an existing family or employment connection; and providing for approximately 1% of the District's housing requirements over the Plan period to include affordable housing to meet local needs.
17. Policy C4 of the CS deals with affordable housing and seeks an overall provision of around 45% of all new housing as affordable. In terms of villages, the policy only permits small scale affordable housing within and adjacent to village cores on the basis of need through the release and allocation of rural exception sites.
18. There is no dispute that the Council cannot demonstrate a deliverable supply of housing as required by the Framework. The agreed position is that the Council can only demonstrate a 1.9 year supply of housing¹¹. The Framework is clear that where a local planning authority cannot demonstrate a five year supply of deliverable sites, policies which are 'most important for determining the application' are deemed out of date¹². Importantly, however, the Framework does not change the statutory basis of the development plan for decision making, and the fact that policies are deemed 'out of date' does not mean they should carry no weight or be disregarded or ignored.

¹⁰ The Settlement Hierarchy comprises 'Principal Towns' (Rickmansworth), 'Key Centres', 'Secondary Centres' and 'Villages'

¹¹ SoCG, Paragraph 4.22 [CD 7.3]

¹² Footnote 8 of the Framework

19. Where there is an absence of a five year supply of housing, the Framework also requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole¹³. However, this so called 'tilted balance' in favour of granting permission may be 'disengaged' where specific policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. Those relating to the Green Belt are one such category¹⁴. I return to this matter later.
20. A new Local Plan is currently being prepared, and a Regulation 18 consultation has recently taken place¹⁵. The new Local Plan is still at an early stage and has yet to be submitted to the Secretary of State for Examination. The Council estimates that it will not be adopted before 2026. Having regard to advice within the Framework¹⁶, it cannot attract any significant weight at this stage. Similarly, a Sarratt Neighbourhood Plan is currently being prepared but this is still at an early stage, and again cannot attract any significant weight.

Effect on the openness of the Green Belt

Appeal A

21. The appeal site comprises a roughly oblong shaped area of some 5.5 hectares, forming a gently undulating large pastoral field, beyond the settlement boundary of Sarratt. Its north western boundary adjoins horticultural nursery buildings and an open area of land. To the north east is open land used for grazing horses. Its south western boundary adjoins open agricultural land. The south eastern boundary is defined in part by Sarratt Road, and in part by open agricultural land. Public footpath 34 runs across the site running close to the north eastern boundary, but then traverses the site at an angle, running in a southerly direction, and connecting with footpath 31.
22. The village of Sarratt is 'washed over' by the Green Belt, rather than being 'inset' or excluded from it. The Framework notes that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the Green Belt are their openness and permanence. In the Green Belt Review ('the GB Review')¹⁷ undertaken for the Council in 2017, the site falls within the larger Parcel 'NW4,' and the overall assessment was that this whole area made a 'significant' contribution to Green Belt purposes - the highest category¹⁸.
23. In terms of individual 'purposes' of the Green Belt for NW4, a 'significant' rating was also given in respect of 'checking unrestricted sprawl of large built-up areas' and 'assisting in safeguarding the countryside from encroachment'¹⁹. However, the Council's case for Appeal A relies solely on the latter purpose – safeguarding the countryside from encroachment – rather than the former. The GB Review noted that the village of Sarratt should remain 'washed over' by the Green Belt, rather than being excluded, because of its open character and strong relationship with the landscape in which it is located.

¹³ Paragraph 11(d)(ii)

¹⁴ Footnote 7

¹⁵ Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

¹⁶ Paragraph 48

¹⁷ Amec Foster Wheeler Environment & Infrastructure Ltd [CD 4.29]

¹⁸ The categories were: 'Significant contribution'; 'Contribution'; and 'Limited Contribution'.

¹⁹ Pages 23-24, Table 3.1 [4.29]

24. The GB Review further found in respect of NW4 that 'the principal function of Green Belt in this area was to protect the openness of the countryside through the prevention of encroachment by incremental development', noting that it was 'vulnerable to change which would cumulatively alter its character'²⁰. It also noted a strong 'degree of coherence to the landscape' and that the 'character and condition of Green Belt in this location is strong with little evidence of opportunities for enhancement'²¹. The GB Review also found that, in terms of Sarratt, there is a 'sense of spaciousness and hence connection with, and contribution to, the wider Green Belt'²².
25. The GB Review was produced to be used as part of the evidence base in the production of the Council's emerging Local Plan. It is principally a strategic review, assessing the Green Belt against the five purposes set out in the Framework. Notably, it does not identify land for release or development. Whilst clearly a relevant consideration for these appeals and helpful, the GB Review cannot be determinative in these cases. That is because it is a relatively coarse-grained exercise looking at broad areas or 'Parcels'. It is not a fine-grained analysis examining the contribution of individual sites to the Green Belt, or the effects of these particular developments. Furthermore, the outcome of these appeals does not undermine the GB Review's overall conclusion that Sarratt should continue to be 'washed over' by the Green Belt.
26. On entering the appeal site via public footpath 34 from Church Lane, one is immediately aware that this is a gateway to the countryside, and the open and spacious character of the Green Belt is apparent. The site is a field forming part of a continuous and open swathe of countryside to the east, south and west of Sarratt. It forms part of a wider attractive and undulating landscape with a gently rolling topography. There are clear views out of the site to the fields and expansive countryside beyond. That said, the site does benefit from some degree of enclosure and visual containment by virtue of the mature hedgerows and intermittent trees along its boundaries.
27. Whilst this is an outline scheme, the submitted plans give some indication of how the site could be developed. In addition to the doctors' surgery proposed in the northern corner of the site, the plans show a mix of residential dwellings, including apartments, terraces, semi-detached and detached. New gardens would be created for the houses, with fencing and domestic paraphernalia. A significant amount of hardstanding, including parking and an internal road layout would be built. All this built form, on an open field which is currently undeveloped, would clearly have a harmful effect on the openness of this part of the Green Belt. Activity within the site would also increase greatly with the comings and goings of residents, visitors, and staff and patients of the doctors' surgery.
28. Whilst landscaping is a reserved matter, both the Parameter Plan and the Indicative Layout show significant new green buffers and structural landscaping along the south eastern and south western boundaries. This would appreciably augment the existing field boundaries of hedgerows and trees and help screen the new development from the wider landscape. On the other hand, as the Council points out, it would also have the effect of diminishing the openness of this part of the Green Belt by divorcing the appeal site from the neighbouring

²⁰ Page 29, Paragraph 9

²¹ Ibid

²² Page 38, Table 4.1

agricultural fields and the wider open countryside context. In terms of the wider impact on the Green Belt, the Council accepted that the effects on openness would be 'on-site' and localised. I agree that the effects on wider Green Belt openness would be relatively limited.

29. To sum up, I consider that the introduction of a significant amount of built form on an undeveloped area would inevitably result in a significant loss of openness of the Green Belt causing material harm, as well as harm by inappropriateness. It would conflict with the Green Belt purpose of safeguarding the countryside from encroachment²³. The Framework directs that substantial weight should be given to any harm to the Green Belt in the planning balance.

Appeal B

30. This site is considerably smaller than Site A, comprising a roughly rectangular area of 0.7 hectares forming an agricultural field fronting Church Lane / New Road, sloping gently away from the road. The western boundary fronting the road is defined by a hedgerow and mature trees, with an overgrown entrance and metal gate providing access into the field. The southern boundary adjoins a mature tree belt which extends beyond the site into open countryside. The northern boundary adjoins an access way that leads to stables. The eastern boundary borders open countryside. The site falls outside the village settlement boundary and is washed over by the Green Belt designation. Again, the site falls within the larger Parcel NW4 identified in the GB Review.
31. In terms of conflict with the purposes of the Green Belt, in addition to 'safeguarding the countryside from encroachment'²⁴, the Council also alleges conflict with the purpose 'to prevent neighbouring towns merging into one another'²⁵. I note that Church End is referred to as a 'distinct settlement'²⁶ and is also identified separately in terms of the village settlement boundaries on the policies map. However, it seems to me that Church End, comprising the Church of the Holy Cross, limited housing and a pub, is perceived much more as an outlying but integral part of Sarratt rather than a separate settlement or freestanding neighbouring town. It is clear the construction of 9 houses would close the existing gap in the Green Belt, and result in coalescence between Church End and Sarratt. But I am not persuaded that the Green Belt purpose preventing neighbouring towns merging is especially relevant here, as Church End and Sarratt cannot realistically be regarded as separate towns.
32. The site is reasonably well enclosed to the northern and southern boundaries, and as noted, the western boundary is marked by a hedgerow fronting the road. However, the site is open to the east, connecting with the wider landscape and Green Belt. The proposal would result in a loss of openness to the site itself through the construction of houses, with associated gardens and boundary fences, and associated domestic paraphernalia. There would also be the creation of hardstanding, along with the creation of an internal road layout. Activity within the site would increase, associated with the new houses. The creation of woodland planting along the eastern edge, whilst screening the proposed housing to an extent, would also have the effect of divorcing the site from the wider Green Belt.

²³ Framework 143(c)

²⁴ Paragraph 143(c)

²⁵ Paragraph 143(b)

²⁶ Paragraph 1.4, Sarratt Design Code [CD3.7]

33. In terms of effects on the wider Green Belt, these would be relatively limited because of the degree of enclosure of the site and the comparatively small area proposed for development. Nonetheless, the introduction of 9 dwellings on an undeveloped area would result in a loss of openness of the Green Belt causing material harm. As well as the definitional harm, it would conflict with the purpose of safeguarding the countryside from encroachment²⁷. The Framework directs that substantial weight should be given to any harm to the Green Belt in the planning balance.

Effect on the Landscape

Appeal A

34. At a national level, Appeal Site A falls within National Character Area 110 – The Chilterns, which encompasses an extensive area. At a more detailed local level, the site is identified as within the 'Sarratt Plateau' Character Area²⁸. Appeal Site A and its wider surroundings exhibit a number of the characteristics of this area including farms and pastoral land use, a range of vernacular buildings, and settlements around greens or fronting commons. Whatever character label is attached, I consider the appeal site can be regarded as forming part of an attractive pastoral landscape that remains largely intact and unspoilt in this locality. From my own observations during my site inspections, it is clear that the wider landscape is composed of fields, punctuated by hedgerows and intermittent trees. This creates an expansive and pleasing character.
35. There are differences between the Council and Appellant regarding visual and landscape impact which are summarised in the Landscape Statement of Common Ground²⁹. The Council is of the view that the development would result in 'major adverse' permanent effects within the site, whilst effects to the wider local character area would be 'major / moderate adverse' on completion reducing to 'moderate adverse' in the longer term³⁰. The Appellant considers the effect on the site itself would be 'substantial' on completion reducing to 'moderate adverse' after 15 years³¹. The Appellant is also of the view that the scheme would be successfully assimilated into the landscape context and result in some beneficial effects to the landscape. Overall, I take the view that the Appellant's evidence has generally underestimated the impact of the proposal, as well as undervaluing the overall sensitivity of the site and wider countryside.
36. As noted above, I consider the site currently serves as a gateway from the village to the wider countryside: walking away from Church Lane along Footpath 34 into the field, one is immediately aware of entering an attractive and rural pastoral landscape, of which the appeal site forms part. The urban edge of Sarratt comprising the houses along Church Lane, whilst undoubtedly very close, is largely separated by trees and is not especially visible or dominant. Similarly, the glass houses at the adjacent nursery are low rise structures that do not intrude significantly into the landscape. The Green End Business Centre, further to the south west, can also be glimpsed in the distance, but again does not dominate the site to any real extent. Indeed, the impression one gets when walking across the field is of being in a peaceful and

²⁷ Framework 143(c)

²⁸ Hertfordshire Landscape Character Assessment (2003)

²⁹ ID26

³⁰ Proof of Mr Leaver, Paragraph 5.1.7

³¹ Proof of Mr Evans, Paragraph 11.27

tranquil rural location. One of my site visits took place during the hours of darkness, and the dark skies, absence of light pollution and general tranquillity reinforced this impression.

37. The site also provides a setting for the public footpath which runs across the site, and then links to other footpaths in the wider countryside. The Appellant states that it is expected that the footpath would be retained on its current alignment³². During my various site inspections, the footpath appeared to be popular with walkers. The proposed coverage of a significant part of the existing field with new housing would mean that views of the rural countryside from the footpath would be compromised. The construction of this urban built form would fundamentally alter users' experiences of this section of the footpath. Rather than walking past an open field which forms part of a much wider rural landscape, it would in effect become a walk past a housing estate. Most users are likely to find their experience and enjoyment of the footpath considerably reduced by such changes to the landscape.
38. The Appellant contends that the site is well-contained, with limited views from the wider landscape. I agree there is a degree of enclosure because of the well-defined established mature boundary hedgerows and trees. Nonetheless, currently the appeal site forms a pleasant part of the wider landscape and its development would be harmful to it. Adverse impacts would also arise from the proposed new access into the site from Sarratt Road, and associated visibility splays, and the loss of a section of hedgerow³³. This new gap would create views of the proposed development which would change the character of the rural locality in this location, introducing a more suburban feel.
39. On the other hand, and importantly, whilst the character of the site would inevitably substantially change, the scheme has been carefully designed to incorporate significant areas of open space and landscape buffers, especially on the south eastern and south western part of the site. It is proposed to plant new native hedgerows across the site, as well as creating a series of additional footpaths. The overall amount of hedgerow and trees on the site would increase³⁴. Landscaping could take place along the corridor of the existing footpath. The indicative plans show tree lined streets. As the Appellant notes, there is scope for a well-designed and sensitive scheme. The landscape and visual effects would clearly be greater in the early years of the development, although they would significantly reduce over time as the landscaping matures, and the built form becomes more assimilated into the local context.
40. It is notable that the Council's Landscape Officer did not raise an objection to this proposal, observing that the plans for remedial landscaping appeared to be of a high quality³⁵. Moreover, both the Appellant and Council agreed that the landscape and visual effects would ultimately be 'localised'³⁶. I agree that, whilst the proposal would advance built form into this part of the countryside, the effects within the wider landscape would not be that significant. Furthermore, the site and surroundings are not identified as a 'valued landscape' in terms of the Framework³⁷. Of course, that is not to say that the site is not valued locally by the residents of Sarratt.

³² Landscape Statement of Common Ground, Paragraphs 1.9 & 1.16 [ID26]

³³ Agreed Statement of Transport Matters, Image 2.4, Page 8 [ID6]

³⁴ Proof of Mr Evans, Paragraph 7.5 & 7.10

³⁵ Officer's Report, Paragraph 4.4 [CD 2.3]

³⁶ Landscape Statement of Common Ground, Paragraph 1.14

³⁷ Paragraph 180(a)

41. Overall, I consider that harm would arise to landscape character, although these effects would diminish over time. Nonetheless, the proposal would be contrary to Policy CP1(f) of the CS insofar as it would fail to protect or enhance the natural environment. It would conflict with Policy CP12 in that it would fail to conserve and enhance natural assets or the character of the area. It would also conflict with Policy PSP4 which requires, amongst other things, strict control over development in Sarratt to protect landscape character and Green Belt openness. It would conflict with Policy DM7 which requires development proposals to make a positive contribution to the surrounding landscape. It would also conflict with Framework Paragraph 180(b) which requires that decisions should, amongst other things, contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Appeal B

42. As with Site A, at a national level, the appeal site falls within National Character Area 110 – The Chilterns, which encompasses an extensive area. At a more detailed local level, the site is identified as within the ‘Sarratt Plateau’ Character Area³⁸. At present, the site is experienced from New Lane / Church Road as a field, merging with the wider countryside, seen through the gaps in the existing hedgerow and trees. It can also be seen at a distance from the east, along footpath 31, through gaps in the hedgerow, although there is no direct public access to the site.
43. Development would take place in depth, beyond the existing settlement boundary, resulting in an extension of urban form, encroaching into the countryside. As the Appellant notes, ‘there would be a significant change to the site landscape as a pastoral field would be transformed into a new area of housing and roads’, albeit set within ‘a robust framework of greenspaces’³⁹. Trees and hedgerow would require removal along the New Road / Church Lane frontage to achieve the necessary visibility splays to the vehicular access. New hedgerow planting would be reinstated on a realigned frontage, to take account of the sightlines, so the houses would initially be seen behind an immature belt of vegetation, but this would mature over time.
44. Both the proposed pedestrian footway access at the site’s northern corner and vehicular access to the south would entail more prominent breaks in the hedgerow, creating views of the residential development. As noted, the introduction of housing would also result in the loss of the open gap between Sarratt and Church End. All this would impair the rural feel of this part of Church Lane / New Road.
45. In terms of wider views, as noted, the site is visible from footpath 31 to the east. From this location, the appeal proposals would be viewed in the context of the existing built development along Church Lane, including housing, the adjacent stables and the business centre. The proposed belt of trees along the eastern boundary, once mature, would screen and filter views of the dwellings in the longer term, but it is possible that upper parts of the buildings and rooftops would remain visible.

³⁸ Hertfordshire Landscape Character Assessment (2003)

³⁹ Landscape and Visual Appraisal, Paragraph 9.3.1

46. However, the relatively enclosed character of this site, with development adjacent to the north and a dense tree belt to the south, means wider landscape impacts would be relatively limited. Both the Appellant and Council agreed that the landscape and visual effects would ultimately be 'localised'⁴⁰. The Council's Landscape Officer did not object, noting there would be substantial new planting on the eastern boundary⁴¹. The additional landscaping means the overall amount of hedgerow and trees on the site would increase⁴². It seems to me that, as the site is partly contiguous with existing development of the village, and with a degree of enclosure, the scheme would not appear as an isolated intrusion of housing into the countryside, but rather would be perceived as a continuation of existing development.
47. Overall, in respect of Appeal B, I consider that some harm would arise to landscape character. To that extent, the proposal would be contrary to Policy CP1(f), Policy CP12, Policy PSP4 of the CS, and Policy DM7 of the DMP. It would also conflict with Framework Paragraph 180(b).
48. *Area of Outstanding Natural Beauty*. For completeness, I also deal with the effect of both appeal proposals on the Area of Outstanding Natural Beauty (AONB). The boundary of the Chilterns AONB lies around 250 metres to the west of Appeal Site A. The AONB lies adjacent to Appeal Site B on the western side of Church Lane / New Road, and to the south, separated by a narrow woodland belt. The Framework is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. It also requires that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on designated areas⁴³. Both main parties agree that neither proposal would give rise to adverse effects to the setting of the AONB. I concur with that assessment.

Locational Sustainability

49. Matters relating to locational sustainability are essentially the same for both appeals. Sarratt is designated as a 'village' in the settlement hierarchy in the CS. The CS notes that villages provide a 'limited range of services' and 'access to public transport is also limited'⁴⁴. I agree with that appraisal. There is a Community Post Office and Store that sells a limited range of convenience products. There is a primary school and pre-school. There is a small doctors' satellite surgery (which would be replaced with a larger facility in Appeal A). There are three public houses. There is a village hall, playing fields and a pavilion. The Green End Farm Business Units provide some employment opportunities⁴⁵. It is not disputed that future residents would be able to walk or cycle to the services and facilities available in the village. However, I consider the reality is that for most residents, it would be necessary to travel further afield for a range of essential shops, services, secondary schools, and employment which is likely to result in trips by private vehicles.
50. Public transport is relatively limited. A single bus service is available in the village – Route 352 between Hemel Hempstead and Watford. There are five

⁴⁰ Appellant's Closing Submissions, Paragraph 65

⁴¹ Officer's Report, Paragraph 4.4 [CD 2.4]

⁴² Proof of Mr Evans, Paragraph 7.28

⁴³ Paragraph 182

⁴⁴ Core Strategy, Paragraph 4.8

⁴⁵ Rebuttal Proof of Mr Hamshaw, Paragraph 2.1.28

buses a day in each direction, at roughly 2 hourly intervals, from Monday to Friday. On Saturdays, there are 6 buses a day, again at roughly 2 hourly intervals, with no service on a Sunday⁴⁶. There is a single morning peak hour service to Watford (07.48) and a single afternoon hour peak service returning to Sarratt (18.53). Although the Appellant states 'you only need to catch a bus once to make the journey'⁴⁷, I consider that the limited frequency of this service is unlikely to offer an attractive alternative to reliance on the private car. There are no railway stations in the immediate locality, although Chorleywood and Rickmansworth are not too far away at 4.3 km and 5.4 km respectively.

51. The Appellant mentioned that there are opportunities for cycling to a range of settlements and stations within 5 km and 8 km isochrones⁴⁸. It was noted that a cycling distance of up to 5 km offers the greatest potential to replace car trips and is therefore a 'reasonable' cycling distance⁴⁹ - although a number of trips 'may be longer at 8km'. Chorleywood Station would be within this 5km distance, but other railway stations lie beyond, including Rickmansworth, Croxley and Watford, as well as various secondary schools (Kings Langley School, Rickmansworth School, Croxley Danes School, and The Reach Free School).
52. Whilst cycling may certainly be possible, it would entail the use of rural lanes with narrow sections and passing bays, and in sections subject to a 60mph speed limit. Some of the routes are hilly, with steep inclines and declines, including the route to Chorleywood via North Hill. Having travelled a number of the routes in the hinterland of Sarratt myself, I found the roads often to be narrow, especially in terms of two cars passing, with poor forward visibility and were certainly not the easiest to navigate. Many roads in the locality do not have street lighting. Although the Appellant suggests that electric bicycles would make gradients significantly easier, this does not alter the comfort or attractiveness of the routes for cyclists. The DfT Guidance⁵⁰ advises that when people are travelling by bicycle, they need networks and routes that are coherent, direct, safe, comfortable and attractive. From my own observations, not all these criteria are met around Sarratt. However, it does not necessarily follow that individuals would not choose to cycle. I also note that there was no specific safety reason for refusal in this respect.
53. Both schemes would include provision of charging points for electric vehicles, and I note that sustainable transport modes include ultra-low and zero emission vehicles⁵¹. I agree this may encourage uptake of this form of sustainable transport. In order to improve pedestrian links, the appellant has agreed to provide a zebra crossing on Dimmocks Lane close to the bus stops⁵². In Appeal A, Travel Plans would be submitted for approval to the Council for both the residential element and doctors' surgery. These would include, amongst other things, information packs about bus service timetables, walking routes, maps, details of taxi services, and local amenities and travel vouchers to the value of £150 for each household. In Appeal B, a condition is proposed

⁴⁶ Agreed Statement on Transport Matters, Paragraph 2.1.4 [ID6]

⁴⁷ Appellant's Closing Submissions, Paragraph 85

⁴⁸ Proof of Mr Hamshaw, Figure 4.4, Page 39

⁴⁹ Ibid, Paragraph 4.5.11

⁵⁰ DfT Guidance Local Transport Note 1/20: Cycle Infrastructure Design, Paragraph 4.2.2 [CD3.13]

⁵¹ Framework Glossary: 'Sustainable Transport Modes', Page 76

⁵² Rebuttal Proof of Mr Hamshaw, Paragraph 2.1.25

requiring a sustainable transport information pack to be provided to each household.

54. The Framework requires that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes⁵³. Given the Framework specifically refers to 'significant development', this can only really be applicable in relation to Appeal A, or Appeals A and B together, rather than Appeal B on its own. In addition, and very importantly, the Framework also makes clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision taking⁵⁴.
55. I fully endorse that there is no 'one size fits all' approach to judging sustainability, and it is wrong to judge a rural area by the same standards as an inner city⁵⁵. Parts of the Three Rivers District are more rural in character, including Sarratt. This means that options for public transport are more limited, as are the availability of shops, local services and facilities. This also requires a realistic approach to the general travel method of its residents. Moreover, residents of the appeal development would be in no different position to other existing residents in Sarratt, or indeed the wider District. In addition, it seems to me that, given the scale of the need for new housing in the District, some development may need to take place in areas less accessible to public transport.
56. To sum up, I consider the appeal sites fall within a village with relatively limited facilities, employment opportunities, and accessibility to public transport. This means that residents are more likely to be reliant on private transport. It is also likely that trips by staff and patients visiting the proposed new enlarged surgery from outside Sarratt would predominantly travel by private vehicle. That said, there are certainly some opportunities for sustainable means of transport. Overall, nonetheless, there would be some conflict with Policies CP1 and CP10 of the CS which require taking account of the need to reduce travel by locating development in accessible locations and promoting a range of sustainable travel modes, although the Framework does recognise opportunities to maximise sustainable transport solutions will vary depending on location.

Highway Safety

Appeal A

57. The Council initially raised concerns in terms of highway safety. Further information has been provided by the Appellant such that all technical matters in terms of highway safety, increased vehicular traffic and access arrangements have been overcome.
58. The Council has nonetheless raised other concerns. It highlighted that cyclists do not currently have a right of way across public footpath 34 into the site, notwithstanding that the scheme was promoted on the basis of cyclists accessing the site in this way. Initially, in response, acknowledging this, the Appellant suggested that cyclists could access the site via the proposed vehicle

⁵³ Paragraph 109

⁵⁴ Framework Paragraph 109

⁵⁵ Appellant's Closing Submissions, Paragraph 81

access on to Sarratt Road rather than the footpath⁵⁶. The Council quite understandably raised concerns that direct cycle access on to this road would be unsafe. Ultimately, it was agreed between the parties that the cycle access would remain as originally proposed in the scheme, using public footpath 34, with a condition requiring the necessary public rights for lawful cycle use to be obtained prior to any development commencing.

59. Further concerns were also raised by the Council regarding the safety of using public footpath 34 in terms of the lack of lighting, its shared nature – including pedestrians, cyclists and vehicles (specifically along the section of the access road to the nursery from Church Lane), and whether in practice it could be improved, given some of the land falls outside the application site and is owned by a third party. Again, the parties ultimately agreed matters could be agreed by condition, including an improvement scheme for the footpath and cycle track along the existing footpath. Whilst the exact terms of the condition were not agreed between the parties, the overarching principle was nonetheless accepted. There is, therefore, no remaining highway safety objection in relation to Appeal A.

Appeal B

60. In relation to Appeal B, visibility splays are no longer at issue. The only outstanding matter relates to the lack of pedestrian footway along Church Lane, and whether it would present an 'unacceptable impact on highway safety'⁵⁷. It seems to me that Church Lane already effectively operates as a shared surface in places with existing residents safely using the carriageway alongside other road users with no record of any accidents for the latest 5 year period for which data is available⁵⁸. The Appeal B development, given its size, would not give rise to a significant increase in either vehicular or pedestrian activity along Church Lane, and the potential for any conflict would not appreciably change. I note this matter was not identified as problematic in a recent allowed appeal for a site on the opposite side of the road which was for a larger number of dwellings⁵⁹.
61. Whilst it may be sub-optimal that there is no designated pathway along Church Road to the site, it is not unusual for pedestrians to walk within the carriageway on lightly trafficked roads, and shared surfaces can work where traffic speeds and volumes are low. In this case, I am satisfied, on balance, that the absence of a footpath would not endanger pedestrian safety. Overall, I do not consider that the Council's objections on highway safety are sufficiently well founded for Appeal B to fail. I therefore find no fundamental conflict with Policy CP10 of the CS or the Framework.

Planning Obligation

62. A planning obligation in the form of a UU has been completed by the Appellant and owners of the site, dated 7 December 2023, in favour of the Council. It has been drafted with varying provisions depending on the possible different outcomes of the appeals, including for example if both are allowed, or one or other is allowed or dismissed.

⁵⁶ Paragraph 2.1.22, Rebuttal Proof of Mr Hamshaw

⁵⁷ Framework, Paragraph 115

⁵⁸ Proof of Mr Hamshaw, Paragraph 3.2.12

⁵⁹ Appeal APP/P1940/22/3300083 for 20 dwellings, r/o 76-78 Church Lane [CD5.45]

63. It secures the provision of affordable housing to be provided in accordance with an agreed tenure mix, to include Social Rent (70%), Shared Ownership (20%) and First Homes (10%) or such other mix as is approved by the Council. If both appeals were to be allowed, the affordable housing provision for Appeal A and B would all be provided on Site A, with a requirement that 52% of the total units be affordable. If both appeals are allowed, a total of 48 affordable units would be provided. If only Appeal A is allowed, and Appeal B dismissed, then 44 units would be provided⁶⁰. The UU allows for an affordable housing financial contribution to be paid, in accordance with a formula, in the event Appeal A is dismissed and Appeal B allowed, rather than on-site provision. The UU sets out at what point the affordable housing must be provided and transferred to a registered provider.
64. The UU also provides for the provision of custom and self-build homes. If both appeals are allowed, it is anticipated that there would be 5 plots on Site A, and 4 plots on Site B, providing a total of 9 plots. If only Appeal A is allowed, then no less than 8 self /custom build plots would be provided. If only Appeal B is allowed, there would be 4 plots provided on that site⁶¹.
65. The UU sets out requirements for the doctors' surgery that forms part of Appeal A, requiring that it should be a minimum internal area of 164 sqm. It requires the provision of a scheme for the surgery to be approved before commencement of development. The scheme must include the specification of the surgery, as well as proposals for its future management, and a programme for its construction and completion. The UU also stipulates that the Appeal A development shall not be occupied until the surgery has been completed⁶².
66. The UU includes a Healthcare Contribution (£107,153) to be used towards improvements at the New Road Surgery and/or Church Lane Surgery via a payment to the Hertfordshire and West Essex Integrated Care Board.
67. The UU includes provision for open space (Appeal A) to comprise at least 2.01 hectares of publicly accessible land, including a requirement for a scheme for its specification, completion, and future management. It also provides for a Biodiversity Net Gain contribution (BNG) for both appeals to be paid to the Environment Bank before commencement of development, with differing amounts, depending on different scenarios in terms of allowing or dismissing the appeals, either to secure a 1% or 10% contribution⁶³.
68. There were disagreements about aspects of the UU as follows: (1) the size of the doctors' surgery stipulated in the obligation; (2) whether the occupation of housing should relate to the completion of the surgery, or its actual operation; (3) a requirement (as a pre-occupation restriction) to agree the net proceeds following the sale of any social rent unit by a registered provider; (4) differences regarding the moratorium period in relation to the disposing of the affordable housing units for full market value. For the mortgagee protection clause for chargees of a Registered Provider, the Council argued for a five month moratorium period (prohibiting the power of sale), whereas the Appellant considered it should be three months; and (5) the percentage payable in respect of bio-diversity net gain.

⁶⁰ As per Affordable Housing Statement of Common Ground [ID17]

⁶¹ See Proof of Mr Moger, Paragraphs 1.6-1.7

⁶² Paragraph 16.2 of the UU

⁶³ Paragraph 4.2 of the Summary Note for the UU

69. To the extent the obligations are not agreed, the UU has been drafted on an either / or basis. In terms of (1), the wording in the UU that the surgery shall comprise a footprint of 164 sqm is expressed as a minimum. Therefore, this provides a degree of flexibility at the reserved matters stage and I see no reason to insert a different figure. I agree that regarding (2), given the Appellant ultimately cannot have control over the operation of the surgery, the trigger for first occupation should be 'completion'. In relation to (3), the 'net proceeds clause', in the event that an affordable dwelling is lost by virtue of the operation of Paragraph 8.2 of the UU⁶⁴, I consider that it is reasonable for the UU to seek to secure the recycling of net proceeds in accordance with arrangements submitted to and approved by the Council. The Council states that such a clause is routinely required without objection, and I have no reason to doubt this to be so. I am satisfied that this clause would be reasonable and necessary.
70. In relation to (4), contradictory evidence has been submitted on the matter. I note the Appellant has stated three months represents a standard approach, widely accepted, including by the Greater London Authority. The Council, on the other hand, rejects the assertion that there is a three month 'industry standard'. The Council has set out detailed reasons why a five month period would be necessary, and why three months would be too short. Examples are cited where the longer time period has been conceded without debate⁶⁵. I find the Council's detailed submissions on this matter compelling and am satisfied that a five month period would be appropriate in this instance.
71. In relation to (5), although the relevant legislation has now come into effect requiring a 10% provision in relation to bio-diversity net gain, the transitional arrangements mean this only applies to new planning applications submitted after a certain date⁶⁶. Policy DM6 of the DMP does not stipulate a specific percentage gain, only requiring that there should be no net loss of biodiversity across the district, whilst the Framework is expressed in non-specific terms, simply requiring 'net gains for biodiversity'⁶⁷. In these circumstances, a net gain of just 1% would be policy compliant and that percentage should therefore be payable.
72. Subject to the above, I have no reason to believe that the formulas and charges used to calculate the various contributions and provisions of the UU are other than soundly based. I am satisfied that the provisions of the obligations are necessary to make the developments acceptable in planning terms, that they directly relate to the developments, and fairly and reasonably relate in scale and kind to the developments, thereby meeting the relevant tests in the Framework⁶⁸ and Community Infrastructure Levy Regulations⁶⁹. I have taken the planning obligations into account in my deliberations.

⁶⁴ Where any person acquires a statutory right to buy

⁶⁵ APP/P1940/W/21/3280443

⁶⁶ For major development from 12 February 2024, and non-major from 2 April 2024

⁶⁷ Paragraph 180(d)

⁶⁸ Paragraph 57

⁶⁹ Regulation 122

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.

73. As noted, when considering any planning application, the Framework is clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from proposals is clearly outweighed by other considerations.
74. On the harm side, both Appeal A and Appeal B would constitute inappropriate development which is harmful by definition. In Appeal A, there would be a significant loss of openness, as well as a conflict with a purpose of the Green Belt, namely safeguarding the countryside from encroachment. All this Green Belt harm in Appeal A must holistically be given substantial weight. Appeal B would also result in a loss of openness, as well as a conflict with a purpose of the Green Belt, specifically safeguarding the countryside from encroachment. Again, all this Green Belt harm in Appeal B must holistically be given substantial weight.
75. In Appeal A, there would be harm to the landscape, in that the development would encroach on to the attractive rural countryside, although the harmful effects would diminish over time as the landscaping becomes more established. Nonetheless, this harm attracts substantial weight. In Appeal B, the site is more enclosed, but there would still be some localised harm to the landscape and rural character. In Appeal B, I give moderate weight to that harm.
76. I have found that Sarratt cannot be regarded as particularly locationally sustainable. On the other hand, as noted, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas⁷⁰. A realistic approach is required, and residents of the appeal developments would be in no different position to other existing residents in Sarratt, nor in parts of the wider District. Furthermore, given the scale of the need for new housing, some development may need to take place in areas less accessible to public transport. Nevertheless, the relatively poor locational sustainability of Sarratt must weigh to a degree against the proposals.
77. In terms of highway safety matters, most have been resolved, and where Council objections still exist in Appeal B, specifically the absence of a pedestrian footway along Church Lane, I do not find them sufficiently well founded for the appeal to fail. These matters are therefore neutral factors in the assessment.
78. This leaves for assessment 'other considerations' and whether they, collectively, clearly outweigh the harms identified such as to amount to very special circumstances necessary to justify the development in each appeal.

Housing – Market, Affordable, Custom and Self Build

79. It is agreed that the Council cannot demonstrate a five year supply of housing land as required by the Framework. Only a 1.9 year housing land supply exists, equating to a shortfall of 2,843 new homes⁷¹. This is a very serious

⁷⁰ Paragraph 109

⁷¹ Statement of Common Ground, Paragraph 4.22

shortfall. The most recent Housing Delivery Tests have been failed by a wide margin⁷². The delivery of affordable homes has been well below what is required⁷³. Indeed, between 2001/2 and 2021/22, only 27% of the total housing delivered comprised affordable tenures⁷⁴. The Council acknowledges that the 45% delivery of affordable housing sought by Policy CP4 of the CS has been achieved only once in 25 years in the District⁷⁵. The Council does not dispute that there is a significant and pressing need for affordable housing, nor does it question the Appellant's evidence on this matter⁷⁶. Furthermore, the Council acknowledges no custom and self-build homes have yet been delivered in the District⁷⁷. Nor does it question the Appellant's evidence on the need for custom and self-build housing⁷⁸.

80. The Framework seeks to support the Government's objective of significantly boosting the supply of homes⁷⁹. To achieve this, it notes that it is important that a sufficient amount and variety of land can come forward where it is needed. The Framework also requires that the provision of custom and self-build housing should be assessed and reflected in planning policies⁸⁰. Furthermore, there is a statutory requirement for local authorities to keep a register of those seeking to acquire plots for custom and self-build housing and to grant sufficient permission to meet demand⁸¹. In the case of these appeals, there are no development plan policies that relate to custom and self-build homes. It is accepted by the Council that demand for this type of housing in the District significantly exceeds supply⁸².
81. Appeal A would deliver up to 83 dwellings of which at least 44 would be affordable. As noted, the affordable dwellings would comprise a mix of social rent / affordable rent, shared ownership and 'First Homes' tenures. A minimum of 10% of the new housing would be custom / self-build housing⁸³. The proposal would make a very positive contribution to all these types of much needed housing within the district. I consider the benefits of market and affordable housing each attract very substantial weight, and custom and self-build housing, substantial weight.
82. Appeal B would deliver 9 market homes and 4 affordable homes. This scheme relies on Appeal A being granted for the delivery of off-site affordable housing to be provided on Site A, in addition to Appeal A's own provision. Alternatively, if Appeal A is dismissed, the payment of an in lieu affordable commuted sum would be provided. Appeal B would also include the provision of self-build housing. Although a significantly smaller scheme than Appeal A, I consider the provision of market and affordable housing, together with the custom and self-build housing, nonetheless all attract substantial weight, by contributing to the serious housing shortfall.

⁷² Proof of Mr Allin, Paragraph 4.16

⁷³ Proof of Mr Stacey, Paragraph 6.1

⁷⁴ Affordable Housing Statement of Common Ground, Paragraph 10.2 [ID5]

⁷⁵ Council's Closing Submissions, Paragraph 64

⁷⁶ Proof and Rebuttal Proof of Mr Stacey

⁷⁷ Proof of Ms O'Brien, Paragraph 6.2.8

⁷⁸ Proof of Mr Moger

⁷⁹ Paragraph 60

⁸⁰ Paragraph 63

⁸¹ Self-Build and Custom Housebuilding Act 2015

⁸² Proof of Mr Moger, Paragraph 4.13

⁸³ Proof of Mr Moger, Paragraph 1.6

Doctors' Surgery (Appeal A)

83. Appeal A also proposes the provision of a doctors' surgery. This is put forward by the Appellant not merely in terms of needs arising from the proposals, but as a benefit to the wider community. From my own observations, I could see that the existing surgery, which is a satellite to the New Road Surgery, Croxley Green, is very small and cramped, approximately 36 sqm, with limited facilities. It comprises a small waiting room, toilet, office, and a single doctor's consulting room. The office room was previously used to dispense medicines, but this no longer takes place. I understand there is no central heating. The surgery does not comply with current NHS design standards.
84. Dr Kunal Patel, a GP Partner at New Road Surgery spoke at the Inquiry in support of the new facility outlining the benefits. It was contended that a new surgery would provide much needed new clinical and administrative GP services to support the local growing and ageing population. Amongst other things, it would allow the delivery of additional clinical work, including minor surgical procedures, phlebotomy, ECGs, wound care, treatment for COPD, asthma and emphysema, diabetes and vaccinations. Health and wellbeing services would also be included. It is envisaged that the patient experience and safety measures would be significantly improved.
85. Dr Patel also mentioned that it was increasingly difficult to recruit persons to work at the existing Sarratt facility, because of the isolated nature of working. It was suggested that the existing facility may discontinue if the appeal were to be dismissed. Even now, it currently only operates very limited hours. Dr Patel stated that there would be no cost to the NHS itself, although the practice/partnership itself would have to make a substantial financial contribution. I see no reason to doubt the credibility of Dr Patel's submissions.
86. The Council has not questioned the delivery of the doctors' surgery⁸⁴, although the issue was discussed at the Inquiry. It seems to me, as a matter of fact, it should be recorded that there are still various procedures and hurdles to go through, and conditions to satisfy, in order to deliver a new surgery. The first stage was a Project Initiation Document (PID) to the Clinical Commissioning Group. The PID was approved with conditions, meaning that the proposal can advance to 'Outline Business Case'⁸⁵. This stage has yet to be completed. In addition, I understand all projects are subject to 'Full Business Case' approval by the Clinical Commissioning Group and NHS England⁸⁶. I also understand that compliant design specification would have to be agreed, and that any project would have to demonstrate value for money.
87. Ultimately, as things currently stand, its provision cannot be unequivocally guaranteed, given the various stages that still need to be completed that are beyond the control of the Appellant. Also, as the Appellant acknowledged when discussing the trigger point for occupation of the dwellings in Appeal A, it argued strongly for the 'completion' of the surgery, rather than its actual 'operation', precisely because the former is within the developer's control, and the latter is not⁸⁷. On the other hand, and importantly, I acknowledge the very serious intent of those involved to urgently progress the project and provide

⁸⁴ Cross Examination of Ms O'Brien

⁸⁵ ID4

⁸⁶ ID19 & ID23

⁸⁷ Appellant's Closing Submissions, Paragraph 97

the facility. Furthermore, the requirement in the UU specifying that an approved scheme for the surgery must be agreed before the housing development can begin, and that the facility must be completed before the housing can be occupied, greatly strengthens the likelihood the scheme for the surgery would come to fruition⁸⁸. All in all, there are very strong incentives for the surgery scheme to succeed.

88. The Council does not question that there is a need for improved medical provision, although there was debate about the size of the new facility. The evidence is that 981 (or 1020⁸⁹) patients use the existing satellite facility, out of a total 10,690 registered at the New Road Surgery⁹⁰. It is currently undersized for the patients it serves, with the relevant NHS formula suggesting a size of at least 84sqm⁹¹. The proposed size of the new surgery would significantly exceed that at 164 sqm, and applying the relevant NHS formula⁹², could serve around 2000 patients. This increased size would better serve the existing patients, and allow for expansion should the number of patients grow⁹³. The Council highlighted some inconsistencies in the evidence regarding the floor area of the new facility, although this was strongly disputed by the Appellant⁹⁴. The Council also highlighted the unsustainable location of Sarratt, and the resulting likely increased number of private vehicle trips to the surgery.
89. Overall, taking the evidence on this matter broadly as a whole, and notwithstanding any caveats, it seems to me that the provision of a new expanded facility, with the ability to treat more patients, and to provide a much more comprehensive range of services to both existing and new patients, must undoubtedly be seen as a clear benefit for the scheme, notwithstanding its relatively unsustainable location. I consider that the benefits of the provision of a surgery can be given significant weight.

Design

90. These are both outline applications, with matters of appearance, landscaping and layout and scale reserved for subsequent consideration. As such, there is limited detail regarding the ultimate design and layout of the proposals. The final form of the schemes cannot be known at this outline stage. The Appellant has stressed that the development would be of a high quality design and have additionally suggested a 'Design Code' condition could be applied in each case to ensure this can be achieved at reserved matters stage. The Appellant also mentions that the Framework states significant weight can be given to development that reflects local design policies, or design guides or codes⁹⁵.
91. I have no reason to doubt it would be possible to achieve a high quality design for each development. However, the Framework notes, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve⁹⁶. It also states that

⁸⁸ UU, Paragraphs 16.1 & 16.2

⁸⁹ According to Dr Patel [ID4]

⁹⁰ Proof of Mr Hunter, Paragraph 4.5

⁹¹ Ibid, Paragraph 4.10

⁹² Formula HBN11-01

⁹³ Ibid, Paragraph 4.10

⁹⁴ The UU refers to a minimum footprint of 164 sqm (gross internal area) whereas the drawing in Appendix 2 of Mr Allin's Proof shows drawing with a ground floor of 196 sqm (also produced in Mr Hunter's Proof)

⁹⁵ Paragraph 139(a)

⁹⁶ Framework, Paragraph 131

poor quality development should be refused. In other words, high quality design is expected in developments and an intrinsic requirement, rather than an 'add-on'. For these reasons, such considerations can only weigh moderately in favour of the proposals.

Economic Impacts

92. Both Appeal A and B would generate economic benefits, both short term during the construction phase, and during the lifetime of the schemes. They would create investment in the locality and increase local spending. The Appellant has provided some estimates of economic benefits, based on a range of assumptions, although it is acknowledged that these are subject to uncertainties⁹⁷. Nonetheless, the economic benefits should not be downplayed. I consider that in Appeal A, these benefits attract significant weight, and in Appeal B, because of its smaller size, moderate weight.

Open Space

93. Appeal A would provide a designated area of public open space of around 2 hectares. The Appellant argues this should attract moderate weight. However, the existing field is accessible via a public footpath, so already provides an attractive open area for countryside walks, allowing views of the open rural landscape beyond the village. As such, I do not consider the provision of open space can attract anything more than limited weight in Appeal A.

Planning Balance and Overall Conclusions

94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise⁹⁸. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.
95. Appeal A: Having carefully considered all the evidence, I find that 'other considerations' namely the substantial benefits of the scheme, comprising the provision of market and affordable housing, first homes, and custom and self-build housing, the provision of a doctors' surgery, as well as the various other benefits, including design quality, open space provision and economic benefits, clearly outweigh the harms that would be caused. These include the totality of Green Belt harm, comprising the definitional harm, the conflict with the purpose of safeguarding the countryside from encroachment, as well as the harm arising from the loss of openness; the harm to the landscape, and any

⁹⁷ Proof of Mr Allin, Appendix 4

⁹⁸ Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

- harm arising from the relatively unsustainable location. Consequently, very special circumstances exist, and the Appeal A development is justified.
96. Appeal B: In this case, I find the 'other considerations', namely the benefits of the scheme comprising the provision of market and affordable housing, and custom / self-build housing, along with design quality and economic benefits, clearly outweigh the identified harms. These include the totality of Green Belt harm, comprising the definitional harm, and the harm arising from loss of openness, and the conflict with the purpose of safeguarding the countryside from encroachment; the harm to the landscape, and any harms arising from the relatively unsustainable location. Consequently, very special circumstances exist to justify the Appeal B development.
97. Appeal A and B taken together. Both schemes were submitted as separate planning applications. However, as the Planning Statement for each application notes⁹⁹, the UU creates certain linkages between the schemes, especially in terms of the provision of affordable housing. The promotion of the cases together means that the benefits of one scheme are material to the determination of the other. For the avoidance of doubt, I find that the combined benefits of both schemes, clearly outweigh the totality of Green Belt harm and any other harms such that very special circumstances exist.
98. Where there is an absence of a five year supply of housing, the Framework requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole¹⁰⁰. However, this so called 'tilted balance' in favour of granting permission may be 'disengaged' where specific policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. Those relating to the Green Belt are one such category¹⁰¹. In these appeals, given the existence of very special circumstances, there is no clear reason for refusing the schemes. Therefore, the so-called 'tilted balance' is not disengaged in this instance.
99. In terms of the development plan, the demonstration of very special circumstances means the proposals would comply with Green Belt Policy DM2 of the DMP. On the other hand, there would be clear conflict with certain policies, in particular Policy PSP4 of the CS which places strict control over development in villages. It would also conflict with Policy CP4(f) of the CS which only permits small scale affordable housing within or immediately adjacent to the village core. In addition, I find that because of the harm caused to the landscape, and character and appearance of the area, the schemes would conflict with Policies CP1 and CP12 of the CS, and Policy DM7 of the DMP. The comparatively poor locational accessibility of the proposals means there would be some conflict with Policies CP1 and CP10 of the CS.
100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in

⁹⁹ CD1.1 & CD1.19

¹⁰⁰ Paragraph 11(d)(ii)

¹⁰¹ Footnote 7

accordance with the Framework, and are restricting development. The overwhelming lack of supply of diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.

101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.
102. In reaching my decisions, I have carefully considered the serious concerns expressed by Sarratt Parish Council, ward councillors, local residents and objectors, some of whom appeared at the Inquiry. The strength of public feeling against the proposals was very clear. However, in time, I see no reason why these developments should not be fully assimilated within Sarratt. In this case, I have judged the balance falls in favour of granting permission because very special circumstances exist to justify the developments. That judgement is specific to these proposals and would not necessarily be the same if applied to other cases.

Conditions

103. I have reviewed the suggested conditions in the light of the discussion at the Inquiry and the advice in the Planning Practice Guidance. The Framework is clear that conditions should only be imposed where they are necessary, relevant to planning, and the development to be permitted, enforceable, precise and reasonable in all other respects¹⁰². Where necessary I have reworded or amended the conditions for simplicity and consistency. The numbers in brackets relate to the conditions in the schedules.
104. Appeal A: Commencement conditions are required to comply with the relevant legislation (1, 2, 3). A condition requiring reserved matters to be in general accordance with the approved plans is necessary for certainty (4). Conditions relating to vehicular access, visibility splays and internal access arrangements are required in the interests of highway safety (5, 6, 7). Conditions requiring the necessary rights to be granted over public footpath 34, as well as an improvement scheme are necessary to ensure safe access for cyclists (8, 9). A condition requiring off-site highway improvements comprising a new zebra crossing is necessary in the interests of highway safety and sustainability (10).
105. Conditions relating to landscaping, ecology and biodiversity are necessary to ensure those matters are properly dealt with and to ensure a high quality scheme (11, 12, 13, 14, 15). A condition requiring a Tree Protection Plan is necessary to protect the health of trees and hedgerows on site (16). A condition is required to ensure badgers are protected from harm (17). A condition relating to external lighting design taking account of biodiversity and

¹⁰² Paragraph 56

- bats is necessary to achieve biodiversity and safeguard protected species (18). A condition relating to a Construction Management Plan is necessary for highway safety, to ensure efficient traffic flow and to minimise disturbance to local residents during construction (19). A condition relating to a Site Waste Management Plan is necessary to promote a sustainable form of development (20).
106. Conditions relating to archaeology are necessary to evaluate and protect any archaeological remains within the site (21, 22). Conditions relating to potential site contamination are necessary to protect the health of future occupiers, and to ensure no pollution is caused to the environment (23, 24, 25). A condition relating to sustainable drainage is required to prevent flooding and pollution of the water environment (26). A condition is necessary to avoid groundwater pollution (27). A condition relating to boreholes is required to ensure a sustainable system of surface water drainage (28).
107. A condition relating to cycle parking is required to encourage sustainable modes of transport (29). A condition relating to a car parking management plan is required to ensure sufficient car parking is available (30). Conditions relating to the provision of Travel Plans for both the residential development and doctors' surgery are required to promote sustainable forms of transport (31, 32). Conditions requiring the provision of electric charging points are required to secure the opportunity for sustainable vehicular use (33, 34). A condition requiring provision of fire hydrants is required to safeguard the development in case of fire (35). A condition restricting the use of the doctors' surgery for that purpose is necessary to ensure the facility will benefit community needs (36). A condition requiring a Design Code for the development is necessary to ensure a high quality layout and design (37).
108. Appeal B: Commencement conditions are required to comply with the relevant legislation (1, 2, 3). A condition requiring reserved matters to be in general accordance with the approved plans is necessary for certainty (4). Conditions relating to vehicular access, visibility splays highway improvements and internal access arrangements are required in the interests of highway safety (5, 6, 7, 8). Conditions relating to landscaping, ecology and biodiversity are necessary ensure those matters are properly dealt with and to ensure a high quality scheme (9, 10, 11, 12). A condition requiring a Tree Protection Plan is necessary to protect the health of trees and hedgerows on site (13).
109. A condition relating to external lighting design taking account of biodiversity and bats is necessary to achieve biodiversity and safeguard protected species (14). A condition requiring mitigation and enhancement measures as set out in the Bat Survey Report is required for similar reasons (15). A condition relating to a Construction Management Plan is necessary for highway safety, to ensure efficient traffic flow and to minimise disturbance to local residents during construction (16). A condition relating to a Site Waste Management Plan is necessary to promote a sustainable form of development (17).
110. Conditions relating to archaeology are necessary to evaluate and protect any archaeological remains within the site (18, 19). Conditions relating to potential site contamination are necessary to protect the health of future occupiers, and to ensure no pollution is caused to the environment (20, 21, 22). A condition relating to sustainable drainage is required to prevent flooding and pollution of the water environment (23). A condition is necessary to avoid groundwater

pollution (24). A condition relating to cycle parking is required to encourage sustainable modes of transport (25). A condition relating to the provision of a Sustainable Transport Information Pack is required for similar reasons (26). A condition requiring the provision of electric charging points are required to secure the opportunity for sustainable vehicular use (27). A condition requiring a Design Code for the development is necessary to ensure a high quality layout and design (28).

111. A number of these conditions relate to pre-commencement activities. In each case, the requirement is fundamental to make the schemes acceptable in planning terms. Subject to the imposition of these conditions, I conclude that both appeals should be allowed.

Matthew Nunn

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT

Charles Banner KC

Keating Chambers

He called

Philip Hamshaw

Highways & Transport

Ben Hunter

Healthcare Provision

Colin Pullen

Urban Design

Jonathan Evans

Landscape

Philip Allin

Planning

Other witnesses providing evidence but not called to appear:

James Stacey

Affordable Housing

Andrew Moger

Self Build and Custom Housebuilding

FOR THE COUNCIL

Timothy Comyn

Francis Taylor Building

He called

Suzanne O'Brien

Planning & related matters

Chris Carr

Highways & Transport

Daniel Leaver

Landscape

Planning Obligation:

Emma Barkas & Ian Ginbey - Solicitors for the Appellant;

Matthew Barnes - Solicitor for the Council

INTERESTED PARTIES

Jeff Baker

Local resident

Lee Farman

Sarratt Parish Council

Ian McClelland

Local resident

Ciaran Reed

Ward Councillor for Chorleywood North and Sarratt

Dr Kunal Patel

New Road Surgery

John Lyons

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appellant's Opening Statement
2. Council's Opening Statement
3. Sarratt Parish Council's Statement
4. Dr Kunal Patel letter dated 23 March 2023; Dr Kunal Patel letter dated 11 March 2022; letter from Sean Breslin, Boyer, dated 20 July 2022 to the Council; redacted email dated 20 January 2022 from NHS East and North East Herts Clinical Commissioning Group.
5. Affordable Housing Statement of Common Ground, dated 5 September 2023
6. Agreed Statement of Transport Matters, dated 4 September 2023
7. Weighting Table (Appellant & Council comparison)
8. Statement of Jeff Baker
9. Statement of Ian McClelland
10. Statement of Councillor Ciaran Reed
11. Planning Permission 23/0105/RSP – change of use of land and associated buildings as a commercial wholesaler (retrospective), land rear of 47 Church Road, Sarratt
12. Note on affordable housing issues
13. Draft Planning Obligation (with 'track changes' annotations) – provided 12 September 2023
14. Draft Grampian Condition (footpath improvement), dated 12 September 2023
15. Schedule of agreed 'most important policies' for both appeals
16. Benefits weighting comparison table for both appeals
17. Agreed note on affordable housing issues (signed and updated)
18. Suggested design code condition for both appeals
19. Email (redacted) dated 20 January 2022 from NHS Herts & West Essex Integrated Care Board (ICB)
20. Map of GP surgeries
21. ICB Herts & West Essex: Business Case Pro-Forma template
22. ICB Herts & West Essex: Improvement Grant Scheme Agreement template
23. Herts Valleys Clinical Commissioning Group: consultation response to planning application 22/0601/OUT, dated 9 June 2022
24. Suggested site visit inclusions by local residents
25. Agreed site visit route
26. Landscape Statement of Common Ground, dated 3 November 2023
27. Statement of John Lyons
28. Updated schedule of conditions (Appeal A) – agreed & disagreed
29. Updated schedule of conditions (Appeal B) – agreed & disagreed
30. Summary of obligation, November 2023
31. Updated Draft obligation
32. Draft CIL Compliance Note
33. Planning Practice Guidance extract: Green Belts
34. Transcript of Dr Patel's statement
35. Extract of Proposals Map for Sarratt
36. Revised Parameter Plan – Appeal A
37. Revised Parameter Plan – Appeal B
38. Submissions of Jeff Baker
39. Council's and Appellant's submissions on points of dispute within the obligation

- 40.Council's Closing Submissions
- 41.Appellant's Closing Submissions
- 42.Certified copy of obligation, dated 7 December 2023
- 43.Appellant's comments on revised Framework, dated 15 January 2024
- 44.Council's comments on revised Framework, dated 15 January 2024

Richborough

Schedule of Conditions – Appeal A

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 4) The details of the reserved matters submitted pursuant to this permission shall be carried out in general accordance with the Parameter Plan P23-1877_DE_001_C_01 and notes.
- 5) The accesses hereby permitted shall be carried out in accordance with the following approved plans: SK33 (Location Plan) SK04 Rev C (Access Plan). The plans are approved only in so far as they relate to the location of the application site and the siting of the vehicular and pedestrian/cycle accesses to the site.
- 6) The development hereby permitted shall not begin until full details of the layout of the 5.5 metre carriageway access on to Sarratt Road have been submitted to and approved in writing by the local planning authority. The details shall include visibility splays and a scheme for the disposal of surface water from the access to be intercepted and disposed of separately so that it does not discharge from or on to the public highway carriageway (shown on SK04 Rev C). The access, visibility splays and disposal of surface water shall be laid out and brought into use in accordance with the details approved under this condition prior to the first use of the access by any construction vehicles (or other vehicular traffic associated with the layout and construction of buildings on the site) and shall thereafter be permanently retained, including the keeping of the visibility splays free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 7) The development hereby permitted shall not begin until full details (in the form of scaled plans and written specifications) have been submitted to and approved in writing by the local planning authority in respect of the following physical works on the application site: (a) internal roads and footways; (b) internal cycleways; (c) foul and surface water drainage; (d) visibility splays; (e) access including sight-lines layout; (f) parking provision in accordance with the local planning authority’s adopted standards; (g) loading areas; (h) turning areas. The approved details shall be implemented and completed prior to the first occupation of the development hereby permitted.

- 8) The development hereby permitted shall not begin unless and until the lawful use of the proposed new pedestrian / cycle route via Public Right of Way 34 from the site to Church Lane shown on Plan SK04 C as a public cycle track has been authorised by the making of an order under Section 3 of the Cycle Tracks Act 1984 and its coming into effect.
- 9) The development hereby permitted shall not be begun unless and until a footpath and cycle track improvement scheme for Public Right of Way 34 from the site to Church Lane shown on Plan SK04 C has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The approved scheme shall include the following details: (a) a specification of the improvements to be carried out to the existing right of way ('the specified works') to include appropriate hard surfacing, lighting and provision for safe shared use of the footpath / cycle track and a Stage 2/3 Road Safety Audit; (b) the costs of the specified works; and (c) a programme for the implementation and completion of the specified works. The development hereby permitted shall not be begun unless and until the approved specified works have been completed and brought into operation.
- 10) No on-site works above slab level of the development shall commence until a detailed scheme for off-site highway improvements comprising a zebra crossing on Dimmocks Lane has been submitted to and approved in writing by the local planning authority. The approved scheme for the zebra crossing shall be completed and brought into operation in accordance with the approved details before the development is first occupied.
- 11) Full details of both soft and hard landscaping works shall be submitted to and approved in writing by the local planning authority as part of application(s) for reserved matters approval. The landscaping details to be submitted and approved shall include: (a) existing and proposed finished levels and contours; (b) trees and hedgerow to be retained; (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing; (d) hard surfacing; (e) means of enclosure and boundary treatments; (f) details of toddler play areas including play equipment; and (g) any other structures (such as furniture, refuse or other storage units, signs, and lighting).
- 12) The development hereby permitted shall not begin until a Landscape and Ecological Management Plan (LEMP) (including ground works and site clearance) has been submitted to and approved in writing by the local planning authority. This shall include details relating to how biodiversity measures will be incorporated within the development; details of locations for native-species planting, replacement trees, fruit/nut tree planting, wildflower sowing, as well as the location of any habitat boxes / structures to be installed. The development hereby permitted shall be carried out in accordance with the approved LEMP prior to first occupation of the housing development on site.
- 13) The development hereby permitted shall not begin until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP:

Biodiversity shall include the following: (a) risk assessment of construction activities potentially damaging to biodiversity on the application site; (b) identification of biodiversity protection zones; (c) practical measures (both physical measures and sensitive working practices set out in method statements) to avoid or reduce adverse biodiversity impacts during construction; (d) the location and timings of construction works to avoid harm to biodiversity on the application site; (e) the appointment, role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; the times during construction when specialist ecologists need to be present on site to oversee works; (f) use of protective fences, exclusion barriers and warning signs. The development hereby permitted shall be carried out in accordance with the approved CEMP: Biodiversity.

- 14) The development hereby permitted shall be carried out in accordance with the mitigation measures and enhancements set out within the Ecological Assessment by Ecology Solutions (Ref 9900.EcoAsA.vf1), dated February 2022, prior to the first occupation of any part of the site.
- 15) Prior to the first occupation of the development hereby permitted, a Landscape Management Plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas on the site, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved in accordance with an agreed timetable and permanently maintained thereafter.
- 16) The development hereby permitted shall not begin until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. It shall include details of tree felling, pruning, tree and tree root protection works, the management of hedgerows, demolition works, soil moving, storage of vehicles and materials, alteration of ground levels, temporary access and construction and all other operations that involve the use of motorised vehicles or construction machinery in carrying out the development. No fires shall take place or liquids be disposed of within 10 metres of an area designated in the approved Tree Protection Plan as being fenced off or otherwise protected. The development hereby permitted shall be carried out in accordance with the approved Tree Protection Plan.
- 17) Prior to commencement of the development (including vegetation clearance): (a) a Badger walk-over survey of the site shall be carried out by a suitably qualified and experienced ecologist to check for badger activity; and (b) a written report shall be produced by the ecologist and submitted to the local planning authority stating whether or not it is likely that badgers and their habitat would be adversely affected by the development proposals hereby permitted. If the report indicates that badgers and their habitat would be adversely affected, appropriate mitigation measures to safeguard them shall be submitted to and approved in writing by the local planning authority before development begins. The mitigation measures shall be implemented as approved in accordance with an agreed timetable.
- 18) Prior to the installation of any free-standing or building-mounted external lighting within the development hereby permitted, a technically informed

and justified lighting design and biodiversity plan prepared following consultation with a suitably qualified bat ecologist, shall be submitted to and approved in writing by the local planning authority. This shall include details of how any negative impacts on bats or other protected species caused by lighting will be avoided or mitigated. Prior to the first occupation of the development hereby approved, the lighting design and biodiversity plan shall be installed and operated in accordance with the approved details and permanently maintained thereafter.

- 19) The development hereby permitted shall not begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of: (a) construction vehicle numbers, type, routes; (b) access arrangements to the site; (c) construction traffic management requirements; (d) construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas); (e) siting and details of wheel washing facilities; (f) proposals to control dust during demolition operations; (g) cleaning of site entrances, site tracks and the adjacent public highway; (h) timing of construction activities (including delivery times and removal of waste) avoiding school pick up/drop off times; (i) provision of sufficient on-site parking prior to commencement of construction activities; (j) post construction restoration/reinstatement of the working areas and temporary access to the public highway; (k) measures for the reduction of waste produced on site consequential upon the construction of the development and its disposal; (l) a phasing of the construction works plan. Where works to carry out the development hereby permitted cannot reasonably be contained wholly within the application site, the CMP shall provide for a plan to be submitted to and approved in writing by the local planning authority showing the off-site works site layout including, if relevant, off-site works in the highway and the siting of the extent of any hoarding, pedestrian access and egress routes and the adjoining road width for vehicle movements. The construction of the development hereby permitted shall be carried out in accordance with the requirements of the approved CMP.
- 20) The development hereby permitted shall not begin until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the local planning authority. The SWMP shall include measures to reduce the amount of waste produced on the site in carrying out the development and shall contain information relating to the types of waste to be removed from the site and where that waste shall be disposed of or otherwise dealt with. The development hereby permitted shall be carried out in accordance with the approved SWMP.
- 21) The development hereby permitted shall not begin until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The approved scheme shall include a requirement for a site investigation to be made of the archaeological significance of the site prior to the commencement of the development hereby permitted and: (a) details of a methodology of archaeological site investigation, recording and evaluation and a requisite programme of works to preserve that significance; (b) provision to be made for publication and dissemination of the results of the site investigation; (c)

- provision to be made for archive deposition of the analysis and records of the site investigation; (d) the appointment of a competent person or persons/organisation to undertake the programme of works set out within the Archaeological Written Scheme of Investigation. The development hereby permitted shall be carried out in accordance with the programme of archaeological works set out in the approved Archaeological Written Scheme of Investigation.
- 22) The development hereby permitted shall not be occupied or used until the site investigation and any necessary works to preserve the archaeological significance of the site have been undertaken and a post investigation written assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation.
- 23) The development hereby permitted shall not begin until the following details of a scheme to mitigate the risks associated with any contamination of the application site have been submitted to and approved in writing by the local planning authority: (a) the carrying out of an intrusive investigation, based on the Phase 1 Geo-Environmental Assessment Report prepared by Brownfield Solutions Ltd (Report Ref CM/C4903/10607/Rev A), including a detailed assessment of the contamination risks to human health, property (existing or proposed), buildings, crops, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems and archaeological sites and ancient monuments; (b) the publication of site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and provision for their implementation; (c) a plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer term monitoring of pollutant linkages, arrangements for any contingency action and its maintenance; and providing that any changes to these details shall require the consent in writing of the local planning authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 24) If, during the carrying out of the development hereby approved, contamination not previously identified is found to be present at the application site, then works shall be stopped. No further development shall be carried out until a Method Statement has been submitted to and approved in writing by the local planning authority detailing how the unforeseen contamination shall be dealt with, disposed of, or remediated. The development hereby permitted shall be carried out in accordance with the approved Method Statement.
- 25) Following completion of the remediation measures identified in the approved remediation scheme and prior to the first use or occupation of the development hereby permitted, a report that demonstrates the effectiveness of the remediation measures carried out to avoid contamination shall be produced. The report, to include details of any necessary monitoring and maintenance programme, and copies of any waste transfer notes relating to exported and imported soils, shall be submitted to and approved in writing by the local planning authority. The

development hereby permitted shall be carried out in accordance with the approved monitoring and maintenance report.

- 26) The development hereby permitted shall not begin until a scheme for the final design of a surface water sustainable drainage system to serve the development has been submitted to and approved in writing by the local planning authority. The surface water sustainable drainage system shall accord with the submitted Flood Risk Assessment and Drainage Strategy (carried out by Waterman, reference WIE18832-100-R-1-5-3-FRA, version: Fifth Issue, dated 28 March 2023) and shall be carried out in accordance with the approved scheme. No building included in the development hereby permitted shall be occupied until the approved surface water sustainable drainage scheme has been implemented in accordance with the approved scheme.
- 27) If, in carrying out the development hereby approved, any works involve excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), those works shall be stopped until a ground investigation has been carried out to identify appropriate techniques to avoid displacing any existing shallow contamination to a greater depth which could adversely affect the quality of water in the chalk aquifer. Details of the ground investigation and appropriate techniques shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 28) Upon installation of the deep borehole soakaways at the site, further infiltration testing shall be completed to confirm the infiltration rates and these shall be submitted to and approved in writing by the local planning authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.
- 29) Prior to the first occupation of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and brought into operation before the development is first occupied or brought into use and shall thereafter be retained for cycle parking.
- 30) Prior to first occupation of the development hereby permitted, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include the following:
 - (a) details of the siting of the car park for the medical centre; (b) details of the allocation of vehicle parking spaces within the development, management and allocation of disabled parking spaces, and long-term management responsibilities and maintenance schedules for all communal parking areas and access arrangements; (c) details of street furniture and signage to minimise on-street parking by visitors to the development; (d) details of waiting restrictions; and (e) provision for the monitoring and reporting of the operation of the Car Parking Management Plan to be submitted to and approved in writing by the local planning authority. The approved Car Parking Management Plan shall be implemented before the

development hereby permitted is first occupied or brought into use and shall thereafter be retained in operation.

- 31) Prior to the first occupation of the residential development hereby permitted, a Residential Travel Plan for the site shall be submitted to and approved in writing by the local planning authority. The Residential Travel Plan shall include: (a) a programme for its implementation; and (b) proposals for an annual review of the implementation of the Plan to be carried out and submitted to the local planning authority; and (c) proposals for a Sustainable Transport Information Pack to be provided to the first household to occupy each dwelling hereby permitted, which shall include bus service timetables, walking and cycle routes/maps, taxi services, details of local amenities and facilities and a sustainable travel voucher to the value of £150. The approved Residential Travel Plan shall be published and implemented in accordance with the timetable and details contained therein and shall be retained in operation throughout the lifetime of the development subject to any modifications approved in writing by the local planning authority, including as part of an annual review.
- 32) Prior to the first occupation of the Doctors' Surgery hereby permitted, a Travel Plan for the Doctors' Surgery shall be submitted to and approved in writing by the local planning authority. The approved Doctors' Surgery Travel Plan shall include: (a) a programme for its implementation; (b) bus service timetables, walking and cycle routes/maps, taxi services and details of local amenities and facilities; and (c) proposals for an annual review of the implementation of the Plan to be carried out and submitted to the local planning authority. The approved Doctors' Surgery Travel Plan shall be published and made available in accordance with the timetable and details contained therein and shall continue to be made available while the Doctors' Surgery or any part is occupied, subject to any approved modifications agreed in writing by the local planning authority as part of an annual review.
- 33) Prior to first occupation of the development hereby permitted, each residential property shall be fitted with Electric Vehicle (EV) ready (domestic and/or fast) charging points. Thereafter, the EV charging points shall be retained and maintained for the lifetime of the development.
- 34) Prior to first occupation of the Doctors' Surgery hereby permitted, details of the number, connector type and speed and siting of the Electric Vehicle (EV) ready electric charging points, to be provided within the Doctors' Surgery car park, shall be submitted to and approved in writing by the local planning authority. The charging points shall be implemented and made available for use for all employees of and visitors to the Doctors' Surgery before first use of the Doctors' Surgery.
- 35) Prior to the first occupation of any part of the development hereby permitted, a detailed plan and specification for the installation of fire hydrants serving the development shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied prior to the provision of operational fire hydrants in accordance with the approved plan and specification.

- 36) The building comprising the Doctors' Surgery shall only be used as a Doctors' Surgery (Class E (e)) and for no other use, including any other use in Class E of the Schedule to the Town and Country (Use Classes) Order (as amended) (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification). The building comprising the Doctors' Surgery shall be occupied exclusively by a General Practice and/or Community Providers for the delivery of National Health Service General Medical Services and shall not at any time be used for private health uses or any other uses.
- 37) Prior to the approval of any reserved matters application, a Design Code shall be submitted to and approved in writing by the local planning authority. The design code shall be in accordance with the principles and parameters established by the Design and Access Statement and the Sarratt Design Code, and shall include: (a) a masterplan showing the relationship of built development to open space; (b) block principles to establish the location of uses including the Doctors' Surgery, the self-build plots, density and building typologies; in addition, design principles including primary frontages, pedestrian access points, fronts and backs and threshold definition; (c) principles for the road hierarchy, pedestrian and cycle connections, including the alignment, width, lighting and surface materials to be used; (d) a strategy for street tree planting; (e) principles for the layout to accommodate and respond to existing landscape features within the site (including for the retention of existing trees, hedges and other boundary planting); (f) design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage (including features such as ponds, ditches, storm water planters and swales); (g) a car parking strategy to demonstrate how parking provision will be well integrated both with the built development and hard and soft landscaping; (h) measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features; (i) details of measures to minimise opportunities for crime; (j) measures to show how design, orientation and the use of materials will mitigate the landscape and visual impact of the development; (k) building typologies to include information about height, scale, form, level of enclosure, building materials and design features.

Schedule of Conditions – Appeal B

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The details of the reserved matters submitted pursuant to this permission shall be carried out in general accordance with the Parameter Plan P23-1877_DE_001_B_02 and notes.
- 5) The accesses hereby permitted shall be carried out in accordance with the approved plans: SK33 Rev A (Location Plan) and SK03 Rev D (Access Plan). The plans are approved only in so far as they relate to the location of the application site and the siting of the vehicular and pedestrian/cycle accesses to the site.
- 6) The development hereby permitted shall not begin until full details of the layout of the 5.5 metre carriageway access on to Church Lane/New Road have been submitted to and approved in writing by the local planning authority. The details shall include visibility splays and a scheme for the disposal of surface water from the access to be intercepted and disposed of separately so that it does not discharge from or on to the public highway carriageway (shown on the 1:500 application drawing number SK03 Rev D). The access, visibility splays and disposal of surface water shall be laid out and brought into use in accordance with the details approved under this condition prior to the first use of the access by any construction vehicles (or other vehicular traffic associated with the layout and construction of buildings on the site) and shall thereafter be retained, including keeping the visibility splays free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 7) The development hereby permitted shall not commence until a detailed scheme for the off-site highway improvements on Church Lane / New Road shown on the i-Transport Drawing No. ITL19050-GA-001 has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the provision of an independent Road Safety Audit. Prior to the first occupation of the development hereby permitted, the approved offsite highway improvement works shall be completed and brought into use.
- 8) The development hereby permitted shall not begin until full details (in the form of scaled plans and written specifications) have been submitted to and approved in writing by the local planning authority in respect of the

following physical works on the application site: (a) internal roads and footways; (b) internal cycleways; (c) foul and surface water drainage; (d) visibility splays; (e) access including sight-lines layout; (f) parking spaces provision in accordance with the local planning authority's adopted standards; (g) turning areas. The approved details shall be implemented and completed prior to the first occupation of the development hereby permitted.

- 9) Full details of both soft and hard landscaping works shall be submitted to and approved in writing by the local planning authority as part of application for reserved matters approval. The landscaping details to be submitted and approved shall include: (a) existing and proposed finished levels and contours (b) trees and hedgerow to be retained; (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing; (d) hard surfacing; (e) means of enclosure and boundary treatments; and (f) any other structures (such as furniture, refuse or other storage units, signs, and lighting).
- 10) The development hereby permitted shall not begin until a Landscape and Ecological Management Plan (LEMP) (including ground works and site clearance) has been submitted to and approved in writing by the local planning authority. This shall include details relating to how biodiversity measures will be incorporated within the development; details of locations for native-species planting, replacement trees, fruit/nut tree planting, wildflower sowing, as well as the location of any habitat boxes / structures to be installed. The development hereby permitted shall be carried out in accordance with the approved LEMP prior to first occupation of the housing development on site.
- 11) The development hereby permitted shall not begin until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following: (a) risk assessment of construction activities potentially damaging to biodiversity on the application site; (b) identification of biodiversity protection zones; (c) practical measures (both physical measures and sensitive working practices set out in method statements) to avoid or reduce adverse biodiversity impacts during construction; (d) the location and timings of construction works to avoid harm to biodiversity on the application site; (e) the appointment, role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; the times during construction when specialist ecologists need to be present on site to oversee works; (f) use of protective fences, exclusion barriers and warning signs. The development hereby permitted shall be carried out in accordance with the approved CEMP: Biodiversity.
- 12) Prior to the first occupation of the development hereby permitted, a Landscape Management Plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved in accordance with an agreed timetable and permanently maintained thereafter.

- 13) The development hereby permitted shall not begin until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of tree felling, pruning, tree and tree root protection works, the management of hedgerows, demolition works, soil moving, storage of vehicles and materials, alteration of ground levels, temporary access and construction and all other operations that involve the use of motorised vehicles or construction machinery in carrying out the development. No fires shall take place or liquids be disposed of within 10 metres of an area designated in the approved Tree Protection Plan as being fenced off or otherwise protected. The development hereby permitted shall be carried out in accordance with the approved Tree Protection Plan.
- 14) Prior to the installation of any free-standing or building-mounted external lighting within the development hereby permitted, a technically informed and justified lighting design and biodiversity plan, prepared following consultation with a suitably qualified bat ecologist, shall be submitted to and approved in writing by the local planning authority, including details of how any negative impacts on bats or other protected species caused by lighting will be avoided or mitigated. Prior to the first occupation of the development hereby approved, the lighting design and biodiversity plan shall be installed / operated in accordance with the approved details and permanently maintained thereafter.
- 15) The development hereby permitted shall be carried out in accordance with the mitigation measures and enhancements set out within the Bat Survey Report by Ecology Solutions, dated August 2022 (Ref: 99900.BatReport.vf) prior to the first occupation of any part of the site.
- 16) The development hereby permitted shall not begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of: (a) construction vehicle numbers, type and routes; (b) access arrangements to the site; (c) construction traffic management requirements; (d) construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas); (e) siting and details of wheel washing facilities; (f) proposals to control dust during demolition operations; (g) cleaning of site entrances, site tracks and the adjacent public highway; (h) timing of construction activities (including delivery times and removal of waste) avoiding school pick up/drop off times; (i) provision of sufficient on-site parking prior to commencement of construction activities; (j) post construction restoration/reinstatement of the working areas and temporary access to the public highway; (k) measures for the reduction of waste produced on the site consequential upon the construction of the development and for its disposal; (l) a phasing of the construction works plan. Where works to carry out the development hereby permitted cannot reasonably be contained wholly within the application site, a plan shall be included in the CMP showing the off-site works site layout including, if relevant, off-site works in the highway and the siting of the extent of any hoarding, pedestrian access and egress routes and the adjoining road width for vehicle movements.

The construction of the development hereby permitted shall be carried out in accordance with the requirements of the approved CMP.

- 17) The development hereby permitted shall not begin until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the local planning authority. The SWMP shall include measures to reduce the amount of waste produced on the site in carrying out the development and shall contain information relating to the types of waste to be removed from the site and where that waste shall be disposed of or otherwise dealt with. The development hereby permitted shall be carried out in accordance with the approved SWMP.
- 18) The development hereby permitted shall not begin until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The approved scheme shall include an assessment of the archaeological significance of the application site and: (a) where necessary a requisite programme of works and a methodology of archaeological site investigation, recording and evaluation to preserve that significance; (b) provision to be made for publication and dissemination of the results of the site investigation; (c) provision to be made for archive deposition of the analysis and records of the site investigation; (d) nomination of a competent person or persons/organisation to undertake the programme of works set out within the Archaeological Written Scheme of Investigation. The development hereby permitted shall be carried out in accordance with the programme of archaeological works set out in the approved Archaeological Written Scheme of Investigation.
- 19) The development hereby permitted shall not be occupied and or used until the site investigation and any necessary works to preserve the archaeological interest of the site have been undertaken and a post investigation assessment has been completed in accordance with the programme set out in the approved Archaeological Written Scheme of Investigation.
- 20) Prior to the commencement of development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority: (a) an intrusive investigation, based on the Phase 1 Geo-Environmental Assessment Report prepared by Brownfield Solutions Ltd (Report ref. CM/C4903/10607/Rev A), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (b) the publication of the site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; (c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer term monitoring of pollutant linkages,

maintenance and arrangements for contingency action. Any changes to these components require the consent of the local planning authority. The scheme shall be implemented as approved.

- 21) If during the carrying out of the development hereby approved, contamination not previously identified is found to be present at the application site, then works shall be stopped. No further development shall be carried out until a Method Statement detailing how the unforeseen contamination shall be dealt with, disposed of, or remediated, has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved Method Statement.
- 22) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development hereby permitted, a report that demonstrates the effectiveness of the remediation carried out shall be produced. The report, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils, shall be submitted to the local planning authority for approval. The development hereby permitted shall be carried out in accordance with the approved monitoring and maintenance programme.
- 23) The development hereby permitted shall not begin until a scheme for the final design of a surface water sustainable drainage system to serve the development has been submitted to and approved in writing by the local planning authority. The surface water sustainable drainage system be carried out in accordance with the approved scheme. No building included in the development hereby permitted shall be occupied until the approved surface water sustainable drainage scheme has been implemented in accordance with the approved scheme.
- 24) If, in carrying out the development hereby approved, any works involve excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), those works shall be stopped until a ground investigation has been carried out to identify appropriate techniques to avoid displacing any existing shallow contamination to a greater depth which could adversely affect the quality of water in the chalk aquifer. Details of the ground investigation and appropriate techniques shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 25) Prior to the first occupation of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and made available for use before the development hereby permitted is first occupied or brought into use and thereafter be retained for this purpose.
- 26) Prior to the first occupation of each dwelling on the site, a Sustainable Transport Information Pack shall be provided to each household which shall

include, bus service timetables, walking and cycle routes/maps, taxi services, details of local amenities and facilities and the provision of an electric bicycle voucher for each household.

- 27) Prior to first occupation of the development hereby permitted, each residential property shall be fitted with Electric Vehicle (EV) ready [domestic and/or fast] charging points.
- 28) Prior to the approval of any reserved matters application, a Design Code shall be submitted to and approved in writing by the local planning authority. The Design Code shall be in accordance with the principles and parameters established by the Design and Access Statement and the Sarratt Design Code, and shall include: (a) a masterplan showing the relationship of built development to open space; (b) design principles including primary frontages, pedestrian access points, fronts and backs and threshold definition; (c) principles for road hierarchy, pedestrian and cycle connections including the alignment, width, lighting and surface materials to be used; (d) a strategy for street tree planting; (e) principles for the layout to accommodate and respond to existing landscape features within the site (including for the retention of existing trees, hedges and other boundary planting); (f) design of the public realm, including principles for the design and layout of public open space, lighting, street furniture and sustainable urban drainage (including features such as ponds, ditches, storm water planters and swales); (g) a car parking strategy to demonstrate how parking provision will be well integrated both with the built development and hard and soft landscaping; (h) measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features; (i) details of measures to minimise opportunities for crime; (j) measures to show how design, orientation and the use of materials will mitigate the landscape and visual impact of the development; (k) building typologies to include information about height, scale, form, level of enclosure, building materials and design features.