

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, WD3 1RL on Thursday 23 March 2023 at 7.30pm

Members of the Planning Committee:-
Councillors:

Steve Drury (Chair)
Sara Bedford
Ruth Clark
Philip Hearn
Lisa Hudson
Raj Khiroya

Matthew Bedford (Vice-Chair)
Stephen King
Chris Lloyd
David Raw
Stephanie Singer

*Joanne Wagstaffe, Chief Executive
14 March 2023*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human

Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The Planning Committee meeting will not be broadcast/livestreamed but a recording of the meeting will be available after the meeting.

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. MINUTES

To confirm as a correct record the Minutes of the Planning Committee meeting held on 23 February 2023.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. NOTICE OF OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

5. 20/0882/OUT: OUTLINE APPLICATION: DEMOLITION OF THE EXISTING FARM BUILDING AND COMPREHENSIVE DEVELOPMENT OF THE SITE, DELIVERING UP TO 800 NO. RESIDENTIAL DWELLINGS (USE CLASS C3), ASSOCIATED ACCESS, AND SUPPORTING AMENITY SPACE, LANDSCAPING, GREEN INFRASTRUCTURE AND SUSTAINABLE DRAINAGE SYSTEMS (ALL MATTERS RESERVED EXCEPT FOR ACCESS) - LAND EAST OF GREEN STREET

(Pages 9
- 180)

Recommendation: That outline planning permission be refused

6. 20/0898/OUT: OUTLINE APPLICATION: DEMOLITION OF THE EXISTING FARM BUILDING AND COMPREHENSIVE DEVELOPMENT OF THE SITE, DELIVERING UP TO 300 NO. RESIDENTIAL DWELLINGS (USE CLASS C3), ASSOCIATED ACCESS, AND SUPPORTING AMENITY SPACE, LANDSCAPING, GREEN INFRASTRUCTURE AND SUSTAINABLE DRAINAGE SYSTEMS (ALL MATTERS RESERVED EXCEPT FOR ACCESS) - LAND EAST OF GREEN STREET

(Pages
181 -
344)

Recommendation: That outline planning permission be refused.

7. 22/1148/FUL - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND CONSTRUCTION OF A 43-UNIT RETIREMENT LIVING SCHEME (USE CLASS C3) WITH CAR PARKING AND ASSOCIATED LANDSCAPING AT BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTFORDSHIRE

(Pages
345 -
400)

Recommendation: That planning permission be granted subject to the completion of a Section 106 Agreement in respect of an occupancy restriction, restriction on ability for future residents to apply for parking permits/contribution towards traffic regulation order amendment, waste management scheme for private collection and an affordable housing contribution.

8. **22/1329/FUL & 22/1311/LBC- DEMOLITION OF EXISTING GARAGE BUILDING AND CONSTRUCTION OF ACTIVITY HUB BUILDING, ALTERATIONS TO COMMUNAL ACCOMMODATION INCLUDING ALTERATIONS TO EXISTING CONSERVATORY AND INTERNAL ALTERATIONS AND ASSOCIATED LANDSCAPING AT CLUBHOUSE, CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE** (Pages 401 - 416)

Recommendation: That Planning Permission and Listed Building Consent be Granted

9. **22/1692/FUL - DEMOLITION OF EXISTING BUILDINGS WITHIN THE POULTRY FARM, AND CONSTRUCTION OF 37 DWELLINGS WITH ASSOCIATED RESIDENTIAL CURTILAGES, OPEN SPACE, LANDSCAPING, ACCESS AND CAR PARKING AT 30 WOODLANDS ROAD AND POULTRY FARM, NASH MILLS, HERTFORDSHIRE, HP3 8ZR** (Pages 417 - 490)

Recommendation: That Planning Permission be GRANTED following the completion of a S106 agreement to secure the provision of affordable housing

10. **22/1945/FUL - LAND TO THE EAST OF LANGLEYBURY LANE AND INCLUDING LANGLEYBURY HOUSE ESTATE, LANGLEYBURY LANE, LANGLEYBURY, HERTSFORDSHIRE** (Pages 491 - 572)

Recommendation: That the Committee notes the report and is invited to make general comments with regard to the material planning issues raised by the application.

11. **23/0083/RSP - PART RETROSPECTIVE: CONSTRUCTION OF TWO STOREY REAR INFILL EXTENSION, REMOVAL OF EXISTING ROOF FORM AND PROVISION OF NEW ROOF FORM TO ACCOMMODATE ACCOMMODATION IN THE ROOF SPACE, INCREASE IN HEIGHT OF TWO STOREY SIDE PROJECTION, INSTALLATION OF REAR DORMER WINDOWS, CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION, INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION DETAIL AT NO.63 WOLSEY ROAD, MOOR PARK, HERTS, HA6 2ER** (Pages 573 - 590)

Recommendation: That Planning Permission be granted.

12. **23/0099/LBC - LISTED BUILDING CONSENT: INSTALLATION OF INTERNAL LIFT AT THE OLD VICARAGE, 10 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BS** (Pages 591 - 596)

Recommendation: That Listed Building Consent be REFUSED.

13. **23/0117/FUL - CONSTRUCTION OF SINGLE STOREY SIDE AND REAR INFILL EXTENSION AT 31 TROWLEY RISE, ABBOTS LANGLEY, HERTS, WD5 0LN** (Pages 597 - 604)

Recommendation: That Planning Permission be granted.

14. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1 to 7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

15. OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

Background papers

(used when compiling the above reports but they do not form part of the agenda)

- Application file(s) referenced above
- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)
- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance
- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)
- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

General Enquiries: Please contact the Committee Team at

committeeteam@threerivers.gov.uk

PLANNING COMMITTEE - 23 MARCH 2023

PART I - DELEGATED

5. 20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at Land East Of Green Street And North Of Orchard Drive Chorleywood

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 25 September 2020

Case Officer: Adam Ralton

Extension agreed to: 31 March 2023

Recommendation: That outline planning permission be refused.

Reason for consideration by the Committee: The application has been called in to committee by three Members of the Planning Committee and Chorleywood Parish Council. In addition the proposal represents a departure from the Development Plan.

Update

A preliminary report was brought to the Planning Committee meeting in August 2022 where the application was discussed and clarification was sought by Members on a number of aspects. The report and analysis of the proposed development has accordingly been updated. Since that meeting, additional information has been received from the applicant relating to impacts on car traffic on the M25 J18, on drainage matters, biodiversity and in respect of a recent planning appeal decision the applicant considers relevant. All documents are available to view online and are considered in the analysis below.

Point Raised	Response
Chorleywood Parish Council made reference during the meeting to a traffic report which was produced for the Parish Council but had not been submitted to the LPA.	That report has been submitted to the LPA and is available to view on the planning application file (online date 22 September 2022). HCC highways have had sight of the report and made no further comment.
Ensure consideration is given to buffer zones around footpaths.	This matter would be considered when the reserved matter of Layout is considered, should outline planning permission be granted.
Ensure housing mix is suitable.	Section 7.4 of this report details affordable housing and the housing mix. Details of the final mix can be secured by planning condition.
Thames Water do not have capacity but have not objected.	This matter is dealt with at 7.16.6.

1 Relevant Planning History

- 1.1 20/0002/EIAS: Environmental Impact Assessment Scoping Opinion Request - Development of up to 800 No. Residential Dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 1.2 20/0898/OUT: Outline Application: Comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). Under consideration.

- 1.3 The following planning application has been submitted to Buckinghamshire Council for its determination. That application site is located to the west of and outside of Three Rivers District, but the application is considered relevant to the determination of the current application 20/0882/OUT given the proximity of the site to the current application site, the ownership of the two sites, and the references to this adjacent site within the supporting documents submitted with and forming part of this current application:

PL/20/0429/FA: Amendments to extant planning permissions CH/2010/0133/VRC and CH/2003/1758/FA as allowed on appeal, Inspectorate's reference APP/X0415/A/03/1133807 and CH/2017/2292/FA to allow for the recontouring of part of the original application site to include a golf driving range/practice area and green plateau for use as football playing pitches, including one full size football pitch with eight 15m high flood lighting columns. Erection of a temporary clubhouse to serve football club for a period of 5 years (pending implementation of the main clubhouse) and associated access, landscaping and parking. Application registered 10 March 2020. Pending consideration.

2 Description of Application Site

- 2.1 The application site is an open greenfield site to the north of Chorleywood. It has an area of approximately 22.6ha and is currently used as grazing land. It contains a barn in the north eastern corner. The site generally slopes downward toward the south-east and includes a localised dry valley within the centre of its slope.
- 2.2 The west, south and eastern boundaries of the site are marked by vegetation (including a mixture of trees and hedgerows). The northern boundary of the site is more open, marked by the low fencing which encloses a private footpath. The site is clearly visible from the private footpath, and in glimpsed views through the vegetation alongside Green Street and from the public footpath to the rear of Orchard Drive and from rear facing windows at properties fronting Orchard Drive. The site is also visible from houses fronting Darvells Yard and Woodlands Lane, and in longer range views from Chorleywood Common.
- 2.3 The northern boundary of the site is adjacent to a private footpath, which provides pedestrian access from Green Street to St Clement Danes School (which is beyond the north eastern boundary of the site). The land to the north of that footpath is also open grassland, with a flatter topography than the application site. Public footpath Chorleywood 011 runs around the school site, touching the application site's north eastern corner. The western boundary of the application site is alongside Green Street. Green Street links Chorleywood to the south with the A404 to the north. The southern boundary of the site is adjacent to public footpath Chorleywood 014, with the gardens to houses fronting Orchard Drive beyond. The eastern boundary of the site follows the boundaries of the rear gardens of dwellinghouses at Darvells Yard, Woodlands Lane and Chenies Road (A404).
- 2.4 The development site is proposed to be accessed via Green Street, which links the A404 to the junctions of Station Approach and Shire Lane in Chorleywood. Green Street has the characteristics of a rural lane, with the northern part of the road containing a limited number of buildings set back from the road including three clusters of converted agricultural buildings. Beyond these clusters of houses, there is open land to either side of Green Street with the application site to the east and open land forming the Chiltern Hills Golf Course to the west. The street is generally bounded by trees or hedgerows until its junction with Orchard Drive, after which Green Street has the appearance of a suburban residential street, with detached and semi-detached two storey dwellinghouses on either side of the street, wide grass verges and footways on either side of the carriageway. This character remains as Green Street continues to drop down to the junction with Station Approach and Shire Lane beyond which is the Chorleywood Key Centre.

- 2.5 Both Orchard Drive and Orchard Close are residential roads, characterised primarily by two storey detached houses and bungalows. Orchard Drive slopes down toward the south away from Green Street.
- 2.6 Woodland Lane to the east of the site is a Private Road which provides access to a number of substantial detached dwellinghouses, set in large plots. Many directly face and have views over the application site. Darvells Yard is located to the south of Woodland Lane, access via Common Road, and comprises a series of dwellings built on a site that was formerly a complex of industrial units. Common Road also features large detached houses set in substantial grounds. These three areas have a rural character, being houses in countryside, which changes further south beyond Darvells Yard where the built form becomes detached dwellings set closer to each other, in more modest plots, followed by rows of terraced dwellings fronting The Common.
- 2.7 The Chorleywood Common Conservation Area is adjacent to the south-western part of the application site. The Common was designated a Conservation Area in 1976, with a boundary amendment in 1991. The Conservation Area is of both historic and architectural interest. The application site adjoins Character Zone D of the conservation area and is visible from Zone E (the Common).
- 2.8 Chenies Road/the A404 has a character distinctly different to the remainder of the roads surrounding the site, as it is a busier east-west route which links Amersham in the west with Green Street, and beyond that Junction 18 of the M25 and Rickmansworth. The road is fronted by houses, which are generally detached, set back from the highway and set in spacious plots.
- 2.9 The application site is located north of the Chorleywood Key Centre (approximately 10 minute walk/0.5 mile distance, downhill from the site and accessed via lit pavements) and is a similar distance to Lower Road and the lower part of Whitelands Avenue (the main shopping area) and to Chorleywood Railway Station.
- 2.10 In relation to planning policy related constraints, the application site is located within the Chilterns Area of Outstanding Natural Beauty and the Chilterns Landscape Area, and the Metropolitan Green Belt. The site is located to the east side of Green Street. Land to the west side of Green Street is located within the administrative area of Buckinghamshire Council. A parcel of land to the immediate south east of the south eastern corner of the application site is designated as a Local Wildlife Site. As noted, the south eastern corner of the site is also directly adjacent to the Chorleywood Common Conservation Area boundary.

3 Description of Proposed Development

- 3.1 This application seeks outline planning permission for the demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.
- 3.3 The detailed application drawings show the position of the proposed points of vehicular access to the site. The first point of vehicular access would be approximately 100m to the south of the existing cattle barn and footpath which provides pedestrian access from Green Street to St Clement Danes School. The second would be approximately 120m north of the junction of Orchard Drive and Green Street. Both would provide vehicular and pedestrian

access into the site. There would also be points of access into the site from the public footpath to the south-east of the site, and to the north eastern corner.

- 3.4 The submitted illustrative masterplan sets out the provision of roads and walking/cycling routes within the site, including circulatory roads and footpaths. The illustrative masterplan also provides details of the potential position of an area of open space from the centre of the site to the south-east, which would include substantial soft landscaping and drainage features.
- 3.5 The application sets out that as well as delivering the residential development, it would deliver the following 'benefits' (which are summarised here and considered in detail within this report below):
- Delivery of housing including affordable housing,
 - Delivery of new sporting and community facilities for Chorleywood Common Youth Football Club,
 - New location for Chorleywood Golf Club with peppercorn rent,
 - Over-provision of play space.
- 3.6 This application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance explains that "the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process". The regulations set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The guidance also confirms that "the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development".
- 3.7 The application is supported by the following documents which have been taken into account as part of this assessment of the planning merits of the application:
- Environmental Statement
 - Volume 1 comprising main text with chapters covering the Introduction, Site and Designations, Proposed Development, Consultation and Alternatives, EIA Approach, Socio Economics, Air Quality, Traffic and Transport, Cultural Heritage, Ecology, Water Environment, Noise and Vibration, Landscape and Visual, Human Health, and Assessment Mitigation and Implementation Summary.
 - Volume 2 - technical appendices.
 - Volume 3 - non-technical summary.
 - Covering Letter (4 May 2020)
 - Draft S106 Agreement template
 - Town Planning and Affordable Housing Statement (May 2020)
 - Design and Access Statement (May 2020)
 - Transport Assessment (April 2020)
 - Travel Plan (April 2020)
 - Construction Management Plan (April 2020)
 - Statement of Community Involvement (April 2020)
 - Flood Risk Assessment (April 2020)
 - Preliminary Contamination Risk Assessment (November 2019)
 - Ground Investigation Report (April 2020)
 - Energy and Sustainability Statement (April 2020)
 - Outline Solid Waste Management Strategy (May 2020)
 - Utilities Assessment (April 2020)

- Biodiversity Checklist
- Site Location Plan (GSE800 - Drawing 001)
- Land Use and Parameter Plan (GSE800-PA-01-02)
- Building Heights Parameter Plan (GSE800-PA-02-03)
- Green Infrastructure Parameter Plan (GSE800-PA-03-02)
- Landscape Strategy Drawing (SK01)
- Access and Extended Footway Drawing (SK08)
- Footway and Cycleway Connections (SK12)

3.8 In late 2021 and early 2022, additional information was submitted by the applicant, to respond to the comments received from the public and statutory consultees following the LPA issuing a request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The following additional documents were received for consideration and have been taken into account in this report:

- Environmental Statement Addendum (November 2021)
 - Replacement Chapter 8 – Traffic and Transport, and additional junction modelling data
 - Updated Flood Risk Assessment
 - Response to Lead Local Flood Authority
 - Response to Ecology comments including amended mitigation details, arboricultural report, bat survey technical note, Great Crested Newt survey technical note, Biodiversity Net Gain technical note
 - Gradiometer survey report
- Addendum to Town Planning and Affordable Housing Statement with appendices including response to ecology consultee responses and landscape consultee responses (November 2021)
- Amended illustrative masterplan
- Transport Assessment Addendum (May 2021)
- Site Access Visibility Splays (Technical Note 5 v2 May 2021)
- Additional Supporting Highways Information
 - Green Street Technical Note 11 V1 (March 2022)
 - Appendix B1 and B2 – Transport Assessment from April 2020
 - Appendix C – Technical Note 1 V2 – Journey Purpose Distribution
 - Appendix D – Technical Note 1A V2 – Green Street M25 Lingsig Validation Report.
 - Appendix E – Technical note 2 V2 – TfL comments
 - Appendix F - Technical note 3 V2 – Response to Highways England J17
 - Appendix G – Technical note 4 V3 – Sustainable Travel
 - Appendix H – Technical note 5 V2 – Visibility Splays
 - Appendix I – Green Street 800 Transport Assessment Addendum dated May 2021.
 - Appendix J – Technical Note 8 V1 – Matrix Estimation Modelling
 - Appendix K – Technical note 10 V1 – M25 Junction 18 future year modelling
 - Appendix L – Additional Drawings SK50 Southern Site Access, SK51 Orchard Drive Junction Improvements, SK52 Green Street Improvements, SK53 Zebra Crossing Improvements, SK54 Tactile Paving Gilliat's Green, SK55 Northern Access, SK56 Footway and Cycleway Improvements, SK57 Improvements Location Plan.

3.9 In late 2022, the following additional information was submitted by the applicant:

- Transport Assessment Technical Note 12: M25 Jct 18 Updated future year modelling V2 dated September 2022

- Transport Assessment Technical Note 13: M25 Jct 18, Future year modelling impact on HCC network, dated November 2022
- Rebuttal notice dated November 2022 from Cole Easdon consultants relating to drainage matters.
- Planning Note from agent summarising details of a planning appeal in Cheltenham.
- Updated biodiversity net gain metric.

4 Consultation

4.1 Summary of Consultation Responses:

Affinity Water	9.1.1	No objection
Buckinghamshire Council	9.1.2	No objection
Chilterns Conservation Board	9.1.3	Object
Chorleywood Parish Council	9.1.4	Object
Chorleywood Residents Association	9.1.5	Comment received
Environment Agency	9.1.6	No comment
Friends of Chorleywood Common	9.1.7	Object
Hertfordshire County Council – Archaeology	9.1.8	Insufficient information
Hertfordshire County Council – Fire and Rescue	9.1.9	No objection
Hertfordshire County Council – Highway Authority	9.1.10	No objection
Hertfordshire County Council – Lead Local Flood Authority and TRDC’s appointed Drainage Consultant	9.1.11	Object
Hertfordshire County Council – Minerals and Waste	9.1.12	No objection
Hertfordshire County Council – Growth and Infrastructure	9.1.13	Object
Hertfordshire County Council – Public Health	9.1.14	Comment received
Hertfordshire Constabulary	9.1.15	Comment received
Herts and Middlesex Wildlife Trust	9.1.16	Comment received
Herts Ecology	9.1.17	Insufficient information
National Highways	9.1.18	No objection
Historic England	9.1.19	Object
National Grid	9.1.20	No comment received
Natural England	9.1.21	Object
NHS Herts Valleys CCG	9.1.22	Comment received
Three Rivers District Council - Conservation Officer	9.1.23	Object
Three Rivers District Council - Environmental Health	9.1.24	No objection
Three Rivers District Council - Landscape Officer	9.1.25	Object
Three Rivers District Council – Landscape Consultant	9.1.26	Comment received
Three Rivers District Council - Leisure Development Team	9.1.27	Comment received
Three Rivers District Council - Local Plans Team	9.1.28	Comment received
Three Rivers District Council – Housing Team	9.1.29	Comment received
Thames Water	9.1.30	No objection
Transport For London	9.1.31	No objection

4.1.1 All consultation responses are provided at Appendix 1 (Section 9) of this report.

4.2 Public/Neighbour Consultation Responses

4.2.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Site notices have been displayed in various locations around

the site, including at the existing entrance to the site serving the agricultural building and the footpath to St Clement Danes School, on posts at either end of the public footpath to the south of the site (Chorleywood 014), on Chenies Road at the entrance to footpath Chorleywood 011, and at the junction of Green Street/Shire Lane/Station Approach. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 407 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.2.2 Approximately 901 responses have been received, comprising 890 objections, 4 representations and 7 letter of support.

4.2.3 Site Notice: Original site notices displayed 18 June 2020 (expired 18 July 2020). Amended site notices displayed 21 January 2022 (expired 20 February 2022)

4.2.4 Press Notice: Original notices published 19 June 2020 (expired 19 July 2020). Amended notice published 14 January 2022 (expired 20 February 2022)

4.2.5 Summary of letters of support:

- People need new homes, we should welcome more people here.
- Chorleywood has the space.
- Pressure on public services can and should be managed.
- With a limited supply of smaller, more affordable housing in the village, there is little chance of children being able to remain in the area once they are ready to leave the family home.
- Important for prosperity of the village for young people to live here.
- Development would boost community, more customers for shops.
- Loss of the field will have little impact as its adjoined by a larger green area on the other side of Green Street.
- Local schools can expand.
- Most residents would walk to the station rather than drive.
- Chorleywood needs to take its share of new housing which is desperately needed by younger generations.
- The site has numerous advantages over other proposed locations and is likely to include financial contributions toward health and education.
- The new golf course is an added benefit.
- 50% affordable housing is over the 45% policy requirement.
- Developer has consulted with local community and housebuilders and are committed to the project.
- Site appears as a series of ordinary fields, not AONB.
- Some concern regarding increase in traffic but close to town centre facilities reduces driving.

4.2.6 Summary of Representations:

- Recognise the need for new houses with the least impact possible on the environment.
- Request regard is had to the plight of the Swift, with Swift Bricks incorporated.
- Dangerous area due to sink holes.
- Unclear how sewage works would cope.
- A404 has bad traffic.
- Schools, doctors, parking are all full.
- Chorleywood is an excellent place to live and lack of development of smaller properties means that younger people are unable to move into the area, leading to an aging demographic.

- Cost of properties means those who grow up in Chorleywood cannot afford to buy in Chorleywood – so judicious development is necessary to enable young people to buy in Chorleywood and reduce the age profile.
- Only in favour of development which enables young people to buy in Chorleywood – one and two bedroom flats, maisonettes, some family housing and little or no executive style housing.
- Would want affordable housing built first.
- Request developer make contribution toward community development which accords with local demand – play park.
- Request weight is given to consideration of the strain that such large developments would place on all surrounding infrastructure and amenities.

4.2.7 Summary of Objections:

IMPACT ON GREEN BELT AND AONB

- Development is proposed on Green Belt land and is in an AONB and will hugely adversely affect the local environment.
- Proposed density is out of character and in contrast to the existing homes in Chorleywood.
- Views from the common currently of farmland would be ruined.
- Green Belt should not be destroyed.

HIGHWAYS IMPACTS

- Most roads into Chorleywood are single track and could not cope with the extra traffic
- Parking in Chorleywood is already very difficult at times.
- The underground station car park already cannot cope with demand.
- During construction, this route for hundreds of children will be made more dangerous by the construction vehicles and new residents.
- The bottom of Green Street is a pinch point at the three way junction and safety here would be compromised.

INFRASTRUCTURE

- Maple Cross Sewage Works is already under pressure and cannot take the additional sewage
- Additional water demands will all pressure to already stretched systems.
- The existing schools cannot cope with the influx of so many children
- Doctors' surgeries are already struggling to cope with the patients they have.
- Trains would be full to the brim as they are already very busy.

IMPACT ON NEIGHBOURS

- Adverse effect on local neighbours
- Loss of existing views from neighbouring properties.
- Increase of noise and light pollution.

ENVIRONMENTAL IMPACTS

- Disproportionate to bolt houses onto the edge of Chorleywood in a location of outstanding natural beauty packed with wildlife like deer, birds of prey and protected newts.
- Proposal would result in a loss of wildlife habitat, flora and fauna.
- Unclear how flooding would be dealt with.

OTHER

- Residents have chosen to live in Chorleywood because it is beautiful and semi-rural.

- Proposal does not fit with the look and feel of the area, which includes several conservation areas.
- Development is too big, will overshadow the existing community.
- Mix of housing types does not fit in with Chorleywood's general housing type.
- Proposal would lower local existing property values.
- Proposal will bring zero benefit to the existing community.
- Chorleywood is a classic Metroland village. The development would change the fabric and nature of the village.
- Brownfield sites must be given priority.
- Proposal would have an excessive carbon footprint.
- No additional social amenities are included in the plans.

4.2.8 Responses were also received from the following local organisations/groups. The summarised responses are provided at Appendix 2 (Section 10) of this report.

Chorleywood Golf Club	10.1	Support
Chenies Parish Council	10.2	Object
Campaign to Protect Rural England, Hertfordshire	10.3	Object
The Chiltern Society	10.4	Object
Little Chalfont Parish Council	10.5	Object

5 Reason for Delay

5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised technical objections, and to address and resolve their objections as far as they are able.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise as required by S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess when considering the determination of planning applications.

6.1.4 The Countryside and Rights of Way Act 2000: S.85 'General duty of public bodies etc.'

'(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'

6.1.5 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.6 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 are of relevance.

6.1.7 The Community Infrastructure Levy Regulations 2010

6.2 Three Rivers District Council's statutory Development Plan

- 6.2.1 The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) as well as government guidance. The policies of Three Rivers District Council development plan reflect the generality of the content of the NPPF.
- 6.2.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).
- 6.2.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM13 (Parking), Appendix 2 (Design Criteria) and Appendix 5 (Parking Standards).
- 6.2.4 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). The following policies are relevant to the current proposal: 1, 2, 4, 5, 8, 9, 10, 13, 15.

6.3 Other Considerations

6.3.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF47, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF also states that "existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework..." (NPPF Annex 1: 219).

Sections of the NPPF relevant to the consideration of this application include:

- 2 – Achieving sustainable development
- 4 – Decision making
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting sustainable transport
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

6.3.2 Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024.

6.3.3 Chilterns Building Design Guide 2010.

- 6.3.4 Chorleywood Common Conservation Area Appraisal (2010).
- 6.3.5 The Three Rivers District Council Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Principle of Development – Impact on the Green Belt

- 7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will “encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it”. Development Management Policy DM2 notes that “As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is (a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight.
- 7.1.2 The NPPF at para 137 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Para 138 states that Green Belt serves five purposes:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.3 Para 140 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. This application does not seek to alter Green Belt boundaries. It proposes the construction of new buildings within the Metropolitan Green Belt.
- 7.1.4 Paragraph 147 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Para 148 states “When considering any planning application, local planning authorities should ensure that substantial weight is 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 the proposal, is clearly outweighed by other considerations”.
- 7.1.5 Para 149 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

7.1.6 Paragraph 150 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.7 This application, submitted in outline form, proposes the construction of a residential development, necessarily involving the construction of a substantial number of new buildings, car parking areas, roadways, lighting and hard and soft landscaping works including tree removals. These works are, by definition, inappropriate development in the Green Belt and are not considered to fall within any of the exceptions to inappropriate development listed at NPPF Para 149a-g.

7.1.8 In respect of paragraph 150, the proposed development does not fall into any of categories a, c, d, or f. As regards categories b and e, whilst the proposed development involves considerable engineering operations and a material change of use, these are directly associated with and contingent upon the construction of new buildings and roads to form the development and are not to be undertaken for any other purpose. In any event, the proposed 800 houses and resultant land levels, and built form consequent upon the engineering works on the site, and its proposed use, would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 150.

Impact on the openness and visual amenities of the Green Belt

7.1.9 In *R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 the court held that the concept of openness referred to “the underlying aim of Green Belt policy...“to prevent urban sprawl by keeping land permanently open...and is also linked to the purposes to be served by the Green Belt...it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept.”

7.1.10 Whilst the application is submitted in outline, with all matters other than access reserved, it is clear that the proposed housing development of 800 houses would occupy a field which,

other than an agricultural barn, is open greenfield agricultural land devoid of built development. Very limited information has been submitted relating to the potential design and appearance of a development on the site but having regard to the quantum of housing development that would be involved, namely 800 houses and associated infrastructure, it is evident that the proposal would constitute inappropriate development in the Green Belt and would not preserve the openness of the application site but would have an adverse impact on the openness of the Green Belt and on the wider spatial openness of the Green Belt by virtue of the volume of built form and associated development proposed, and on the visual amenities of the Green Belt by the encroachment of buildings and associated development into what is at present a rural field in the countryside.

- 7.1.11 As part of its Evidence Base for the new Local Plan, Three Rivers District Council commissioned (jointly with Watford Borough Council) a Green Belt Review – Strategic Analysis (Amec Foster Wheeler, August 2017). The site subject of this application falls within land parcel NW2 of that Review. When assessing the contribution of the parcel of land to the NPPF138 purposes of the Green Belt, the review concluded that the parcel contributed in terms of checking unrestricted sprawl of built up areas, assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. Overall, the site is considered, on the strength of that analysis to make a significant contribution to the openness of the Green Belt and to Green Belt purposes because it helps to contain the northerly extent of Chorleywood and complements land to the East which separates Chorleywood and Rickmansworth. A Stage 2 Green Belt assessment was prepared in October 2019, considering the extent to which the release of different areas of land might affect the contribution to Green Belt purposes and assessing any consequential harm to openness. The application site is identified as plot CH1 where release was considered to cause moderate to high harm (the third highest out of six levels of harm).
- 7.1.12 Having regard to the above, it is considered that the proposed development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any of the exceptions in paragraphs 149 or 150 of the NPPF. Furthermore, it would not fit within any exception set out in the statutory development plan. It would constitute inappropriate development contributing to urban sprawl and failing to safeguard the countryside from encroachment, in conflict with the purposes of Green Belt set out in NPPF 138. In addition to harm to Green Belt caused by virtue of its inappropriateness, the proposed development would also harm the spatial quality of the openness of the Green Belt and the visual amenities of this part of the Green Belt. The NPPF 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.13 As noted above, paragraph 148 of the NPPF 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 considerations”. Accordingly, before establishing whether very special circumstances exist clearly outweighing harm to Green Belt it is necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.
- 7.2 Principle of Development - Impact on the Chilterns Area of Outstanding Natural Beauty and the surrounding landscape
- 7.2.1 The application site is located wholly within the Chilterns Area of Outstanding Natural Beauty (AONB). Policy DM7 of the Development Management Policies LDD states:
- “In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii. Detracts from the public enjoyment of the AONB landscape.

7.2.2 The Chorleywood Neighbourhood Development Plan policy 8 sets out that development on land adjoining the Chilterns AONB must ensure that it is not intrusive on the landscape and protect views and access to the AONB asset.

7.2.3 At paragraph 176 the NPPF states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”

7.2.4 At paragraph 177 the NPPF states:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

7.2.5 Footnote 60 notes that in respect of paragraph 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

7.2.6 Therefore, it is necessary to establish whether the development subject of this application is major development having regard to footnote 60. This application proposes development on a previously undeveloped green field and Green Belt site, and whilst access is the only non-reserved matter for consideration, the development would, of necessity, include buildings, access roads, extensive formal and informal amenity spaces and other infrastructure to support the construction and use of the 800 houses. On this understanding, it is considered as a matter of planning judgement that the nature and scale of this development, in addition to its location on an undeveloped site in countryside in the AONB would amount to a major development. Therefore the assessment requirements of Paragraph 177 of the NPPF apply and these are detailed below from paragraph 7.2.11.

7.2.7 Whilst submitted in outline, the scale and quantum of the development (ie 800 houses with necessary infrastructure) is clear and indicative layout drawings have been provided to show how the development might be laid out.

7.2.8 Chapter 13 of the ES refers to Landscape and Visual impacts. It contends that during construction, the only significant effects on landscape character will relate to the site itself

and its immediate setting, with construction having a major adverse effect on the character of the area, and a significant moderate adverse effect on the landform of the site due to localised cut and fill to accommodate the new roads and houses. It suggests that at 15 years after completion, when proposed planting would have matured, the only significant direct landscape effects would be within the site. The change from improved grassland to an area of housing and associated open space is suggested to have a moderate adverse effect on the current rural landscape character of the area. The purported benefits are also explained, including the introduction of 6ha of open space including new hedgerows and woodland species around all of the site boundaries (over 1500 linear metres) resulting, it is said, in a moderate beneficial effect on woodland and hedgerow vegetation within the site. It is also advanced that the proposals would result in moderate beneficial effect on pedestrian movement and access through an area currently inaccessible to the public.

7.2.9 The Chilterns Conservation Board (CCB) have been consulted in respect of the impacts on the AONB and their response is detailed at paragraph 9.1.3 below. The CCB raise objections to the proposal on the basis that they consider the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB. Natural England have also provided comments on the proposal and in respect of the submitted LVIA at 9.1.21 and raise objection on the basis that the proposal will have a significant adverse impact on the purposes of designation of the Chilterns AONB. They also consider that the submitted LVIA has not assessed the special qualities of the AONB. The LPA has also sought independent advice from a consultant in respect of the applicant's Landscape and Visual Impact Assessment and the site layout within the illustrative masterplan, and their comments are at paragraph 9.1.26. They raise a number of concerns in respect of the methodology for undertaking the LVIA, and consider that there would be significant adverse long-term and permanent landscape and visual effects.

7.2.10 From the above, it is clear that there are significant well-founded objections regarding the adverse impacts of the proposed development on the countryside in the Chilterns AONB which is a highly sensitive landscape. Whilst acknowledging that the site is on the outer edge of the AONB, it is nevertheless a matter of fact that the site is within the AONB, and the parcel of land exhibits characteristics warranting AONB protection, specifically its rolling dip-slope landscape character. In 2019 Three Rivers District Council commissioned Place Services to undertake a landscape sensitivity assessment for sites that had been proposed at that time for inclusion within the new local plan. The site subject of the current application was assessed as site PCS4 and considered to have a high landscape sensitivity. The assessment states "Although the site has little complexity and historic character, the location of the site within the Chiltern Hills AONB increases the sensitivity of the site. The rolling grassland hills and pasture land are characteristic of both the Heronsgate Heights LCA and Chiltern Hills AONB and this is in addition to open private views from the residential houses and school. For this reason, East of Green Street has been classed as having High sensitivity to built development". The proposed development would introduce intrusive and major built development into the AONB contrary to the protection afforded by its designation. The built form, along with infrastructure, planting, and access, would fundamentally change the character and appearance of the site and how it is perceived from a rolling open field to an urban extension to Chorleywood, and it is considered that this would fail to 'conserve and enhance' (Countryside and Rights of Way Act 2000: S.85) the special landscape character and distinctiveness of the AONB. The proposed development would be visible from within the AONB and from outside the AONB, and it would detract from the setting of the AONB and have an adverse impact on views into and out of the area. Having regard to the public visibility of the application site including from public footpaths in the area, and the change to the landscape that would result from the proposal, it is considered that the development would seriously detract from the public enjoyment of the AONB landscape. For these reasons, the proposed development is not considered to accord with Policy DM7 of the local plan, or Policy 8 of the Chorleywood Neighbourhood Plan.

- 7.2.11 It is acknowledged that the NPPF (Para 177) states that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. In this connection it sets out a series of criteria against which applications should be assessed against.
- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 7.2.12 In respect of the need for the development, in terms of national considerations and economic impacts, it is acknowledged that the delivery of houses in the District is a material consideration to which significant weight must attach. The LPA currently is not able to demonstrate a 5 year supply of deliverable housing sites and the proposed development would provide housing which would go towards reducing the shortfall. In addition, the construction phase of the development would bring about economic benefits in respect of the employment of workers and businesses involved in construction; and the occupation phase would mean an increased local population able to make use of the services and facilities in Chorleywood. These considerations together carry weight and would not be delivered were planning permission to be refused. However it is not demonstrated that there would be a material detriment to the local economy if the development were not to proceed.
- 7.2.13 In respect of the cost of, and scope for, developing outside the designated area or meeting the need for the development in some other way, the applicant has addressed this matter within their planning statement and highlights that 77% of the District is Green Belt, and 6% AONB. The applicant suggests that for development to meet the housing needs of Chorleywood, it needs to be delivered in/at the settlement edge as it cannot be delivered elsewhere. The applicant makes reference to the call-for-sites exercise and subsequent consultation in 2018 which included, in terms of larger sites, one brownfield site at Chorleywood Station Car Park capable of providing 115-185 dwellings. The 2023 consultation includes one larger site in Chorleywood at Hill Farm, Stag Lane which may be capable of delivering 228 dwellings. However other large sites are being put forward in the emerging local plan exercise, as evidenced in Regulation 18 consultation documents, including sites with an indicative capacity of 780 houses on land south of M25 and Shepherds Lane, 618 houses on land at Batchworth Park golf course, and 1500 houses on land to the west and south of Maple Cross. These promoted sites are some evidence that there is scope for developing major housing sites in the District outside the AONB.
- 7.2.14 In respect of the final criterion, consideration should include an assessment of “any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated”. The introduction of built form relating to 800 houses and all the necessary infrastructure would result in irreversible change to the landscape of the application site and its immediate surroundings. Whilst it is noted from the illustrative masterplan that soft landscaping may be introduced on the site to screen or filter views of the new housing development from Green Street and the immediate surroundings, this would be of limited effect given the size and topography of the site and that the development could not be wholly concealed from views. Even if it were hidden, this would not negate the adverse impact on the landscape. The landscaping proposed to act as a screen in itself would not reflect the character of the landscape in this area or the AONB. On that basis, it is not considered that the detrimental effect on the landscape of the landscaped enclosure of the housing could be sufficiently moderated, particularly given that the site has a high sensitivity to the intrusion of built development. In respect of the environment, the proposed development seeks to achieve biodiversity net gain and an energy efficient form of development but these benefits associated with the development itself are not considered to outweigh the likely adverse landscape and countryside impacts.

Contributions are sought toward ensuring bus accessibility within the proposed development, and providing bus vouchers, which along with improving access to Chorleywood Station would help to reduce the reliance on cars, however this benefit too would not outweigh the likely adverse impacts. Recreational opportunities would be provided within the site which do not currently exist, in terms of connectivity through the site, new play areas, and the provision of open space around the SUDS features. However these only exist as a result of the proposed development and are not considered to mitigate its adverse landscape impacts. Views from existing public rights of way of the open countryside in the AONB would be materially changed for the worse from views of countryside to views of an artificial landscaped housing estate as a result of the development.

- 7.2.15 In summary, the NPPF para 176 is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, and that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. From the analysis above, and having regard to the consultation responses included in detail at Appendix 1 and 2, it is not considered that the proposed development would conserve and enhance the natural beauty of the AONB or that the need for housing including affordable housing in the District amounts to exceptional circumstances that would justify the proposed development being included in the AONB.
- 7.2.16 For these reasons the proposed development is considered contrary to Policy DM7 of the Development Management Policies LDD, Policy 8 of the Chorleywood Neighbourhood Development Plan, and paragraphs 176 and 177 of the NPPF.

7.3 Impact on the character and appearance of the locality

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.2 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character Chorleywood has".
- 7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative parameter plan has been submitted which indicates a maximum building height of 12.5m (ie 3 storeys) for buildings running parallel to Green Street, and either side of the existing dip in the landscape which is to be used to contain SUDS, Green Infrastructure and Open Space. All other buildings would be up to 10m (ie 2.5 storeys).
- 7.3.4 The provision of new access points to the site would have an adverse impact on the character and appearance of Green Street, introducing an urbanising feature along what currently has the characteristics of a rural lane. Formation of access points would result in the loss of some vegetation. However, it is noted that replacement planting and

enhancements to existing landscaping could be sought at the reserved matters stage. The development would include the introduction of new bus stops with flag and shelter.

7.3.5 As noted at section 7.2 above, the final design of the proposed development would be an essential consideration at the reserved matters stage, with the LPA placing great importance on the scale and appearance of the development having regard to the important characteristics, features and design context of the Chilterns AONB. This application does not address the Appearance or Layout (which are reserved for consideration at a later date) of the proposed development. However it is clear from the council's Landscape consultant (para 9.1.26) that there are concerns in respect of the illustrative layout submitted with the application and the quality of the development in design terms. For example, concerns are raised that the illustrative masterplan does not sufficiently consider breaking up the urban form, access roads and parking into smaller groups sensitive to the context, but instead tries to hide the scheme using planting. There has been no attempt for housing to the eastern boundary of the site to complement the transition to the existing detached houses beyond the eastern boundary. Concerns are raised that the plan appears to provide one surrounding buffer zone around the site, not enhancing engagement with the wider context. There are concerns that the layout is of a dense suburban type when it should respond to the rural edge vernacular with improved pedestrian access and cycle paths. The LPA consider the comments and concerns of the landscape consultant to be relevant, and consider the provision of two storey buildings parallel to Green Street, which would be visible from the new access points, would fundamentally change the character and appearance of this part of Green Street.

7.4 Affordable Housing and Housing mix

7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.

7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is the policy in Policy CP4 and the Affordable Housing SPD.

7.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC has published a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and are subject to a restriction to ensure this. Given the First Homes guidance, TRDC now requires 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate.

7.4.4 Therefore, the development of 800 houses would be expected to make an affordable housing contribution of 360 houses, of which 90 would be First Homes, 252 would be Social Rent and 18 intermediate. The affordable housing provision must be secured at the outline stage.

7.4.5 The submitted Planning Statement sets out that the development would seek to deliver 50% of the development (ie up to 400 houses) as affordable housing, meeting the 25%/70%/5% tenure split set out above. This would exceed the minimum requirement and meet the policy tenure mix.

7.4.6 In respect of housing mix, the 2020 Local Housing Needs Assessment indicates the greatest need being for three bedroom market houses, two bedroom affordable home ownership houses and 1 bedroom social/affordable rented houses. The indicative housing

mix at table 4 of the 2021 Town Planning and Affordable Housing Statement Addendum suggests 40% of market housing would be three bedroom, with a fairly even split of 30%-35% of one/two/three bed units for affordable housing. The final details of this mix can be secured by condition attached to any outline planning permission for future agreement, to ensure the council's affordable housing needs are met. Regard must also be had to Policy 4 of the Chorleywood Neighbourhood Development Plan which requires dwellings suitable for elderly/disabled persons or smaller dwellings suitable for first time buyers/downsizers to be provided.

7.4.7 The affordable housing contribution has not been secured by planning obligation. Accordingly, the development fails to comply with Core Strategy Policy CP4.

7.5 Impact of proposal on heritage assets

7.5.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "In seeking a high standard of design, the Council will expect all development proposals to: (b) Conserve and enhance natural and heritage assets".

7.5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

7.5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

7.5.4 Paragraph 195 of the NPPF advises that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

7.5.5 Paragraphs 199 and 200 of the NPPF state that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

7.5.6 Paragraph 202 of the NPPF advises that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

- 7.5.7 The NPPG advises (paragraph: 020 Reference ID: 18a-020-20190723) that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
- 7.5.8 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.5.9 Chorleywood Neighbourhood Development Plan policy 1 states that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.
- 7.5.10 The Environmental Statement includes a chapter on Cultural Heritage (Chapter 9) which assesses the potential effects of the proposed development on the historic environment.
- 7.5.11 Impact on the setting of the Chorleywood Common Conservation Area
- 7.5.12 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes “The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area”. The appraisal sets out that “the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common”. It states that “To the west of the Common again the variations in land levels create an interesting feature within the Conservation Area. The layout of the dwellings, by Old Common Road and their varying heights relate to the topography of the land level creating an interesting landscape as viewed from the common”. The appraisal states “views within, into and out of the Common and surrounding areas can add to the character and appearance of the conservation area. It is important that these views are maintained and not disturbed by inappropriate forms of development”.
- 7.5.13 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.5.14 The Cultural Heritage chapter of the submitted ES suggests that the proposed development is located away from the historic core of the conservation area and is separated from the core of the western section of the conservation area by intervening built form and a border of dense mature hedgerows and trees. It contends that the immediate setting of the conservation area contributes to its significance by reinforcing its status as an area of rural, industrial and agricultural related buildings. It states that the site as existing makes a low to moderate contribution to the significance of the conservation area, and makes reference to the proposed use of landscaping to mitigate the potential impacts on the conservation area.

It states that the proposed development of modestly scaled and appropriately designed buildings on the site will have a minor impact upon the setting of the conservation area. On the strength of this assessment it states the sensitivity of the conservation area is high, and the magnitude of change would be medium, meaning there is likely to be a permanent, long term effect on the conservation area which is of minor significance and adverse nature, equivalent to a low degree of less than substantial harm to the heritage asset.

- 7.5.15 The LPA's conservation officer (9.1.23) and Historic England (9.1.19) have both raised objections to the proposal relating to its impact on the Chorleywood Common Conservation Area and its setting. The conservation officer raises an objection on the basis that the proposal would result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of its open, agrarian landscape setting. They also identify an adverse impact on views from the eastern side of the Common looking north-west toward the site. Historic England raise concerns in respect of the overall scale of the development and the impact it would have on the sense of space and openness of the conservation area along Common Road. They note that the land is a rural backdrop to the ribbon development in this area, creating a link back to the more rural origins of settlement in this area.
- 7.5.16 It is acknowledged that the application site can be viewed from the conservation area, and that views that currently exist of agricultural landscape would change to views of a built up residential development, fundamentally changing the backdrop and views toward the north west from the conservation area. Officers share the concerns of the conservation officer and Historic England noted above, that this would erode the sense of space and the appreciation of the rural character of the area notwithstanding the distances involved. View 10 (figure 13.21 and 13.22 of the ES) demonstrates how open views of the landscape would be lost and this, along with the urbanising effect to the setting from the development of housing, the change of use, the light spill and movement of people will all detract from the setting of the conservation area. It is considered that the proposal would result in less than substantial harm to the setting of the conservation area and the conservation officer qualifies this as being a medium level. On this basis, the proposal would conflict with Policy DM3 of the Development Management Policies LDD and Policy 1 of the Chorleywood Neighbourhood Development Plan.
- 7.5.17 Impact on the setting of the adjacent Listed Buildings
- 7.5.18 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. To the north of the site fronting Green Street are the Grade II listed Great Greenstreet Farmhouse and two Grade II listed barns.
- 7.5.19 The Cultural Heritage chapter of the submitted ES suggests that the site's current contribution to the significance of these listed buildings is low. It suggests that there is likely to be a permanent long term effect on the Great Greenstreet Farmhouse and the two barns of minor significance and suggests the design of the proposed development would provide mitigation. The Conservation Officer considers the proposal would not harm the significance of the adjacent listed buildings. On the strength of this advice, the impact of the development on listed buildings is not considered a material consideration warranting refusal of the application.
- 7.5.20 Impact on Archaeology
- 7.5.21 In respect of Archaeology the submitted Cultural Heritage chapter suggests that archaeological survival across the site is anticipated to be low to moderate, with localised survival likely to be confined to features cut into the underlying natural geology. The submitted Historic Environment assessment confirms construction impacts would entirely remove any surviving archaeological remains. Archaeological mitigation would be in the form of a programme of intrusive archaeological investigation, following an agreed Written Scheme of Investigation.

- 7.5.22 The County Archaeological advisor comments on this point within their consultation response (9.1.8) and requests trial trenching be undertaken prior to any decision being taken, given that the geophysical survey report notes anomalies which may represent heritage assets. Trenching would enable them to assess the significance of any assets and also review other areas that are blank. This information would also allow an informed design for the masterplan which appropriately considers the historic environment.
- 7.5.23 The applicant's position, as set out in the submitted Town Planning and Affordable Housing Addendum, is that following the detailed gradiometer survey it is unlikely that any archaeological remains would be of high significance and therefore any archaeological works should take place prior to development commencing and not prior to a decision being issued on the application. This would work include a programme of trial trenching to identify the nature and extent of archaeological material within the area.
- 7.5.24 It is concluded, on the strength of the available evidence, that archaeological interests likely to be affected by the carrying out and use of the development can be satisfactorily protected by a pre-commencement planning condition.
- 7.5.25 Heritage Conclusions and public benefits
- 7.5.26 The NPPF 199 says that 'great weight' should be given to the conservation of heritage assets and that: 'This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' The assessment above has identified that a medium level of less than substantial harm would result to the setting of the Chorleywood Common Conservation Area. It follows that great weight should be given to the less than substantial harm caused to the setting of the Conservation Area. The NPPF says that this harm should be weighed against the public benefits of the proposed development. The public benefits put forward by the applicant are noted, including the contribution to housing supply, provision of public open space and the use of the development to fund sporting and community facilities. The proposal would result in irreversible harm to the conservation area's setting.
- 7.5.27 In conclusion, it is not considered that public benefits exist to outweigh the less than substantial harm that has been identified to the conservation area. The proposed development, accordingly, is considered to be contrary to Policy DM3 of the Development Management Policies LDD (2013), Policy 1 of the Chorleywood Neighbourhood Development Plan and the 2021 NPPF (Chapter 16).

7.6 Highways Impacts

- 7.6.1 Core Strategy Policy CP10 relates to Transport and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.
- 7.6.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.
- 7.6.3 The NPPF at para 110 sets out that in assessing specific applications for development it should be ensured that

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.6.4 Paragraph 111 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

7.6.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.6.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.6.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.

7.6.8 This application includes a number of proposed highway works and as explained above, whilst the application is submitted in Outline form, matters of access are for full consideration as part of the application. The impact of the proposed highway works have been assessed by Hertfordshire County Council as the Local Highway Authority, and National Highways as the Highway Authority for the strategic road network.

7.6.9 This application would include the following works to the highway:

- Formation of access to the site from Green Street south of the existing cattle barn.
- Formation of access to the site from Green Street north of the junction with Orchard Drive
- Alterations to highway to provide right turn lane for vehicles travelling from Chorleywood to enter the site.
- Alterations to the junction with Orchard Drive to provide revised pedestrian crossing arrangement.
- Widening of footway along Green Street to 4m from the northernmost access to the site down to Orchard Drive, with the footway to be 3m south of this, and provided as a footway/cycleway.
- Additional bus stops introduced on Green Street close to site entrance.
- Provision of tactile paving and wider footway at Gilliat's Green.

- Renewal of highway markings of existing pedestrian crossings at junction of Green Street/Station Approach
- Provision of new parallel crossing north of Green Street service roads.
- Provision of traffic light controlled junction at Green Street/A404/Amersham Road junction.
- Contribution toward additional cycle parking at Chorleywood Station and an additional gate.

- 7.6.10 Hertfordshire County Council (HCC) raise no objections to the proposed development, subject to a number of conditions. They note that connectivity in terms of walking, cycling and public transport needs careful consideration due to poor existing infrastructure and the character of the surrounding semi-rural area. They note that Green Street is currently subject to a 60mph speed limit and the proposal does little to promote an active frontage on its boundary with Green Street in terms of enhancing surveillance and pulling northwards the suburban character of the southern section of Green Street.
- 7.6.11 HCC note the applicant's focus on routes toward Chorleywood railway station and the main village centre, and consider that connectivity to amenities to the north of the site is poor and should be reviewed, with improvements within the applicant's land to facilitate new links to St Clement Danes School and along Footpath 011 to be desirable. HCC consider the enhancements to Green Street to be acceptable in principle, including the new zebra crossing and the repainting of the existing. Whilst the improvements and alterations to rights of way are noted, HCC request a Rights of Way Improvement Plan to be submitted to enable agreement to be reached on the full extent of alterations to rights of way.
- 7.6.12 HCC raise no objections to the principle of introducing signals at the junction of Green Street and the A404/Amersham Road However it considers that further evaluation is required to be given to the details of the proposed junction changes at Station Approach.
- 7.6.13 In relation to bus routes, HCC note that some parts of the site would be over 400m walk to the proposed bus stops on Green Street. It is noted that HCC preference is for all houses to be within 400m walking distance, and they suggest the masterplan should be redesigned to introduce more direct pedestrian and cycle routes to the bus stops. HCC consider that for a development of this size, prospective residents should have access to a bus service and consider that this may be possible through diverting and/or enhancing the R1 and R2 services, which serve Chorleywood. HCC seek £175,000/year for five years to provide this service.
- 7.6.14 In respect of the new access points, visibility splays have been designed having regard to the geometry and current speeds of users of Green Street and HCC have confirmed that these are acceptable. Modelling suggests 282 two-way movements in the morning peak and 420 to-way movements in the evening peak. In respect of traffic numbers and impacts on other junctions in the area, the site access junctions would operate with significant spare capacity. The Green Street/Station Approach junction is expected in 2036 to exceed practical capacity, with the development subject of this application further exceeding theoretical capacity, and an additional flare at this junction is proposed to mitigate the likely adverse impacts of development traffic. The new signalised junction at the A404/Green Street junction would have significant reserve capacity. Therefore, subject to mitigation at two locations (signalisation at Green Street/A404, and additional vehicle flare at Green Street arm of Green Street/Station Approach junction) the development traffic can be accommodated on the local road network. HCC confirm they are satisfied that the impact on the local highway network for the development may be accommodated.
- 7.6.15 National Highways originally raised objections to the development, in relation to the potential impacts on M25 J17 and J18. Following further dialogue between the applicant and National Highways, further technical highways notes have been produced by the applicant, providing updated detailed traffic modelling and an analysis of the potential impacts on M25 J17 and 18. These conclude overall no impact on the strategic road network

and National Highways, having reviewed the information, have confirmed they accept the proposals would not affect the safety, reliability and/or operation of the strategic road network.

- 7.6.16 Transport for London originally requested improvements to walking and cycling infrastructure to the station from the site to accommodate increased trips, and increased cycle parking at the station. They also requested an assessment of line loading and station capacity. Following receipt of additional information and technical notes, TfL note that the applicant has accepted the need to provide funding to enable an additional gate to be installed at Chorleywood Station, and note the proposed cycle parking at the station and improvements to access routes from the site and the station. Subject to the costs of the entrance gate being secured by S106, TfL have no objections.
- 7.6.17 Having regard to the above analysis of highway impact and subject to conditions and S106 undertakings, no objections are raised in respect of the impacts of the proposed development on the highway or highway safety and the development would comply with Core Strategy Policy CP10 and Chorleywood Neighbourhood Plan Policies 10 and 15.

7.7 Vehicle Parking

- 7.7.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards.

7.7.2 As previously noted, this application is submitted in outline with only matters of access for consideration. The site's layout would be considered at a later date as a reserved matter and the proposed car parking layout and provision would be dealt with at that time. Having regard to the number of dwellings proposed on site, it is acknowledged that a significant number of car parking spaces would be required (at least 800). It is considered that the quantum of spaces needed could be accommodated within the site.

7.8 Impact on amenity of neighbouring occupiers

- 7.8.1 Paragraph 130 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.8.3 The application is submitted in outline, with only matters of access for consideration. However, the application is accompanied by an illustrative masterplan which indicates a form of development where a significant buffer distance could be maintained between the rear gardens of properties fronting Orchard Drive and Woodlands Lane, and the houses within the development site. The impacts on the amenity of neighbouring occupiers can be satisfactorily addressed at the reserved matters stage.

7.9 Pollution – Air Quality

- 7.9.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.9.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:
- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
 - Introduce new point sources of air pollution e.g. furnaces.
 - Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.
- 7.9.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:
- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
 - Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.
- 7.9.4 The Environmental Statement includes a Chapter on Air Quality, informed by an air quality assessment. This shows that with the baseline pollutant concentrations and proposed traffic generation onto the existing road network, the impact of new vehicle emissions from the proposed development would be negligible. Mitigation measures could be used to reduce impacts at the construction phase. The Environmental Health officer has reviewed this assessment of the likely air quality impacts of the proposed development and raises no objections subject to conditions.
- 7.10 Pollution – Noise and vibration
- 7.10.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- 7.10.2 Policy DM9 sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, or that has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.
- 7.10.3 The Environmental Statement includes a chapter on noise and vibration impacts and potential mitigation. The report explains the baseline sound environment was considered to be typical of a semi-rural environment, comprising road traffic movements, middle distance road traffic and aircraft noise, with some sound from grazing livestock and the railway. The report considers the reduction in traffic speed on Green Street resulting in a lower basic noise level. Construction noise levels are predicted to have a minor impact and these would be temporary, with some mitigation possible which may be secured by condition. The occupation phase of the proposed development is not anticipated to generate harmful noise levels to neighbours. Similarly, the proposed houses are expected to have suitable glazing and ventilation specification to ensure they would provide a suitable noise environment for occupants. The ES assessment is accepted and there are no grounds for objecting to the development in respect of noise and vibration.
- 7.11 Pollution – Light

- 7.11.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, and that there is no unacceptable lighting impact on neighbouring or nearby properties or the surrounding countryside or wildlife.
- 7.11.2 Chapter 13 of the Environmental Statement reviews the landscape and visual impacts, including lighting and suggests the proposals would not have significant night time impacts, and would overall have a minor adverse effect. Full details of any lighting attached to buildings and street lighting would be considered as part of a future reserved matters application, and at that time a full lighting specification would be required. Having regard to the rural location of the application site, however, the lighting of the development would be incompatible with the conservation of the relatively dark rural character of the application site and this part of the AONB.
- 7.12 Pollution – Land Contamination
- 7.12.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.
- 7.12.2 The application is accompanied by a preliminary contamination risk assessment which indicates a low contamination risk. However, further investigations are considered necessary by the Environmental Health officer to confirm this assessment. It is concluded, however, that these and appropriate remedial measures, if needed, can be secured by a planning condition. Subject to those investigations being secured by condition, there are no objections to the development in respect of contamination.
- 7.13 Impact on Wildlife, Biodiversity and Agricultural Land
- 7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the conservation and enhancement of biodiversity. This objective is reinforced by regulation 3(4) of the Habitat Regulations 1994 which states that Councils must have regard to the strict protection of certain species identified under the EC Habitats Directive.
- 7.13.2 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.13.3 Footnote 58 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.
- 7.13.4 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.13.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and

historic environment from inappropriate development and improve the diversity of wildlife and habitats". Policy CP9 of the Core Strategy (adopted October 2011) advises that; "The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces".

- 7.13.6 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.13.7 The Environment Act will mandate the requirement for Biodiversity Net Gain (BNG). However mandatory BNG as provided for in the Environment Act is to apply in England by amendment of the Town and Country Planning Act (1990) and is yet to become a mandatory legal requirement.
- 7.13.8 The applicant has submitted an Agricultural Land Classification which concludes the land is Grade 3B land; that is, not the best and most versatile land.
- 7.13.9 In respect of biodiversity, the original submission included Biodiversity Net Gain calculations based on the Defra Metric 2.0 which show a 20.2% habitat unit gain and a 38.86% hedgerow unit net gain. The existing site is improved grassland with compacted soil and considered to be of low intrinsic ecological value. More recently, a revised metric was submitted in December 2022 which set out that the proposal would deliver a 10.45% increase in habitat units and 91.37% increase in hedgerow units.
- 7.13.10 Herts Ecology's consultation responses are at 9.1.17 where it is stated that further information is required, in particular in relation to the biodiversity net gain assessment which is considered to lack sufficient detail to allow it to be relied upon. Accordingly, at this time it is concluded that insufficient information has been made available to demonstrate that the proposal would result in no net loss of biodiversity in accordance with Policy DM6. Nor can it be concluded that the development would provide net gains for biodiversity. The proposed development therefore fails to accord with Policy DM6 of the Development Management Policies LDD and NPPF174(d).
- 7.13.11 In relation to the submitted ecological reports regarding proposals to safeguard the Local Nature Reserve, and the landscape strategy, these are considered adequate by Herts Ecology subject to conditions requiring the provision of further details of proposed measures. The application proposes enhancements including establishing a dedicated wildlife area in the south of the site, with minimal lighting. A landscape and ecological management plan would be produced setting out how the areas of habitat would be established and managed. Homeowners will be provided with details of the local designated wildlife sites and how to preserve their value. Bat and bird boxes would be installed throughout the site, and fencing would include hedgehog gaps. The measures would be assessed in full as part of the consideration of any future management plan.

7.14 Impact on trees and landscaping

- 7.14.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.
- 7.14.2 Development Management Policy DM6(f)(i) states that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features and that (ii) development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also states that (v) planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.

- 7.14.3 The Tree and Landscape Officer notes that the site has relatively few constraints in respect of existing trees, as most in the locality are located off site and around the edges of the site. Concerns nevertheless are raised at the potential loss of moderate quality trees along the western boundary to form the proposed access. The Town Planning and Affordable Housing Statement Addendum explains that to enable the proposed access points, two category C trees and four category B trees are to be felled. A range of mitigation measures are proposed to offset this loss, as well as detailed tree protection measures to be used to safeguard retained trees.
- 7.14.4 The loss of existing trees would not accord with the generality of Development Management Policy DM6 which seeks the retention of trees and other important landscape and nature conservation features. Policy DM6(ii) states that Development proposals on sites which contain existing trees and hedgerows will be expected to retain “as many trees and hedgerows as possible”. The tree loss is proposed to facilitate vehicular access to the site. The affected trees are not protected by TPO and new tree planting is proposed. On balance it is concluded that subject to replacement planting secured by planning condition, the loss of trees is not a material consideration warranting refusal of the application.
- 7.15 Energy Use
- 7.15.1 Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon in that timescale and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.15.4 The application is accompanied by an Energy and Sustainability Statement. This sets out that the proposed development has the potential to deliver a 24% improvement in CO2 emissions over Building Regulations requirements. As this application does not seek approval for the appearance of the proposed building, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.
- 7.16 Flood Risk and Drainage
- 7.16.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

- 7.16.2 The application is accompanied by a Flood Risk Assessment and this was reviewed by the Lead Local Flood Authority, who raised concerns with the overall drainage strategy at the site as originally proposed. Following receipt of those comments, alterations were made to the drainage strategy and a revised Flood Risk Assessment submitted. The drainage for the site involves surface water draining via a series of three ground-level attenuation basins, with an infiltration tank proposed in the south eastern corner of the site. The Lead Local Flood Authority (May 2022) nevertheless continued to object to the scheme (Comments at 9.1.11). They raised concerns about whether the use of an underground storage tank is appropriate rather than a surface level basin. They also raised concerns regarding the interface between the SUDS features and existing surface water flow paths, and how those existing flow paths could compromise the surface water system. Further information was also requested regarding how existing flow paths are to be managed and the implications of this.
- 7.16.3 Following receipt of those comments, the LLFA wrote to the LPA to advise that due to resourcing issues, they were unable to provide any further comments. As a result, the LPA commissioned a drainage consultant to provide it with advice on drainage matters. The consultant provided further guidance (August 2022) to guide the applicant toward the production of a suitable drainage scheme. Further information was received in November 2022 and the council's drainage consultant maintains their position that at this time, a suitable drainage scheme which complies with Hertfordshire County Council's guidance has not been identified. The proposed development accordingly fails to adequately deal with surface water drainage from the site and with the impact on existing surface water flow routes through the site, contrary to Policy DM8 of the Development Management Policies LDD.
- 7.16.4 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that the application falls below their risk bar as there are no environmental constraints.
- 7.16.5 Affinity Water have advised that the proposed development site is located within an Environment Agency defined Source Protection Zone 2, and have recommended that conditions be attached in the event planning permission is granted to protect the public water supply. Those conditions include construction works and operation of the site being undertaken in accordance with the relevant British Standards, excavations below the chalk ground water table being avoided without a ground investigation first being undertaken and appropriate methods used, mitigation used to avoid turbidity, and any contamination remediated.
- 7.16.6 Thames Water have confirmed that they are working with the applicant to deliver the off site foul water infrastructure needs to serve the development. Some capacity exists within the existing network but upgrades would be required and work is ongoing to understand this. Thames Water recommend a condition that no more than 60 houses can be occupied until all foul water network upgrades have been completed. Thames Water comment that the scale of the proposed development would not materially affect the sewer network. The matter of reserving drainage issues such as this to a planning condition was recently considered in a planning appeal (APP/L3815/W/22/3291160) for a residential development in West Sussex where it was confirmed that the waste water organisation is a statutory undertaker with an obligation to provide the necessary network reinforcements and upgrades downstream of the practical point of connection to the foul sewer network imposed under S94 of the Water Industry Act 1991. Paragraph 188 of the NPPF states:

"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively".

7.16.7 For these reasons, it is considered that the waste water implications of the proposed development can reasonably be dealt with by planning condition. Thames Water have recommended a 'pre-occupation' condition; this would ensure that no dwelling may be occupied until the necessary upgrades have been completed or a phasing plan agreed to allow occupation based on the foul sewer capacity that exists at that time.

7.17 Refuse and Recycling

7.17.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.17.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

7.17.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.

7.17.4 In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.

7.17.5 HCC, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

7.17.6 In respect of domestic waste, it is considered that further details regarding the storage and management of waste on site would be secured at the reserved matters stage.

7.18 Infrastructure Contributions

7.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180.

7.18.2 In their initial consultation response, Transport for London (TfL) commented that pre-covid, all fast trains between 07:15 and 08:19 left Chorleywood station full and standing. They commented that they would have expected an assessment of line loading and station capacity to be carried out, as station capacity is restricted by the entrance gates. Following receipt of those comments, the applicant has undertaken further assessments and

confirmed their understanding that due to the existing shortage of one access gate at Chorleywood station, there is a requirement for the proposed development to fund an additional access gate to accommodate the additional rail trips generated. Transport for London have requested a financial contribution be secured of £500,000 to enable an additional gate to be installed at Chorleywood Station. This would enable the development to mitigate its impacts in terms of the additional demand at Chorleywood Station, and encourage the use of sustainable means of transport. On this analysis It is considered that the contribution, which the applicant has agreed to in principle, is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

- 7.18.3 In their consultation responses at section 9.1.13, Hertfordshire County Council have advised on the impact of the proposed development on education facilities in the area. There are a series of consultation responses, and regard is had to the latest version at 9.1.13.3. HCC has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. They advise that where there is insufficient capacity in local schools, planning obligations will be sought. On larger scale developments, the provision of land and build costs for on-site school is normally required. HCC note that the site is a large strategic development site where there is not enough capacity at the local primary schools to mitigate the educational needs that would be generated by the development. Accordingly HCC require an on-site provision of land for a new two-form entry primary school. The proposed development site does not include this provision. Furthermore, HCC note that the proposed development would generate additional pressures on secondary school places. They advise that Croxley Danes school is capable of being expanded to accommodate the pupil yield generated by this development and a contribution toward this in the region of £5.8m should be secured. For these reasons infrastructure contributions to mitigate against the impacts of the proposed development on education facilities are required, and are not proposed, or secured, as part of this development.
- 7.18.4 Hertfordshire County Council as Highway Authority are seeking a contribution of £175,000 per year for a period of five years to enable bus service R1 and R2 to be diverted/extended to serve the development site. HCC advise that it is of key importance to provide such a bus service that can route into the site in order to demonstrate compliance with the Local Transport Plan. The site's position on the periphery of Chorleywood makes it important to ensure bus provision is made, as walking via Green Street or Common Road, particularly at night, may not be attractive to some, resulting in additional car trips being made.
- 7.18.5 HCC also seek a contribution of £77,900 toward the provision of bus vouchers in order to encourage the use of public transport from the outset of the development. It would provide vouchers that can be used for three months. They also seek a contribution of £6,000 for an Evaluation and Support Fee relating to the necessary Full Travel Plan which would incorporate measures to promote sustainable transport, an appointed travel plan coordinator, and a monitoring programme.
- 7.18.6 In addition to the financial contributions, there is a requirement to provide new bus stops with flag and shelter on Green Street, a 4m wide footway/cycleway down to Orchard Drive with 3m width beyond, a new zebra crossing on Green Street opposite No. 58, and repainting existing zebra crossing lines at the Green Street/Shire Lane/Station Approach junction. There will also be junction improvement works comprising signalling the junction between the A404 and Green Street, to the north of the application site. Those improvements would be secured by S278 agreement.
- 7.18.7 HCC have provided detailed comments justifying the need for these contributions to meet sustainable transport objectives and achieve compliance with the Local Transport Plan. The LPA considers that the amounts sought and the purposes for which it would be deployed meet the tests set out by Regulation 122 of the CIL Regulations (ie would be necessary to

make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development).

7.18.8 The Herts Valleys Clinical Commissioning Group have requested £194,400 for East of England Ambulance Service NHS Trust, and £1,033,526.40 (£1290 per dwelling) toward healthcare facilities in the area, plus £2,187.69 per dwelling for acute care, £201.38 per dwelling toward mental health care and £182.03 per dwelling toward community services. This is based on their projection of the development of 800 dwellings generating 1920 new patients. They have provided justification as to how those amounts would meet the CIL tests.

7.18.9 The contributions referred to above would be secured by S106 agreement.

7.19 Referral to Secretary of State

7.19.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.20 Do Very Special Circumstances exist to outweigh the harm to the Green Belt and any other harm?

7.20.1 As concluded above, the development is considered to constitute inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. It is also the case, as explained, that the proposed development would cause 'other harm' to the Green Belt and to the purposes served by the Green Belt. It is therefore necessary to ascertain whether there are any very special circumstances that would clearly outweigh the harm that would be caused to the Green Belt by inappropriateness and the other harm resulting from the proposed development. 'Other harm' resulting from the proposed development that has been identified in this report is summarised below:

- Harm to the openness and visual amenities of the Green Belt, and conflict with the purposes of including land in the Green Belt,
- Harm to the Chilterns Area of Outstanding Natural Beauty,
- Less than Substantial Harm to the setting of a heritage asset,
- Failure to demonstrate the development would result in no loss of biodiversity value or would conserve or enhance biodiversity,
- Failure to provide a satisfactory drainage scheme,
- Failure to mitigate the educational needs that would be generated by the development,
- Failure to secure affordable housing contribution, financial contribution toward sustainable transport, and financial contribution toward health care services.

7.20.2 The applicant has indicated that the following planning benefits would flow from the scheme amounting to very special circumstances for allowing what would be inappropriate development harmful to the Green Belt. These are summarised:

- That the site is the only site of sufficient scale to deliver the level of housing the District requires within walkable distance of a key transport hub. Chorleywood is one of the most

sustainable settlements in the District. The site is 1.1km north of the village centre. The site is highly sustainable, close to village centre and public transport.

- That the site is on the urban fringe of Chorleywood and immediately adjoins residential development and the school and represents a clear and logical extension to the existing settlement of Chorleywood.
- There is a substantial housing need in the District. The council only has a 2 year supply of deliverable housing. Housing in the district is unaffordable. There is a shortfall of affordable housing in Chorleywood and Three Rivers. This application will provide up to 800 houses, 50% affordable.
- The proposal will guarantee delivery of new high quality sporting and community facilities for Chorleywood Common Youth Football Club at the golf course site opposite. A planning application has been lodged with Buckinghamshire Council for the pitches. The current development would through cross-subsidisation, allow the pitches to be given to the club on a long term peppercorn leasehold and would guarantee the delivery of a new permanent clubhouse facility for which planning permission has already been granted. The football club has a shortage of playing pitches. The development at the adjacent golf course would create a community sports hub. At the time of drafting this report, the application remains pending with Buckinghamshire Council.
- Chorleywood Golf Club would be granted a long term lease on the Chiltern Hills Golf Course at a peppercorn rent, through cross-subsidisation from the application proposals. The golf club has an aging membership and is finding it difficult to recruit new members. The Common offers a number of difficulties as a golf course including it is unsecure, is of poor quality with no irrigation, has car park congestion and no practice facilities.
- Masterplan provides more open space than required by TRDC and 0.4ha of play space would be included.
- There is a lack of alternative sites for major development in the district.
- The site does not perform well when assessed against serving the five purposes of Green Belts.
- There is insufficient brownfield land, demonstrated through the lack of alternative sites being identified by the applicant, and TRDC does not have scope to meet its housing needs without development on greenfield sites and given the nature of the District, greenfield land is mostly subject to higher planning policy protection such as Green Belt and AONB.

7.20.3 The Three Rivers emerging Local Plan is at the Regulation 18 consultation stage. A number of sites have been put forward as part of the local plan call for sites exercise which are considered to be comparable to the application site in respect of proximity to services and public transport, and ability to provide a large number of houses. For example site OSPF22 at Batchworth Park Golf Course house a potential dwelling capacity of 618, and is within 1.2km (straight line distance) of Rickmansworth Station and less than that to the Town Centre. Site CFS16 incorporates land at Chorleywood Station Car Park with a dwelling capacity of 190, and this is closer to the station and village centre than the application site. Site CFS26c West of Kings Langley Estate has the capacity for 893 houses and is adjacent to Kings Langley station, with CFS26e Kings Langley Estate South having a capacity of 380 dwellings, also close to Kings Langley station. On that basis, officers consider that the site is not the only site of sufficient scale to deliver the level of housing the district requires within walkable distance of a key transport hub. It is acknowledged that the site does have the ability to deliver a substantial number of homes, but there is some evidence of other potential sites that, subject to the Local Plan review, might deliver the same or more, which are equally accessible and sustainable, and are not within the AONB.

7.20.4 It is acknowledged that the site is directly adjacent to existing built form in Chorleywood in that it is adjacent to the rear gardens of properties fronting Orchard Drive. However the site is in the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The land to the north and west is open, and the land to the east contains very low density housing. Therefore whilst the site is adjoined by existing built form,

it is not considered that the proposal would or should reflect that existing built form or amount to a logical expansion of Chorleywood.

- 7.20.5 The District's housing land supply shortfall is acknowledged, and at the time of writing stands at 1.9 years. The application, if granted, would enable the delivery of houses including affordable houses which are required in the District. However, the assessment above identifies that significant harm would be caused by the development to the Green Belt, the AONB, and to a Heritage Asset. In addition there is uncertainty as to whether the development would deliver necessary community infrastructure and service or deal adequately with ecology or drainage. For these reasons it is considered that the benefits put forward said to be associated with the proposed development would not clearly outweigh these identified harms to interests of demonstrable planning importance.
- 7.20.6 The application makes reference to the proposed development delivering high quality sporting and community facilities for Chorleywood Common Youth Football Club. A planning application was lodged with Buckinghamshire Council prior to the application subject of this report being lodged, and that application remains under consideration, which limits the weight that may be attributed to the proposals for that site. The application includes the provision of a clubhouse for a temporary period of five years, which suggests a limited scope for any benefit. It is noted that reference is made to a clubhouse granted planning permission under then Chiltern District Council's reference CH/2017/2292/FA, and it is noted that clubhouse as approved includes pro-shop, bar area, changing facilities and a basement level buggy store. The planning permission includes a condition restricting the use of that clubhouse to use ancillary to the golf course, and therefore at this time, regardless of the timings of the approval (a clubhouse was approved in 2010 with the same restriction), the link between delivering a clubhouse which has historical consent and the current application is not clear, nor is the potential use of the club house given the apparent planning restrictions, which are contrary to the large number of proposed uses suggested in the applicant's Planning Statement. The provision of additional football pitches and a low rental is acknowledged to be a benefit of this scheme, but given the lack of clarity regarding what would be delivered on the adjacent site or its timing, and the lack of detail in respect of the problems with the current arrangement by the football club and how this is the only way they can be addressed, little weight can be attached to this claimed benefit.
- 7.20.7 The application makes reference to Chorleywood Golf Club being able to relocate to the adjacent golf course, again with a reduced rental rate. A number of 'difficulties' are put forward in respect of the existing golf course and some alluded to by the Golf Club in their supporting comment relating to the application. However, the precise nature of these and whether the proposed development is the only means by which they might be addressed and resolved is unclear. Nor is it clear whether the difficulties are directly impacting on the ability of the golf course to be used at the moment any many are disputed by other parties. Relocating the golf course, accordingly is only given limited weight as the benefits are not clear.
- 7.20.8 The provision of amounts of open space in excess of TRDC's requirement is welcomed and an agreed benefit of the scheme which would attract some weight, although it is noted that the precise design and location of those open spaces is not for consideration.
- 7.20.9 In respect of the development's performance against the purposes of the Green Belt, this matter is considered at length at section 7.1 above.
- 7.20.10 For the reasons set out above, it is not considered that the VSC the applicant has put forward are sufficient to clearly outweigh the harm caused to the Green Belt, or the other harm to Green Belt or AONB which has been identified.
- 7.21 Tilted Balance and Conclusions

7.21.1 In relation to the three components of sustainable development, whilst the proposed economic benefits (both short term in respect of construction, and long terms in respect of expenditure of new residents) of the proposal are noted, along with the social benefits of providing housing including affordable housing, open space, and improvements to walking and cycling routes in the area, it is considered that these are outweighed by the environmental and social harm that would be caused to the Green Belt, AONB, heritage assets in addition to the lack of information to demonstrate an acceptable environmental impact in respect of drainage and biodiversity. Overall, the LPA conclude that the proposed development is in the wrong place and would not comprise sustainable development.

7.21.2 The Council can only demonstrate a 1.9 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be 'out of date' and the tilted balance at paragraph 11 of the NPPF applies:

For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

7.21.3 In respect of clause 11(d)(i) above, 'areas or assets of particular importance' include, in the context of the current scheme (footnote 7 of the NPPF) land designated as Green Belt, an Area of Outstanding Natural Beauty, and designated heritage assets. The assessment above has identified harm in respect of each of these policy constraints, with the policies in the NPPF providing a clear reason for refusal such that the tilted balance does not apply. For all these reasons, the recommendation is that outline planning permission be refused.

8 Recommendation

8.1 That outline planning permission be refused for the following reasons:

R1 Green Belt

The proposed development constitutes inappropriate development within the Green Belt which is by definition harmful to the Green Belt. In addition the development would also result in actual harm to the openness and visual amenities of the Green Belt and would conflict with the purposes of including land within the Green Belt. No Very Special Circumstances exist to clearly outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and other harm it would cause. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and Section 13 of the 2021 NPPF.

R2 AONB

The proposed development would appear as an urbanising and uncharacteristic development that would not conserve and enhance the Chilterns Area of Outstanding Natural Beauty, resulting in actual harm to the special landscape character and distinctiveness of the Chilterns Area of Outstanding Natural Beauty. The proposed development would therefore be contrary to Policy DM7 of the Development Management Policies LDD (adopted July 2013), Policy 8 of the Chorleywood Neighbourhood Plan (2020) and Section 15 of the 2021 NPPF.

R3 Heritage Asset

The proposed development, by reasons of its form, scale and layout would detract from the overall rural character and appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Chorleywood Common Conservation Area. The identified harm would not be outweighed by public benefits and the proposed development is therefore contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies DPD (adopted July 2013), Policy 1 of the Chorleywood Neighbourhood Development Plan (August 2020), the Chorleywood Common Conservation Area Appraisal (2010) and Section 16 of the NPPF (2021).

R4 Biodiversity

The applicant has failed to demonstrate that the proposed development would not result in a net loss of biodiversity, and in the absence of a S106 agreement, compensation measures have not been secured to compensate for the loss of biodiversity which would be detrimental to the area. Consequently the proposal fails to conserve, enhance or restore biodiversity and this would be contrary to Policy DM6 of the Development Management Policies LDD (adopted 2013) and the 2021 NPPF Chapter 15.

R5 Drainage

In the absence of an agreed drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority, the Local Planning Authority is not satisfied that the development would be supported by an acceptable sustainable drainage strategy. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and the NPPF (2021, Chapter 14).

R6 Affordable Housing

In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution, the proposed development fails to comply with Policy CP4 of the Core Strategy (adopted October 2011).

R7 Sustainable Travel Contribution

In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 to secure a contribution towards providing a bus service within the site and bus vouchers to future occupants, and to access improvements at Chorleywood Station, the proposed development fails to maximise sustainable travel options and ensure the development provide sufficient mitigation for its impacts on local infrastructure. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011) and the NPPF (2021, Chapter 9).

R8 Travel Plan

The proposal would generate a requirement for a Travel Plan and this would require monitoring to ensure effectiveness. In the absence of a signed agreement or undertaking to provide for this monitoring under the provisions of Section 106 of Town and Country Planning Act 1990, the proposed development fails to maximise sustainable travel options and ensure the development provide sufficient mitigation for its impacts on local infrastructure and fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011).

R9 Education

In the absence of the inclusion of land within the application site proposed for the construction of a new primary school, and in the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act to secure financial contribution toward providing a primary school and expanding secondary education facilities elsewhere in the District, the development fails to mitigate the educational needs that would be generated and is contrary to Policy CP8 of the Core Strategy (adopted October 2011) and the NPPF (2021).

R10 Healthcare

In order to mitigate the impact the proposed development would have on existing health services, a financial contribution is required. In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act to secure this contribution, the proposed development would fail to mitigate its impact on health provision that the development would place extra pressure on and would be contrary to Policy CP8 of the Core Strategy (adopted October 2011).

9 Appendix 1: Consultation Responses

[Officer Note 1: At the time the original consultation was issued, the 2019 NPPF was in effect. Therefore, NPPF references in the original consultation responses below relate to the 2019 document. Any more recent responses (which will include a date) are expected to refer to the 2021 NPPF]

[Officer Note 2: Where a consultation response does not include a date, it relates to the original consultation exercise in 2020 and no further comments have been received]

9.1.1 Affinity Water: [No objections subject to conditions]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZ2) corresponding to Mill End Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
2. Ground investigation: Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
3. Turbidity: Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. We would also want to receive at least 15 days prior notification from the developer in advance of any such works, in order to intensify our monitoring and plan potential interruption of the service.
4. Contaminated land: Construction works may exacerbate any known or previously unidentified pollution. If any pollution is found at the site then works should cease and appropriate monitoring and remediation methods will need to be undertaken to avoid impacting the chalk aquifer.

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Being within a water stressed area, we would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting,

rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.

9.1.2 Buckinghamshire Council: [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.2.1 Buckinghamshire Council (March 2022): [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.3 Chilterns Conservation Board: [Objection]

Thank you for consulting the Chilterns Conservation Board (CCB) on the above applications. The application documents are detailed and the applicant comprehensively covers all of the relevant issues, as would be relevant to a Conservation Board. CCB was involved in the pre-application consultation for this site (by TRDC) and in the consultation over scoping of the (now submitted) Environmental Statement.

To assist the LPA we propose to consider both applications together, as they raise the same balancing of planning issues. CCB will confine itself to its statutory purpose (as established under section 87 of the CROW Act) and therefore to matters relevant to the AONB's special qualities and also to the economic and social well-being of the AONB and its understanding and promotion.

These representations were considered by and approved by the CCB Planning Committee at its meeting on 15th July 2020.

CCB raises objection on the principal ground that the application constitutes major development which harms the special qualities of the AONB, in this case the rolling dipslope landscape character that abuts the settlement of Chorleywood. The application papers avoid the central foundation of AONB protection, namely the conservation and enhancement of the scenic beauty and natural beauty of the Chilterns (CROW Act s 85 and NPPF 172) and focus entirely on the exceptions test in NPPF 172. Exceptional infers 'unusual' 'untypical'. This application is speculative development and the site is not being considered within the Local Plan process in any meaningful way. NPPF 172 (a) and (b) cannot be satisfied and NPPF 172 (c) 'moderation' of impact cannot be satisfied – 300 or 800 homes in the stead of integral Chilterns AONB landscape erodes completely the highly valued landscape that prevails here. We ask the LPA to give 'great weight' to the special qualities of the AONB and to challenge the 'minor adverse' landscape assessment as advanced. In the balancing of planning issues the tilted balance does not apply. Taking the conservation and enhancement duties on board, the harm to the AONB outweighs the benefits of housing delivery.

CCB Summary

The applicant, in essence, argue that the landscape harm is 'minor adverse' (see ES) and the development 'scarcely seen' (ES summary) whilst the housing benefits are manifest and include social housing. They apply the tilted balance (erroneously) on the assumption that no harm arises. This is illogical because their own ES concludes some harm – even if CCB dispute the level they calibrate. The applicant relies on the exceptions tests in the

NPPF to justify housing. The site is not an allocation nor progressing via the Council's own site preferences, as far as can be ascertained in the information available.

CCB asserts that there are errors in this planning logic and that the planning authority will need to be clear on that because it strikes at the core of the planning balance in this case. In our opinion the following apply:

- i. That 'minor adverse' landscape assessment cannot be correct. The dipslope landscape is integral and a highly valued landscape. It is a part of the wider Chilterns dipslope landscape as identified as a special feature in the AONB Management Plan and the relevant landscape character area.
- ii. In the assessment of NPPF 172 exceptions at (a) and (b) the applicant's put forward an array of sites to justify their case, yet the speculative nature of this application seeks to pre-judge the outcomes of the Local Plan process. Whilst small sites can be identified in the AONB by means of the Local Plan process, none of the surrounding LPAs have sought to identify 300 or 800 dwellings in their current plan programmes. The Wycombe Local Plan (adopted August 2019) identifies a number of small sites (50 dwellings or so). The Chiltern & South Bucks Plan (awaiting examination) also identifies small sites, as does the South Oxfordshire Plan (currently at examination) and the early iterations of the Dacorum Local Plan indicate that no AONB sites will be identified. It is difficult to conceive that the architects of the NPPF 172 test (and in previous incarnations in planning policy statements) envisaged that 300 or 800 dwellings would constitute an exceptional case within the AONB.
- iii. The applicants acknowledge the importance of the Glover Review, as mentioned by CCB in its pre-application. They do not acknowledge the pressures placed on this particular AONB.
- iv. The tilted balance does not apply in the AONB. Paragraph 7.10 of the planning supporting statement asserts that it does. However, case law in *Monkhill v SSHCLG* 2019 (as below) makes the matter very clear. This judgment is clear that if a footnote 6 policy provides a clear reason for refusal under limb 11d (i), the assessment of titled balance in limb 11d (ii) is irrelevant and must not be applied. The harm to the AONB provides a clear reason for refusal on the merits of this case. The applicant's contention (their planning statement section 3) that the titled balance does apply would only be the case if no clear reason existed under limb 11(d) (i), which does not apply here. In any event their own ES authors conclude 'minor adverse' – which amounts to harm.
- v. Simply put, if the LPA identify harm to the AONB, and we contend they must, then the tilted balance cannot apply.
- vi. This is a Chilterns landscape. To propose development here harms that landscape. The applicants agent states that harm is localised, will not be seen and represents only 0.015% of the AONB misses the point that this landscape is a demonstrable part of the special qualities of this nationally protected landscape. When the applicants arrive at the planning balance they present the many advantages of a housing scheme but fail to give the necessary 'great weigh' to the conservation and enhancement of the AONB as required in the NPPF and in CROW. Instead they focus on the moderation or mitigation of harm as their starting point. This is to wrong starting point when approaching development within the AONB.

Landscape Assessment

In summary of our review of the submitted papers and the published Hertfordshire Landscape Character Assessment (and allied Bucks Landscape Character Assessment for land to the west) and following a site visit, we have concluded that the site does enjoy considerable features of special quality typical of the Chilterns AONB. CCB has assessed this application against the legal and policy tests in the CROW Act section 85, the NPPF at 172 (major developments test), the Development Plan at Policy DM7 Landscape Character of the Development Management Policies Local Development Document and the new AONB Management Plan 2019-24 (adopted Feb 2019). We have concluded that the

development of some 300 or 800 dwellings cannot be considered to conserve the special qualities, as a minimum requirement, and most certainly does not enhance the dipslope landscape that is so evident here. In our judgment the reverse applies and the development, as countenanced in this application, positively harms the AONB and erodes a clear boundary between the urban area and the nationally protected landscape that surrounds. The urban area would encroach upon the AONB in a very discordant manner. The dipslope landform here is both rolling and undulating and when measured against the principal components of a landscape character assessment (i.e. visual and landscape character impacts) results in harm. This assessment is based on both a site assessment and a review of the applicant's own landscape and visual context assessment, which describes this site as a 'convex hillside plateau'.

Submitted viewpoints rather noticeably demonstrate this rolling and undulating impact. The fact that the site is partially well contained by mature hedgerows and screening to the west serves to reinforce the AONB qualities here and cannot be a justification for development, on the basis that the development proposed is screened from the wider countryside. This site is an integral part of the wider landscape.

Major Development and exceptional tests within AONB landscapes

The concept masterplans for 300 and for 800 dwellings constitute major development within the AONB. Following the NPPF at 172, no such exceptional circumstances are advanced. The applicant's assert in the supporting planning statement that housing has been built within AONBs (planning statement – Table 5). We agree that AONB status is not a prohibition on development but serves to filter and shape that development to meet specific tests. Yet in the Chilterns, small sites are occasionally selected in the local plan process, not 300 and not 800 units. In any event those approvals in Table 5 would have pre-dated the additional guidance in the NPPF Feb 2019 and Planning Practice Guidance 21st July 2019 which updated preceding guidance and stated that "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas." (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).

The Glover Review

We also place weight on the recent Glover Review (2019) into protected landscapes (DEFRA 2019 Landscapes Review - We want our national landscapes to work together with big ambitions so they are happier, healthier, greener, more beautiful and open to everyone. Final Report, chaired by Julian Glover). Glover at page 120 of the final report considered National Park status for the Chilterns and reported that 'We see very strong merit in this. Designation as a National Park should not be a block on growth in the wider region, but a natural counterpart to it. The aim should be to enhance natural beauty and nature in an area of high landscape value, while giving due recognition to the importance of the Chilterns for access and enjoyment'. The Chilterns AONB confronts many development pressures both within its boundaries and as affects its setting. CCB, from its own work, is aware of the increasing pressures on what is, by definition, a highly valued landscape. Its special qualities are eroded by the cumulative impact of development that, amongst other things, impacts on habitat, tranquillity and dark skies. From our experience the original AONB boundaries (1965 and reviewed in the 1980s) are very robust, being based on landscape character assessments and informed by the special qualities of the AONB. Those special qualities are also now discussed in the current (Feb 2019) Management Plan 2019-2024. To give one prescient example we have recently seen an appeal decision in which a planning inspector dismissed but one dwelling within the AONB and commented with respect to the new Management plan and lighting that 'The Planning Practice Guidance refers to the relevance of management plans for AONBs for assessing planning

applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. In this context, the Chilterns AONB Management Plan 2019-2024 (adopted July 2019) is a significant material consideration, particularly as its objectives and policies align with the aims of the Framework. Moreover I afford the document full weight, as it specifically refers to the location and the effects of small scale development within the AONB, including from domestic paraphernalia and lighting'. Planning appeal decision for one dwelling at Pirton Water Tower Appeal Ref: APP/X1925/W/19/3227185, 8th November 2019 (North Herts DC).

CCB's Commentary at Pre-Application. CCB would propose to comment as follows.

(1) The starting point in any assessment must be the consideration of the planning principle. In this case we recommend that the applicant comments upon this and with specific regard to the duty in the CROW Act at section 85, to Development Plan policy and to the NPPF at 172 (both the 'great weight' and major development tests). Unquestionably this is major development. Further, the applicant's professional team will want to comment on the updated Planning Practice Guidance here that 'the scale and extent of development in these areas should be limited'.

Further, they need to comment on and acknowledge the recent case law judgment in *Monkhill v SSHCLG* where the judge accepted that the 'tilted balance' does not apply in such a location (decision dated 24th July 2019 - legal reference 2019 EWHC 1993 Admin). The High Court clarified the interpretation of the NPPF paragraph 11 in AONBs. This judgment confirmed that NPPF paragraph 172 can give a clear reason to refuse planning permission such that the 'tilted balance' does not apply. The judgment confirms that:

- (a) Great weight to AONB qualifies as a policy to be applied under NPPF para 11d (i)
- (b) That NPPF paragraph 172 can be used as a freestanding reason for refusal in non-major as well as major development within an AONB and 4
- (c) If a footnote 6 policy provides a clear reason for refusal under limb 11d (i), the assessment of titled balance in limb 11d (ii) is irrelevant and must not be applied.

In our own summary of this legal case, should harm result to the AONB then the 'tilted balance' does not apply and points as to housing supply are not given elevated weight in the consideration of planning issues.

(2) The applicant's professional team need to incorporate in their assessment reflection on the approach as adopted in the Guidance for Landscape and Visual Impact Assessments (GLVIA) (3rd edition), principally to comment on the visual impacts and the landscape character impacts. Whilst we appreciate that this is a pre-application and that a full LVIA would not be expected, it is important to address both these matters. The submitted landscape and visual report contains some errors, for example at its 2.3 it states that this is a convex hillside plateau and therefore development does 'not have a significant adverse effect on the setting of the AONB or views in and out of the area'. This is to misunderstand the policy mechanisms that apply. We disagree with other points here (for example, 2.8 – that there would be no adverse effect on any features or area designated for their landscape or visual amenity value and 6.6 – a logical extension of Maple Cross). As submitted these points represent broad judgments without any detailed landscape evidence base. Further, the viewpoint analysis, whilst helpful in itself, shows features of special character as commonly found in a dipslope landscape. The applicant's implicitly accept this point by creating a large green space to the south east parcel of the site (also see viewpoints 9 and 10) to avoid development. This decision must be, in part, informed by the landscape character, which is typical of the wider Chilterns area and is not the subject of any real commentary. A site visit illustrates this.

(3) The AONB Review paper at its 1.3 sets out relevant papers and material considerations. The 2019-2024 Management Plan is now adopted. It reports the dipslope location of the site and the rolling landscape here that envelopes the settlement (3.10). It accurately reports the Chilterns Buildings Design Guide's summary point that development must be in

harmony with the landscape. We agree with the reporting of policy issues at Table 3.2: Relevant Landscape and Design Policies relating to the Chilterns Area of Outstanding Natural Beauty, save for the elevated status of the new Management Plan. We know that the applicant's will now be aware of that. The section 4 assessment is desk based and must be informed by a full LVIA, albeit we have commented above that the impact on special qualities is tangible. The table 4.1 assessment as to 'no effect' or 'negligible effect' is, as is acknowledged, desk based and is not based on a GLVIA approach. The LPA will, no doubt, want to corroborate any LVIA findings with their own independent peer review, nevertheless the assessment in table 4.1 should be given very limited weight in this pre-application submission. The conclusions drawn in paragraphs 4.2 and 4.4 (no significant adverse effects) cannot be drawn from the assessment that precedes it. The section 5 assessment of theoretical visibility argues that this site is largely visually disconnected from the wider Chilterns landscape and views are glimpsed from various vantage points. This is incorrect. As dealt with above, this is a desk based assessment but its usefulness is limited in any landscape planning assessment because the impact on the special character is the key issue. This section does acknowledge the downland character that prevails and the strong hedgerow containment to the west. It reports that (5.18) ' Whilst the site consists of three agricultural fields within a rolling landscape, it does not exhibit some of the more distinctive Chilterns features and as such does not obviously mark the edge of the AONB'. We see this as more of a planning based opinion/judgment than one informed by a landscape character assessment. Section 6 deals with other application sites outside the Chilterns. We repeat the points made in Glover as to the pressures facing the Chilterns AONB. We also make the point that the 2019 NPPF and associated PPG revisions reinforce the Government's view that only 'small scale' development should be considered within an AONB, subject to the legal and policy tests as below. In the concluding section the principal point made is that development here will not be greatly visible and is well contained. We revert to our original point as to special character and the fundamental tests in NPPF 172, which this application cannot satisfy.

(4) Reference to potential sites for consultation document. These two sites at DCS4 at East Green Street (largely this site) and at Heronsgate are discussed. This document is an early stage scoping and sifting ahead of the new Local Plan to 2036 and must carry very little weight in the consideration of the current application. The applicant's need to quality the weight that may be attributed to such documents.

Legislation and Policy

Scope and Interest of the Chilterns Conservation Board (CCB)

The Chilterns Conservation Board was established as an independent body by Parliamentary Order in July 2004 and has 27 members, all drawn from local communities. The Board's purposes are stated in section 87 of the Countryside and Rights of Way Act 2000 (CROW Act), as:

s 87 (1) It is the duty of a conservation board, in the exercise of their functions, to have regard to: (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty, but if it appears to the Board that there is a conflict between those purposes, they are to attach greater weight to the purposes mentioned in paragraph (a).

s87 (2) A conservation board, while having regard to the purposes mentioned in subsection (1) shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty'.

Policy and Legal Tests within an AONB

Section 85 (1) of the Countryside and Rights of Way Act 2000 (CROW Act) deals with decision-making and establishes a general duty that 'In exercising or performing any function in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. The National Planning Policy Framework (NPPF) at 172 establishes a duty that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'.

Recently updated planning practice guidance (issued 21st July 2019) states that "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas." (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).

Policy DM7 Landscape Character of the Local Plan Development Management Policies Local Development Document deals with the AONB where it states, a) Chiltern's Area of Outstanding Natural Beauty - In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii) Detracts from the public enjoyment of the AONB landscape.

The new 2019-24 Management Plan was adopted in July 2019 and advances 3 strategic objectives when considering development,

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before – richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number detailed policies apply here and as:

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 provides the framework for assessment of applications of this magnitude and states, Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals. 7

DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.

DP5 Require a Landscape and Visual Impact Assessment that meets the standards in the GLVIA latest edition for developments in the AONB or affecting its setting.

DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide www.chilternsaonb.org/conservation-board/planningdevelopment/buildings-design-guidance

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by a. on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan.

DP15 Seek opportunities to remove or replace existing inappropriate external lighting to restore dark skies at night.

Planning Practice Guidance also states that 'Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives. The management plans highlight the value and special qualities of these designations to society and show communities and partners how their activity contributes to protected landscape purposes'. (PPG section - Does planning need to take account of management plans for National Parks and Areas of Outstanding Natural Beauty? Paragraph: 004 Reference ID: 8-004-20140306, Revision date: 06 03 2014).

The Herts and Bucks Landscape Character Assessments are relevant. Within the Herts study this site is within the Heronsgate Heights in which the topography is described as 'the plateau is a gently undulating area forming part of the Chilterns dip slope. Slopes rise from the adjacent Maple Cross slopes. At Artichoke Dell there is a steep-sided wooded valley running through to Chorleywood near Chorleywood Common'. The site abuts the Bucks Landscape Character Assessment LCA 18.3) Little Chalfont Rolling Farmland and is contiguous with that landscape. The landscape character here is described as 'Landscape Character: An undulating and rolling landscape with a varied geology of exposed Upper Chalk, Clay and Flints capping and Thames River Terrace deposits. Large fields of arable farmland and rough grazing occur in the north of the area with smaller fields of paddock, pasture and rough grassland in the south. Field boundaries are predominantly hedgerows with some post and wire. Woodland is interspersed throughout with some large blocks of ancient woodland in the south and east (Pollards Wood and Newland Gorse). Woodland contains the area, provides enclosure, biodiversity value and a backdrop to views'

The special qualities of the AONB are numerous. In this case it is the gently undulating diplope landscape that itself dramatically abuts the suburban edge. That suburban edge, in part, contains small portions of ribbon development, some of which is historic and a part of the Metroland development of the inter-war period. This relationship affords the AONB beyond a particular status in its rolling and defined landscape quality and a contrast, together with views across and wooded backdrops and defined tree belts and hedgerows/semi-sunken roads.

In conclusion, the Board considers that, because the development is considered to neither conserve nor enhance the natural beauty of Chilterns AONB, it would have detrimental impacts on users of the AONB, it is contrary to planning and other policy and there are no overriding circumstances that would warrant a departure. We have concluded it would harm the special qualities at what is a sensitive boundary between semi (peri) urban and the AONB landscape beyond. That landscape is clearly linked to the Bucks Landscape Character Assessment as it links towards Little Chalfont. A material erosion of the dipslope landscape here would result and we find that positively harmful.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

9.1.3.1 Chilterns Conservation Board: [January 2022 response: Objection]

The CCB is grateful to comment on the additional information submitted. For ease of reference, we set out below our previous objection, dated 16th July 2020. As before, we would confine ourselves to the duties and responsibilities of a conservation board, as set out in section 87 of the CROW Act 2000. We do not, therefore, comment on green belt matters but we note that the appeal decisions now cited are all green belt cases and not AONB cases.

The CCB proposes two brief additional comments/clarifications on the Town Planning and AH statement. The landscape response appendix is a detailed rebuttal document and we do not propose to reply to this line by line, save for one overarching point.

Town Planning and AH Statement / Response to Landscape & Visual Consultee Comments.

The key issue is the conservation and enhancement of the special qualities of the AONB. That is enshrined in the CROW Act 2000 at section 85 (duty of regard), the NPPF at 177, in the Development Plan and in the AONB Management Plan. No doubt all parties to this application can agree that an AONB landscape enjoys a greatly elevated level of legal and policy protection because, since its establishment in 1965, the Chilterns is rightly identified as a nationally protected landscape and thus one that is highly valued in its landscape quality. The Glover Review (2019) and the Government's recent reply (January 2022) acknowledge this and promote an extension, not diminution, of the Chilterns AONB boundary.

The applicants accept that harm will follow (5.6 of the updated town planning statement). The question is, therefore, does the proposal harm the special qualities and would exceptional circumstances justify development under the NPPF? To these questions we say 'yes' it materially harms the dipslope landscape and the defensible urban / AONB edge and 'no' exceptional circumstances do not exist because the test at NPPF 177 (c) cannot be satisfied, i.e. a detrimental effect on the environment and the landscape which cannot be moderated or mitigated. The applicants landscape rebuttal at its 2.5 crystallises their case, that 'In summary, the site, with its semi-improved grassland and post and wire fencing and the Chilterns Golf Course to the west, feels more like forms part of transition zone between the town and the AONB rather than a clear boundary'. We strongly contest this. This site is not part of a 'transition zone', not that such a concept exists in AONB policy. It is, upon reflection and following a site visit, a clearly functional part of the AONB landscape. We would ask the decision-maker to give 'great weight' to the dipslope landscape character, which is an intrinsic part of the AONB in this location. It forms a clear boundary and the landscape edge is sylvan and verdant, with defined hedgerows and an open aspect. It is, in no way, a transition to the wider AONB.

Town Planning and AH Statement Paragraph 4.16 and Table 8

Paragraph 4.16 and Table 8 deals with major development within the AONB, following the NPPF test. We can only comment on the Chilterns AONB and two cases are mentioned.

The land at Stokenchurch is within the AONB, it is part of an original curtilage that includes the existing industrial use, which is to be extended into the AONB. This was put forward and given scrutiny at the Wycombe Local Plan examination (2018) and subsequently adopted into the plan. The M40 motorway abuts the site.

The land at Dacorum is not within the AONB. This is the Icknield Way, West of Tring allocation in the Dacorum Site allocations DPD. This allocation, (which is LA5 in the site allocation DPD, places all development in its eastern parcel (outside the AONB) and the open western section (which is AONB) is not developed. The AONB boundary divides these two parcels and the consent granted by Dacorum in Oct 2019 for 226 dwellings places all of them outside the AONB.

This point of detail constitutes an erratum to the Town Planning Statement. Indeed, in that application the CCB promoted design amendments on the AONB boundary and these were taken on board by the design team.

It is correct to say that development can take place within AONBs, exceptionally, and the subject of an assessment upon the special qualities of the AONB. The Oxford English Dictionary defines exceptional as, 'Of the nature of or forming an exception; out of the ordinary course, unusual, special'. The NPPF 177 test rightly qualifies the grounds of exceptional, including the consequential landscape impact. This application manifestly fails these tests.

The 1932 edition of 'Metro-Land' (Metropolitan Railway/John Murray Publishers) described Chorleywood and Chenies as standing 'at the gateway of the Chiltern Hills'. 33 years later in 1965 the creation of the AONB boundary formally set in place its protection as a national landscape. This site is very clearly within the AONB and must be protected as such.

9.1.4 Chorleywood Parish Council: [Objection]

1. Introduction

This Statement has been prepared on behalf of Chorleywood Parish Council in objection to the proposed development at Land to the East of Green Street being considered under planning ref: 20/0882/OUT and 20/0898/OUT.

A Full Parish Council meeting took place at the Chorleywood Memorial Hall on Tuesday 14 July 2020 and Parish Councillors voted unanimously to call in both applications following the receipt of 135 of objections and 1 letter of support and representations from local residents. The reasons for calling in the application are as follows:

- The application is invalid as the red line plan is incorrect and appropriate notices have not been served on freeholders
- The proposal is inappropriate development within the Green Belt and conflicts with the purposes of the Green Belt
- The proposal fails to conserve or enhance the Area of Outstanding Natural Beauty
- The proposal would result in less than substantial harm to the historic setting and character of the Chorleywood Common Conservation Area
- The proposed density for this location is high which will be detrimental to the character and setting of the surrounding area
- The applicant fails to provide any good and convenience stores within the development that would support future residents and in turn will result in car parking pressure and conflict in movement between pedestrians, cyclist and vehicle users on Lower Road
- The proposal would result in the loss of a valued landscape

- The proposal would result in a highway impact
- Insufficient information has been provided to fully assess the highway impact
- The applicant relies on the creation of a cycle path on private freehold land that is unsuitable for cycling and is unlit
- The applicant seeks to provide a cycle path on Chorleywood Common whereby it is illegal to cycle
- The proposal fails to address the proposed impact on local infrastructure, particularly health services and schools
- The proposal would displace school places and health services available to existing residents resulting parts of the existing village becoming unsustainable, it fails to consider or address the impact of the development on existing residents
- The proposal is not Sustainable Development as defined within the National Planning Policy Framework
- The proposal would result in harm to the natural environment by virtue of the increase in human activity
- There are discrepancies and inconsistencies within the application submission which needs to be carefully considered by officers
- The limited benefits (housing) is short term and fails to outweigh all of the above

This Statement considers key material considerations for both applications in more detail. The Parish Council requests that it is consulted on any additional information received from the Applicant. The Parish Council reserves the right to make further comments on both applications in light of new information received from local residents, the Applicant or any other statutory consultees. The Parish Council requests that, for the reasons outlined within this Statement, both planning applications are refused.

2. Validity of the Application

The national validation requirement states the red line plan should include all land necessary to carry out the proposed development which includes land required for access to the site from the public highway.

It has come to our attention that both of the applications under ref: 20/0882/OUT and 20/0898/OUT rely heavily on pedestrian and cycle links to Common Road and Rickmansworth Road. The existing footpaths are not cycle paths and are limited in use, narrow, unmade and ill-lit.

In order to deliver the cycle paths, the developer does not appear to have any rights to carry out work to the paths and in particular to the path that joins Rickmansworth Road (the freehold owner of which has not even been contacted by the developer).

The application is also invalid because the red line plan is incorrect as it does not mark out key access route to the site from the public highway. The Applicant has also failed to serve notice on the freehold owner.

3. Principle of Development

The following constraints have been identified in respect of the Application site:

- Green Belt
- Chilterns Area of Outstanding Natural Beauty (AONB)
- Setting of Chorleywood Common Conservation Area
- Chilterns Landscape Region

Sustainable Development

TRDC cannot demonstrate a 5 Year Housing Land Supply (5YHLS) and as such the planning balance rests on NPPF para. 11(d) (Presumption in favour of sustainable development) and NPPF Sections 13 (Protecting Green Belt Land), 15 (Conserving and Enhancing the Natural Environment) and 16 (Conserving and Enhancing the Natural Environment).

The NPPF (2019) recognises there are 3 overarching objectives: Economic, Social and Environmental. Paragraph 11(d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, there is a presumption in favour of sustainable development unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
- The Applicant argues that neither Sub-sections (i) or (ii) are satisfied and consequently the presumption in favour of sustainable development applies and the applications should be approved.

The Council's local housing need figure is 624 homes per year. This is calculated using the standard method as required by the NPPF. The significant increase in the need for new homes is considerably higher than the Core Strategy housing target of 180 new homes per year. It is understood that TRDC disagrees with the figure and a new Local Plan is currently being produced to address the issue.

One of the key issues affecting the delivery of new homes is the characteristics of the District's land supply and as a consequence it means the available land supply is severely limited. The District is embedded in the Metropolitan Green Belt. It permeates all parts of the District with 77% of the District designated as Metropolitan Green Belt. Green Belt has the highest policy protection and is identified as a constraint for development in the NPPF.

The NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances through the plan making process. The emerging New Local Plan will consider whether there are exceptional circumstances for changes to the Green Belt boundaries potentially enabling more sites to be developed than is currently possible. This is the correct approach and sites within the Green Belt should only be released following careful consideration by TRDC.

Within the NPPF, footnote 7 regarding out of date policies, the NPPF requires the Local Planning Authority to take a global view of the most important policies. It is not enough simply to say that the policies are out of date.

TRDC must consider which are the most important policies and determine which of them are out of date. The most important policies in this case are:

- Housing supply
- Green Belt
- AONB
- Conservation

It is not the case that in the absence of a 5-year housing land supply all Development Plan Policies are superseded. The presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission.

Paragraph 213 of the NPPF notes that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework

Housing Supply

It is acknowledged that TRDC cannot demonstrate a 5 YHLS. The development would contribute towards the supply of housing and affordable housing within the TRDC.

However this site is designated as Green Belt and AONB. It also contributes to the setting of the Conservation Area. The proposal would conflict with all three policies which are material planning considerations against the development. It should be noted that the most recent 2018-based household projections for Three Rivers, issued by The Government's Office for National Statistics on 29 June 2020, indicate a highly significant 13% reduction when compared to the 2014-based projections on which the Council's current assessments are based. This will substantially impact on the Council's 5 year housing land supply, this is a material planning consideration in determining this application.

Green Belt

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 states that, apart from a limited number of exceptions, which these applications do not meet, the construction of new buildings should be regarded as inappropriate in the Green Belt.

Policy CP11 of the Core Strategy (2011) and Policy DM2 of the Development Management Policies (2013) notes there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

The applicant considers there is no clear reason for refusing the developments proposed and whilst development of the site would by its nature result in harm to the Green Belt, this harm would be localised and limited given the individual site circumstances.

National and local policies recognise the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the developments would cause harm through inappropriateness and damage to the openness of the Green Belt.

The application does not fall under any of the exceptions set out in Paragraph 145 of the NPPF. However, in their view, as the site is adjacent to the built up area of Chorleywood "the harm arising from the development would be limited and have no significant adverse effect on the wider rural character."

The National Planning Practice Guidance (NPPG) outlines that in considering the potential impact of development on the openness of the Green Belt, decision-makers should consider that openness is capable of having both spatial and visual aspects. The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs."

At the present time this part of the Green Belt is free of any development. Should the proposal for 800 dwellings go ahead it will be almost entirely covered and therefore the proposal would impact the Green Belt both spatially and visually.

NPPF para. 134 sets out the purposes of the Green Belt: (i) to check the unrestricted sprawl of large built-up areas. The NPPF does not define sprawl, but it is generally taken as the contiguous expansion of an existing settlement into the surrounding countryside. This development would create urban sprawl.

b) to prevent neighbouring towns merging into one another.

At the moment the site marks a very clear boundary between Hertfordshire and Buckinghamshire, there is a strong risk of coalescence if this goes ahead.

c) to assist in safeguarding the countryside from encroachment;

The proposal would encroach 300m as viewed from the public highway of Green Street frontage.

d) to preserve the setting and special character of historic towns;

The proposal would have a significant impact on views from Chorleywood Common Conservation Area and therefore will result in less than substantial harm to the character and setting of the Conservation Area and nearby Listed Buildings.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development of the site would not assist in urban regeneration. It takes pressure off the brownfield first approach by developing cheaply on green field sites. Contrary National and Local Policies.

In their case, the Applicant argues the present use is not 'optimal' which makes little sense. Residential development, which is inappropriate, would certainly not be the optimal use for either the purposes of the Green Belt or the AONB.

The Applicant's intention is to "Make most efficient use of poorly performing Green Belt and land which does not contribute to the landscape and scenic beauty of the AONB."

The site fully performs its Green Belt purposes and the quality of the landscape of an area should not be a consideration when assessing the contribution of Green Belt to the fulfilment of those Green Belt purposes. The only reason it isn't well used is because there isn't public access and it is fenced off to prevent Public Access, there is no doubt this could perfectly lend itself to an appropriate small scale agricultural use.

NPPF Paragraph 136, states that Green Belt boundaries should only be altered where exceptional circumstances are "fully evidenced and justified" and such alterations should be carried out through the Local Plan process. At the present time the Council is developing its emerging Local Plan.

This application is speculative development and it has not been tested rigorously through the local plan process. Given the recent dramatic reductions in future household projection for Hertfordshire, the impact that the proposals will have on the Green Belt and the national status of the AONB, this application appears to be speculative and premature.

AONB

The Starting Point is to note that the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that " In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better.

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance.

Section 84 of the Act states that a Local Planning Authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of that area. That includes prohibiting inappropriate development.

Section 85 of the Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to or affecting land within these areas. This is known as the 'duty of regard'. It is the responsibility of the Local Planning Authority to fully justify its recommendations for

approval of development proposals by referring to the criteria for the AONB's special qualities.

NPPF para. 172 limits the scale and extent of development within AONBs. There is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it. Major development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. 'Exceptional' circumstances are more onerous than 'very special' circumstances.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:

- (a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

National planning policy does not require development that causes harm to nationally designated landscapes to be automatically approved. Planning Practice Guidance, as revised in July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas [AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas".

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way. The applicant has not presented a rigorous and well detailed sequential assessment in support of their case to build on this site. Instead the Applicant and their agents have thrown in their opinion setting out this site is not particularly special as far as AONB is concerned.

The Applicant argues the same as it is outlined under 'Green Belt'. It is considered that "the land does not contribute to the landscape and scenic beauty of the AONB" (Planning Statement para. 7.2); "harm to the AONB would be localised and limited". (para. 7.5) The Design and Access Statement says that the site "does not have a remote feel or many characteristics typical of the Chilterns [AONB]."(para. 1.10.79).

There are many different characteristics in different parts of the AONB. It is irrelevant whether this part of the AONB has a remote feel or not. None of these comments is supported with rigorous, objective evidence.

Planning Practice Guidance says policies for protecting the AONB may mean that it is not possible to meet objectively assessed need for development in full and the AONB is unlikely to be a suitable area for accommodating unmet needs and the extent of public interest in the need for housing has to be balanced against that in the Green Belt and the AONB and all other material planning considerations. In this case, the Applicant's case is premature.

Mix and Type of Housing

Whilst the applicant proposes a mix of houses, this is only broken down by unit numbers. The applicant claims to provide a genuine mix of homes for first time buyers and downsizers. This is not true. If the applicant was serious about creating a mixed and balanced community, it takes into account at the outset where and how homes for downsizers would be built. There is nothing to suggest the applicant is making provision for genuine good

quality accommodation for over 55. Over 55s would not be tempted to move out of family sized homes into small scale units that are squeezed in one on top of the other. The submission takes no account of this.

Amenities

Whilst it is acknowledged that the site is within 2km of Chorleywood Station and the local centre, in order to get to the site there is quite a climb in and out of the centre of the village which will inevitably result in residents having to drive down to the shops and back home. Otherwise it would take at least a 20 minute walk each way to purchase a pint of milk or a loaf of bread. The applicant has not considered the sustainability of the site at all. For 800 homes, it is bewildering why there isn't a basic commercial unit proposed to serve the residents of the future development. It would be a sustainable location that could also serve children walking to and returning from the St Clement Danes school. This development simply provides homes for people commuting in and out of the city and fails to provide a development that integrates into the village.

Benefits

The provision of a golf club (at peppercorn rent) and a football club on the opposite side of the road in Buckinghamshire is cited as a benefit. The applicant suggests parents dropping children to St Clement Danes could park at the football club during pick up and drop off times which is cited as a benefit. There are strong objections to this. At the moment this is merely a speculative application at Buckinghamshire Council. There is little control over this facility as it does not form part of the application. The proposal is not a joint application that has been submitted to Buckinghamshire Council and TRDC at the same time, the two applications are entirely separate which again highlights the speculative nature of this entire development. The facilities that the community have very clearly highlighted there is a need for is ignored, instead the developer has negotiated has offered individual organisations benefits that only benefit a handful of people and do not contribute towards infrastructure demand across the village or the demands generated by this proposal. Furthermore, if the offer made by the applicant for the golf club is secured by the local planning authority this would distort competition and could amount to State aid.

There are significant concerns as the Applicant has stated within their Statement of Community Involvement that "the parking for the sports facilities on the west of Green Street can be used as a drop off and pick up area for St Clement Danes pupils, which will be much safer than the current informal use of Green Street for this purpose." This will only encourage more traffic through the village and the sports facility would be used for purposes other than sports and recreation. This conflicts with the purposes of the Green Belt and the Parish Council will be raising this issue with Chiltern District Council. The Parish Council requests that Officers at TRDC object to the proposal for the football club at Chiltern District Council.

As noted above, the proposed and improved cycle routes the Applicant is proposing is undeliverable as it is illegal to cycle across Chorleywood Common and land that is relied on to deliver improved cycle routes aren't within the Applicant's ownership.

4. Impact on the Chorleywood Common Conservation Area

Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Planning Statement acknowledges there will be some significant changes to the views of adjacent residents and recreational users of the Common. The Environmental Statement notes the scheme will cause less than substantial harm to the significance of Chorleywood Common Conservation Area.

The Environmental Statement considers “the Site forms a small percentage of this surrounding countryside, and is set back from the historic cores of the conservation area behind intervening built form and thick mature vegetation (Figure 7 and Figure 9). The landscape of the Site slopes down to the south, and has been organised for agricultural use. It is therefore considered that the Site makes a considerably lesser contribution to the wider setting of the conservation area than its immediate setting.”

This is incorrect, the photograph shown on the landscape drawing and a site visit suggests the site is visible from the Common and the proposed development would have a significant detrimental impact on the Common. Not only would the built form erode the open landscape setting of the surrounding area that contributes to Chorleywood Common’s historic setting.

The appearance and treatment of the spaces between and around buildings is also of great importance. The aim should be for any development to result in a benefit in environmental and landscape terms.

Given the density that it is being built to, it would result in a cramped built up urban form. The proposal would fail to maintain the open and rural character of the Conservation Area. The proposed dwelling would significantly alter the fabric of the area and amount to serious ‘cramming’ in what is currently an open field and a site to the edge of the village. The applicant cannot propose a density which is more appropriate in town centres. It further harms the setting of the Conservation Area.

The proposal allows very little space for landscaping and we believe that it would lead to gross overdevelopment of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.

Whilst the scale and appearance of the development is not for determination at this stage, the indicative masterplan portrays a dense three storey housing covering most of the site with open space. New buildings would be highly prominent when viewed from the adjacent the Common and Shire Lane. The impact on winter evenings would be especially damaging and to the Chorleywood Common due to light spillage from street and domestic lighting. It would be harmful to wildlife and undermine enjoyment of the countryside and the night sky, especially given the area currently is intrinsically a dark landscape.

No robust public benefit argument has been put forward to outweigh the significant and detrimental harm to the character and historic interest of the Chorleywood Common Conservation Area.

5. Impact on a Valued Landscape

Paragraph 170 of the NPPF notes:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise

pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The landscape of which the application site forms a part is valued by local people and those visiting the area and this is enough to give it the protection provided by Paragraph 170 of the NPPF. The Chilterns AONB is made up of a mosaic of land uses, varied typography, landscape history, it includes a dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and views which combine to make the whole of this site an integral part of the memorable landscape.

The site itself contributes to the historic setting of the village and is an important marker for the border between the Kingdoms of Wessex and Mercia, now the counties of Herts and Bucks and the openness of the Chorleywood Conservation Area. It is situated within the Chilterns Landscape region and it is a site of ecological and conservation interest. Its scenic quality is derived from its undulating terrain that is appreciated from within the site and areas surrounding the site. The area is distinctive, attractive and wholly worthy of being treated as a 'valued landscape'. The landscape harm, erosion of the area of local separation, the harm to the conservation area, negative impact on the wildlife corridor and the loss of agricultural land all of which significantly outweighs the benefits of either 300 or 800 homes that the new development would contribute towards making up the district's housing shortfall.

There will be a significant change to views from the Chorleywood Common, from the public footpath immediately to the south of the site and Orchard Drive beyond as well as the two footpaths around the field to the north of the site."

There will be significant impact when viewed from three of the four sides of the site, including from Public Rights of Way (Prows 11 and 014) and longer distance impact from other parts of the Green Belt. This is borne out by the photographs of receptor sites included in the documentation. Apart from the receptors mentioned above, the development would also be clearly visible from a number of other sites. e.g. View 5 Amersham Road where it is claimed that "the site is screened by hedgerow vegetation even during the late winter", (except, unfortunately, in the photograph provided by the Applicant.)

6. Highways Impact

The Applicant states that the Development of the site is planned to take 8 years which causes concern over the impact on existing residents of disruption, dirt and noise.

The Applicant states that 'the proposed Development has not been tested' and 'could be supplemented following further discussions with the Highways Authority prior to determination of the application'. This is unacceptable, the impact would be significant and detrimental and this information must be provided upfront.

Recognises Chorleywood Parish Councils concerns about the underpass between Green Street and Shire Lane but the remainder of the report fails to address the issues that the increase in traffic, created by the Development, at this underpass.

The Applicant's analysis has been based on forecasts and the chosen assessment year is 2030 the anticipated year of opening.

The Applicant states 'no consultation has taken place for this application'. States that the railway at Chorleywood connects to Watford. That is not strictly true, see comments above.

As it is widely known, public transport and travel times within the District and County are especially poor.

With regards to the traffic that will be generated by the construction workers. It is noted that car sharing and use of public transport will be encouraged. However, parking in Chorleywood is strictly controlled due to the volume of commuter traffic created by Chorleywood Railway Station. If any development is approved it should be conditional that the Development site must include parking for the construction workers.

The Applicant suggests that 70% of the traffic generated by the Development will travel north from the site and 60% of which will then travel east towards Junction 18 of the M25. Table 8.6 suggests this increase is between 45% and 93% that is a magnitude of change between slight and substantial. The suggestion is a 30% increase in traffic going south from the site. Table 8.6 suggests that this increase is between 21% and 36% which is a magnitude of change between less slight and slight. However the comment that this will be more dispersed towards the south, west, and east goes not address the issues of the difficulty in crossing the railway line or the fact that exit from Chorleywood in all of these directions results in traveling along narrow lanes some not wide enough for white lines down the middle.

Should any application be approved at this site, it should be conditional that there is no left turn onto Green Street from the Application site between the hours of 07:00 and 09:00 to prevent single track lanes being used as shortcuts to the M25 and other routes. Such a solution has been implemented successfully in the London Borough of Hillingdon and it is enforced by a traffic camera.

7. Travel Plan

The Applicant states 'it is not possible to calculate the required vehicle and cycle parking at this stage as the residential mix is not yet known'. However, access would determine the layout, the number of homes and car parking layouts. Officers should be mindful that the application site requires a hike up Green Street's undulating terrain and it is unrealistic that there will be car free homes or that each dwelling would only require one car parking space. Given the quantum of development proposed, there is a risk the estate would be littered with car parking which goes against good placemaking principles.

PROW 14 does connect Green Street with Chorleywood Common and is suitable for pedestrians but not cyclists as it is illegal to cycle on Chorleywood Common. It is currently not lit due to its conservation value. This route cannot be used for cycling and it cannot be lit and must be maintained for pedestrians only.

National Cycle Route 30. This runs through Long Lane, Chalfont Lane and continues to Little Chalfont.

States that the Metropolitan Line connects to Watford, although this is true it is necessary to change trains at Moor Park and the Watford Metropolitan Line Station is a long walk from Watford town centre. It would take at least 50 minutes. This suggests journeys to Watford will in fact be undertaken by car.

States that railway services go to Watford, although this is true it is necessary to change twice, once at Rickmansworth and once at Moor Park. (see Comment on 2.22 above). To get to the centre of Watford you can take a Metropolitan Line train to Northwick Park, walk to Kenton and then get a London Overground train to Watford High Street. This would take approximately 1 hour. This suggests journeys to Watford will in fact be undertaken by car.

Chorleywood Railway Station is within the maximum preferred walking distance from the site however pedestrian access to the village is poor and undulating.

Within the centre of Chorleywood there are only four places to cross the railway line for pedestrians and two for vehicles. One is a pedestrian only underpass, known as the Cattle Creep, which joins two parts of Chorleywood Common. The other pedestrian only underpass is within the confines of Chorleywood Railway Station, owned by TFL, and it is only with their agreement that residents can use it without purchasing a ticket. A bridge, known as Shepherd's Bridge, is used to cross the railway line east of the railway station, but it is narrow and has no pavements for pedestrians. Photo 5 included in the report, shows the bridge at the end of Green Street that passes through to Shire Lane. The road way is narrow as is the pavement. It is possible for cars to pass each other but not HGV's.

In the Environmental Statement Chapter 8: 8.2.48 states 'fear and intimidation are other problems caused to pedestrians and cyclists by the proximity of vehicular movements'. The Parish Council suggests that the lack of pavement on Shepherd's Bridge and the narrow pavement in the Shire Lane underpass is a cause for fear and intimidation if the volume of traffic were to increase.

Any increase in volume of housing to the north of the Railways Line will adversely effect all Chorleywood residents' ability to cross the railway line safely, whether they are in a vehicle, on a bicycle, or on foot.

States that 'a travel survey will be carried out within three months of full occupation of the Proposed Development site' and 'undertaken annually for five years'. A travel survey should be undertaken now, so that the impact of the Development on the area can be accurately assessed. States that a Travel Plan Coordinator will be appointed and will actively engage with Hertfordshire County Council. Nothing is said about who will appoint this person or how this person will be financed.

Currently Chorleywood Parish Council is responsible for the interaction with Hertfordshire County Council on matters relating to highways and footpaths and this is financed through the precept. The improvements to the traffic lights on the A404 & Common Road were partially funded by Chorleywood Parish Council.

The travel implications of the development would not disappear after 5 years, it would continue forevermore this will only increase pressure and demand on this historic village for the next twenty, fifty and hundred years. The development of the site should consider its impact upfront and propose solutions that are sustainable and not left flippantly to an unspecified monitoring officer to manage for a period of 5 years.

8. Socio Economic Impact

Health

On page 6.27 table 6.9 states that:

- The Gade Surgery has 7.76 doctors with 11,755 registered patients, equalling 1,515 patients per doctor and therefore spare capacity for 3,765 patients
- This is factually incorrect. Not all the doctors work full time so in actuality the surgery only has 5.375 doctors serving 11,816 patients resulting in 2,198 patents per doctor
- Herts Valley Clinical Commissioning Group state that doctor to patient ratio should be no more than 1:2,000 so rather than the surgery having spare capacity it is in fact over subscribed
- Conclusion: There is no spare capacity to serve these potential new residents at The Gade Surgery

In order to serve these potential new residents (either the 300 or 800 homes application) the surgery would need to recruit new doctors and expand its premises to meet the increased demand and provide appropriate facilities. This would be extremely difficult at its current location

Furthermore, if the objective of the housing developments is to provide homes for new families and downsizers it is reasonable to assume a potential polarisation of age groups within these potential new residents i.e. more residents at opposite ends of the age spectrum. This will present additional challenges for the surgery as these age groups (very young children and older residents) tend to have a higher patient to appointment ratio and also a need for more "on the day" appointments, due to the health challenges they present, than other age groups. Section 6.11.3 on page 6.43 supports the fact that there is an ageing population in TRDC - expected 34% increase in those aged over 65 during the period 2016 to 2031

This will place additional pressure on the surgery in respect of accommodating these new patients and lead to potential frustration for existing residents in respect of securing a doctors appointment.

Given the discrepancies presented in the Socio Economic report for The Gade Surgery it is reasonable to call into question the data presented for the other Surgery within Chorleywood and the Dentists.

In light of the above, the Parish would refute the point about "No significant" impact on Primary Health Care made in section 6.8.1 on page 6.39 of the Socio Economic Report

There is no mention of additional defibrillators being provided to serve this new housing development. The existing ones are in the centre of the village and are potentially too far away from the epicentre of this new population to provide any realistic benefit.

There is also no mention in the report of the potential increase in ambulance response times for these new residents.

In summary the Socio Economic report contains inaccurate data and a number of omissions which significantly calls into question their position that these developments would have "no significant impact" on Primary Health Care within Chorleywood.

Schools

Currently there is no capacity within Chorleywood for additional school places, with most schools being oversubscribed. The schools do not have the capacity to accommodate pupils from this level of housing development.

Using their statistics 800 new dwellings could mean a potential of approximately 1200 further children (1.5 per dwelling). This equates to three extra classes per year group being required.

Due to the location of the development it will have a detrimental effect on the ability of families to access St Clement Danes School which is already oversubscribed. SCD has over the past few years expanded to meet the current demand and have advised that they do not have space to expand again. This development would displace those children already living in Chorleywood further away from the school to have to choose schools outside the local community.

In order for this development to be acceptable, it must provide a new primary and secondary school within Chorleywood to mitigate against the impact of the development. It is unacceptable that this proposal would displace school places for children living within the village. It is completely unacceptable that this development flippantly offers a notion contribution to be spent 'elsewhere in the District' when its impact would be felt locally within Chorleywood and only reinforces its prematurity. Any development at this may only be considered through the local plan process ensuring that it is supported by the right infrastructure so it is truly sustainable for existing and future residents.

9. Water Environment

Chorleywood Parish Council have a fear of Surface Water Ingress into the Village Centre of Chorleywood following the area of the Village Centre being devastatingly flooded twice in the 1990's. These events resulted in remedial work being undertaken on Chorleywood Common, one of the highest points close to the centre and Thames Water improving the surface water drainage in the lowest areas. The flood risk maps produced by the Environment Agency confirm these fears and demonstrate the roads at risk as being Whitelands Avenue; Green Street; Orchard Drive; Homefield Road; Lower Road; Chorleywood Bottom.

The Parish Council are pleased to see that the risk of flooding to the village centre has been recognised by the Developer and should be mitigated by the landscaping proposed.

Should any development of this area of Chorleywood be approved it should be conditional that the landscaping proposals are completed as part of the first phase.

11.3.5 & 11.6.25 – This States that 'insufficient capacity exists within the foul sewer network'. Thames Water has an obligation to provide the necessary sewage infrastructure. Any decision regarding the development of this site should be deferred until Thames Water has demonstrated they are willing and able to 'reinforce the sewage network to accommodate post development discharge without detriment'.

11.6.26 – This states that 'the Proposed Development could have a potentially major adverse and significant effect upon both Affinity Water supply network and associated groundwater abstractions'. Any decision regarding the development of this site should be deferred until Affinity Water has demonstrated they are willing and able to address these issues.

10. Ecological Impact

The proposed creation of a wildlife area as part of the wider housing development has the potential to provide increased and improved habitat (i.e. well designed ponds and long grass/scrub areas) for a range of wildlife than is currently present. There is very limited habitat currently on site with the most valuable being the boundary hedgerows and associated trees. These are expected to be protected, retained and improved within the proposed development.

For any new habitat to be effective it must be well designed and implemented with thorough oversight by experienced and qualified ecologists. As the Savills report notes, it is clear that further, more detailed ecological surveys are required. For instance, myself and other local residents have noted skylark (*Alauda arvensis*) being present and displaying breeding behaviours on site and yet this species has not been mentioned in any report or survey. This is a red list species protected by the Wildlife and Countryside Act 1981.

The Savills report is contradictory in places with it being noted under section 10.5.1, table 10.6, mitigation measure E that "Boundary habitats will be subject to no increase in lighting levels beyond current levels during both construction and occupation of the proposed development. This will preserve the value of the retained habitats, in particular for nocturnal species." Yet in section 10.7.2 table 10.7 mitigation measure J "A dedicated wildlife area will be established in the south of the site, with minimal lighting (for public safety only)."

The information contained within the proposed homeowner pack to be created and distributed to all potential future occupiers will need to be produced with thorough consultation and oversight by interested local parties (i.e. Chorleywood Parish Council) to ensure the information contained within about local designated sites (i.e. Chorleywood Common) is correct and accurate.

Whilst it is encouraging that a proposed Landscape and Ecological Management Plan (LEMP) will be implemented post development, the reach of the plan should extend beyond the planned 30 years which is a mere blink of an eye in ecological terms. The plan should detail long term strategic management and include a review process every 3-5 years in perpetuity.

And finally, for a proposed development of this magnitude, inside designated Green Belt, within an Area of Outstanding Natural Beauty (AONB) and in times of greater environmental awareness and responsibility, the area of land set aside for wildlife and conservation could and should be much greater and more ambitious than the 9ha planned.

Below is an extraction of the key points from chapter 10 of the development proposal documentation that covers the environmental statement and ecology report for the proposed development at Green Street, Chorleywood.

The report acknowledges that due to the timing of the planning application during the coronavirus pandemic that Chapter 10 has been prepared with historic data with further surveys planned for later in 2020.

Mark Kemp (Director of Environment and Infrastructure at Hertfordshire County Council) notes that “the need for further, specific surveys and/or mitigation for great crested newts (GCN), badgers, bats, breeding birds and hedgehogs appears reasonable”.

Anita Parry (Ecology Advisor, Hertfordshire Ecology) agrees with the ‘need for further specific surveys and/or mitigation’ for the above species and that ‘measurable biodiversity net gain will need to be demonstrated and delivered to satisfy the aspirations of the National Planning Policy Framework (NPPF) in achieving overall net gain”.

1A public responder commented that ‘in view of the declared climate emergency and the government’s objective to plant 30 million trees a year, that a new woodland environment could be created instead of the proposed development.

The site is located within the Hertfordshire Ecological Network as an area identified as offering potential to, but not supporting, habitat listed on S41 of the Natural Environment and Rural Communities (NERC) Act which states “these patches contain habitats not currently qualifying under S41 of the NERC Act but with high potential to do so... and should nonetheless be avoided by development... because they are important components of ecological networks and it is much quicker, less risky and more cost-effective to restore these habitats than to create new ones elsewhere”.

An extended Phase 1 habitat survey was conducted on 21 November 2019 and updated on 15th April 2020.

In the ‘do nothing’ scenario, no significant changes are predicted to occur and habitats within the site boundary would continue to be managed intensively for agriculture through cattle grazing.

Bats – it is assumed that the site supports a moderate number of species of local/county importance at the boundaries of the site and that the majority of the site (which offers much lower quality habitat) supports a low number of species of local/county importance.

GCN - It is assumed that ponds within 500m to the east support a medium population of GCN and reasonable to conclude that the species is absent from ponds within 250m to the west.

Badgers – It is assumed that the wider Quattro landholding supports one main sett and one annex/subsidiary sett and that the site is used by one badger clan. The site is considered to be of no more than local value.

Table 10.2 provides a summary of the Phase 1 habitats present on site.

Hedgerows – There are two hedgerows on site, both are generally defunct but species-rich. Both hedgerows are considered to be a Habitat of Principle Importance under S41 NERC Act, 2006.

No artificial illumination is located within the site boundary resulting in the perimeter features and main open area offering dark conditions for nocturnal animals.

Flora - No protected/notable species of flora were recorded on site during the Phase 1 survey and is unlikely to support such species due to its improved and grazed nature.

Bats – From a review of local records provided by the Hertfordshire Environmental Records Centre (HERC) and the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) and from taking into account the habitats present on site, it is considered likely that the site supports multiple species of bat.

Bats – The initial bat survey undertaken on 22nd April 2020 identified multiple bat species and it is considered they may use the boundary features of the site (trees and hedgerows) for foraging, commuting and possible roosting as opposed to the centre of the site. The baseline information will be updated during additional surveys during the course of 2020.

Badgers – Two active badger setts are present within the wider Quattro landholding adjacent to the sites eastern boundary. The site itself offers approx. 9 hectares of suitable foraging habitat for this species with even more extensive habitat being present in immediately adjacent areas.

Amphibians - The boundary habitats on site and in the adjacent area within the Quattro landholding provide suitable terrestrial and hibernation habitat for GCN. The grassland does not offer any refuge or hibernation habitat and has limited value as foraging habitat.

Amphibians – The boundary habitats on site are also considered suitable to support low numbers of common toad and common frog, both recorded locally.

Reptiles – The site offers very limited habitats of suitability for reptiles.

Breeding Birds – The boundary hedgerows and trees offer suitable nesting habitat for various species.

Breeding Birds – The on-site grassland offers suitable foraging habitat for a range of species, although is a limited resource for raptor species, being heavily grazed and lacking any sward height suitable to support small mammals/rodents.

Hedgehogs – Records exist for locations within 2km of the site. The site itself is considered to offer suitable foraging and hibernation habitat for this species, particularly along the edges of the site and within boundary hedgerows and deadwood.

Dormouse – The hedgerows on site offer limited suitability to dormouse.

Invertebrates – Overall, the site is considered likely to support an invertebrate assemblage comprising predominantly common and widespread species although the more floristically diverse and complex habitats (such as the boundary hedgerows) may support legally protected and or notable species.

Trees – The hedgerows contain a number of standard trees offering features suitable to support roosting bats.

Improved grassland – The site predominantly comprises an improved grassland field currently grazed by cattle. The grassland is species poor and is maintained at a very short sward height (5cm at time of survey) due to cattle grazing.

Table 10.6 Summary of inherent design mitigation.

A - Boundary habitat (hedgerows with trees) with associated vegetated buffer to be retained and protected through the use of barrier fencing to provide habitat and unchanged connectivity for invertebrates, birds, GCN and common amphibians and reptiles, badgers, bats and other mammals. Enhancement of the habitat within the buffer to provide a species rich resource. Hedgerow planting to infill existing gaps to increase ecological value. Retained open greenspace in the south of the site will provide alternative habitat for species inc. badger, GCN, bats and hedgehog.

B – Avoidance of injury or killing of GCN through the use of standard methods to be implemented through a Natural England GNC mitigation licence. No increase in lighting within the retained perimeter habitat features to ensure use of these habitats and long-term connectivity.

C – A Construction Environmental Management Plan (CEMP) will be produced for the site which will set out specific avoidance and control measures to protect the environment and associated receptors.

D – Tree protection fencing will be used where necessary. The removal of Class A and B trees will be minimised as far as possible at the two locations required for site access. Trees that are required to be removed will be replaced at a suitable location to be agreed with the LPA ecologist and Tree Protection Officer. No potential bat roost trees currently present a need to be removed.

E – Boundary habitats will be subject to no increase in lighting levels beyond current levels during both construction and occupation of the proposed development. This will preserve the value of the retained habitats, in particular for nocturnal species.

F – Creation of a series of new ponds within the retained greenspace area to include appropriate marginal planting to provide additional suitable breeding habitat for GCN, foraging habitat for bats and a water source for mammal species.

G – No increase in lighting beyond current levels, retention of boundary habitats and buffer around the development allowing long term connectivity to local badger setts, adjacent suitable foraging and other habitats.

H – Repeat badger survey as part of CEMP to confirm location of setts and to confirm no additional measures required. Use of an Ecological Clerk of works during construction if deemed necessary following repeat badger survey.

I – No vegetation clearance will take place during the bird nesting season (Feb – Sept inclusive). Where this is not possible, a suitably qualified ecologist will perform a detailed check of the vegetation to be cleared no more than 2 days before clearance is due to commence. Should a nest be found, a suitable buffer will be established and clearance of the vegetation delayed until all chicks have fledged.

A key aim of the proposed development is to deliver Biodiversity Net Gain through the creation and enhancement of habitats.

There is likely to be additional recreational pressure from new residents on Chorleywood Common LNR due to increased visitor numbers leading to changes in plant communities arising from the effects of nutrient enrichment of soils as a result of dog faeces, removal of plants, trampling of habitats and disturbance to individual species. Consequently a medium magnitude of change is predicted which may result in effects that are significant in the absence of additional mitigation measures.

There is the potential for a reduction in the ecological value of the boundary hedgerows and trees following development of the site. The implementation of mitigation measure A (additional planting) will ensure the ecological value of this habitat is maximized. However, without appropriate management and maintenance of this in the future, the ecological value of these habitats will decrease. Consequently a medium magnitude of change is predicted which may result in effects that are significant in the absence of additional mitigation measures.

Table 10.7 details the additional mitigation, compensation and enhancement measures required.

J – A dedicated wildlife area will be established in the south of the site, with minimal lighting (for public safety only).

K – A Landscape and Ecological Management Plan (LEMP) will be produced for the site which describes the management, maintenance and monitoring prescriptions for the areas of newly created and enhanced habitat and other ecological features for a period of 30 years post development.

L – A homeowner pack will be produced for each new dwelling, to include info on: the local designated sites (i.e. Chorleywood Common) including their features of importance, habitats and species the support and responsible amenity use by new residents to preserve their value (i.e. keeping dogs on leads, picking up dog waste, using the bins provided and keeping to footpaths). Responsible use of the on site wildlife area for amenity purposes including info on the species likely to be using the area, dwellings with bat boxes/tiles etc.

M – provision of bat boxes at appropriate locations in retained trees to be advised by a suitably qualified ecologist.

N – Areas of scrub habitat will be created comprising nectar rich native species providing suitable habitat for invertebrate prey species.

O – Creation of hibernacula and log piles within the site boundary for GCN, and other amphibians and reptiles. Additional linear ponds will be created along the boundary habitats to provide new breeding habitat and providing a stepping stone habitat as a new link to wider suitable habitat to the west.

P – Bird boxes to be installed along boundary hedgerows/in trees.

Q – All new fencing will contain gaps measuring 12x12cm every 10m to allow hedgehogs and other smaller species to access areas of potential foraging habitat.

The proposed Green Street West development will provide approximately 9ha of additional woodland habitat thereby significantly increasing the number of trees in the wider local area. This is considered to have a significant positive cumulative effect. Should the application be allowed, this should be subject to a planning condition.

A significant positive cumulative effect is also predicted as a result of the Green Street West proposals in combination with the Green Street East proposals in terms of legally protected and notable species. Increased foraging, commuting, nesting/breeding and hibernation habitats will be provided for a range of species (inc. bats, badgers, GCN, reptiles, inverts, breeding birds and hedgehogs).

11. Conclusion

The applications are premature and speculative that simply deliver housing numbers which is a very short term objective as is made evident by the fact there ONS is projecting a fall in household growth. And yet, the harm proposed by this development is significant and lasting. Once built on, this would change the character and setting of Chorleywood, harming the natural and historic environment. It fails to take into account existing designations and robustly evidence that there is no other brownfield site within the District that could meet housing needs.

The proposal would result in the loss of Green Belt and AONB designated land and create an unsustainable form of urban sprawl. It fails to provide genuine amenities on site for

existing and future residents. It would have a detrimental impact on the sustainability of Chorleywood where existing residents would be displaced and there is limited capacity in the village health centres and school to accommodate the scale of growth proposed because it is not supported by the right infrastructure within Chorleywood for existing and future residents. The proximity of a site to an underground station is not the only determining factor of sustainable development.

Should any development be considered for this site, it must be done so through the local plan process where it is robustly tested so there is a clarity on the sustainability of the scheme. Contributions and planning obligations expected from development should be set out from the outset as part of the local plan process where the level and type of affordable housing and supporting infrastructure (education, health, transport, flood and water management, green and digital infrastructure) is set out within the local plan. For the reasons outlined within this Statement, the Parish Council request this application is refused.

9.1.4.1 Chorleywood Parish Council (February 2022): [Objection]

Following a public meeting held at the War Memorial Hall on 07 February 2022, where 100 members of the public attended in person and online, at a Full Council meeting on 08 February 2022 the Council resolved to object to the applications being considered at Land East of Green Street under ref: 20/0882/OUT and 20/0898/OUT and to call the applications in to be decided at the Three Rivers Planning Committee.

Whilst the detailed considerations are set out in the table below, the principal concerns raised by the Parish Council are as follows:

- That the concerns listed in the Parish Council's detailed report issued in 2020 have not been addressed by the additional technical documents produced by the Applicant.
- Significant concerns remain that the proposal would result in detrimental harm to the rural character and the historic setting of Chorleywood Common Conservation Area and other nearby heritage assets.
- The huge demand for infrastructure that both developments generate has been completely ignored by the Applicant.
- Both applications are inappropriate development in the Green Belt and the Chilterns AONB.
- Failure to align with the policies within the Chorleywood Neighbourhood Development Plan.
- The development would result in a significant rise in traffic movements by private vehicles. The limited range of services/facilities in Chorleywood together with the topography of Chorleywood, the narrow roads and limited footways for such a large number of residents would result in the majority of journeys being made by car.
- That the benefits of the Golf and Football Club are not within Chorleywood Parish, Three Rivers or Hertfordshire, are not guaranteed and, as both are private clubs, are not truly "Public" benefits
- The proposal is contrary to a Development Plan. It results in harm to the Green Belt including definitional harm, harm to its essential purposes and harm to openness arising from the proposed scheme. It also harms the Chilterns AONB by its very nature which results in an uncharacteristic urban sprawl into the countryside. The harm caused by this development is significant. There are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan.

	Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT
Natural Environment (AONB)	The development proposed is within the Chilterns Area of Outstanding Natural Beauty (AONB). The AONB has the highest level of protection, above that of Green Belt, so that development in an AONB can only be allowed if there are “exceptional circumstances”. The Applicant has failed to provide any exceptional circumstances or to demonstrate there is no other site within Three Rivers or Southwest Hertfordshire that could accommodate new housing before proposing irreversible damage to the Chilterns AONB which also forms the rural and tranquil setting of the village of Chorleywood.
Natural Environment (Ecology)	<p>The Chorleywood Parish Council Conservation Ranger and local residents have noted Skylark (<i>Alauda arvensis</i>) regularly being present and displaying breeding behaviours on site, and yet this species has still not been mentioned in any report or survey. This is a red list species protected by the Wildlife and Countryside Act 1981. The matter raised by HCC regarding further isolation of Chorleywood Common cannot be swept aside by stating that links remain to the north and south (where the Common is bounded by the A404 and M25) when a large proportion of its western boundary will be more isolated from the wider countryside. With the huge volume of green space and fauna movement routes already lost to HS2 there is diminishing space allowing for wildlife movement between sites. A herd of Roe deer are very regularly seen on the proposed development site.</p> <p>Management of Chorleywood Common is already significantly funded by the parish Council with 2 full time, qualified rangers in post. The offer of a contribution to the Parish Council to support the management of the Common (Response to HCC Ecology Point 18.3) will not serve to reduce the impact of extra footfall of pedestrians and dogs where such high pressure already exists and either demonstrates a lack of understanding of the impacts or is an empty gesture.</p> <p>The developers propose to create a footpath situated at the southernmost point of the development to link up with public footpath 14 which runs from Green Street in the north to Chorleywood Common in the south. This is simply not possible as cycling is prohibited on the Common (Section 193 of the Law of Property Act 1925 and Chorleywood Byelaws dated 23 March 1995). Once again, the Applicant has simply ignored this matter which only points to how ill thought-out and unsustainable the development actually will be, in that future residents will be heavily reliant on private vehicles to meet their needs.</p>
Green Belt	<p>The development proposed is within the London Metropolitan Green Belt. Whilst each case must be decided on its merits, there are many Appeal Decisions where development in the Green Belt has been refused because such developments are poorly thought out and harm the openness of the Green Belt, very much like both of these applications.</p> <p>Unmet housing need does not amount to Very Special Circumstances capable of outweighing the harm caused by inappropriate development in the Green Belt as set out in the Ministerial Statement (2014) and later incorporated into circular (2015) and PPG.</p>

	Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT
Socio-Economic Impact	<p>The applications do not address the socio-economic concerns raised in July 2020. There is no firm commitment to provide land for a primary school. Furthermore, the shortage of school places extends beyond primary level, to secondary level as well, and there is no mention of how this will be addressed.</p> <p>The applications fail to acknowledge or address the devastating impact the additional homes will have on local services. For example, there is no provision for additional medical facilities within the development or elsewhere, no community hub in the “estate,” no additional defibrillators etc.</p> <p>The applications fail to respond to the policy requirements of the Chorleywood Neighbourhood Plan. It conveniently omits alignment to a number of other policies. Particularly the need to provide a sustainable development and protect and improve infrastructure and community facilities. The proposal’s empty gesture, which provides some additional inappropriately placed ‘urbanising facilities’ outside the Parish, District and County, is simply unacceptable. This development would make the existing village unsustainable.</p> <p>The development is not well connected to existing services e.g. shops, transport, etc., which are approximately 0.5 miles away down a steep hill with narrow pavements at points. Accessibility to these services e.g. doctors & shops will be very difficult for someone with limited mobility or young children, resulting in a high reliance on private vehicles to meet their needs. No provision has been made within the development for shops or medical services.</p> <p>The developer implies that if the development goes ahead then there is the opportunity to build Golf and Football Clubs at Green Street West. Yet again there is no firm commitment to do this. Even if these are subsequently provided, they only benefit a small percentage of Chorleywood residents and could result in additional “outside” traffic coming through the village. The provision of such facilities, if they ever materialise, does not even begin to offset the harm to Chorleywood caused by a development of this size.</p>

Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT	
Traffic & Transport	<p>The applicant has provided extensive new information in the form of a revised traffic and transport assessment including junction modelling requested by the relevant highways agencies. There are concerns over the quality of the modelling as the results appear inconsistent, for example, 300 dwellings is expected to cause additional delays of 46.9 seconds at the Green Street/A404 junction whilst 800 dwellings is expected to only cause delays of 27.98 seconds (Table 8.8 in the respective traffic assessments). This trend is seen across the data for several junctions.</p> <p>Whilst the applicant appears to address most of the questions asked by the agencies, it is notable that the applicant has not responded to the agencies' queries on the impact on J17 of the M25. As the access to this junction from the proposed site would be via a narrow country lane (Long Lane), which already struggles to cope with the levels of traffic experienced in busy periods, this is of considerable concern.</p> <p>The developer has concentrated on the impact that the Green Street development will have on the A404 and one of the junctions on the M25 that serve Chorleywood. However, the time slots quoted in the Developers calculations are shorter than required and do not match the periods of high volumes that are experienced by the residents.</p> <p>Chorleywood Parish Council has previously recorded the issues that pedestrians currently experience crossing the railway line that dissects the centre of the village. As a result of proposals to build a significant number of new houses around the village and, in particular, in Green Street, the Parish Council engaged a company to carry out a traffic survey. The results of this undertaking have shown that the impact on pedestrians and traffic within the centre of Chorleywood by any development in Green Street, will be considerable.</p> <p>The Parish Council's own evidence states that traffic flow via the bridge peaks during the morning peak hour as would be expected, however the evening peak occurs during school pick up (3- 4pm) and not the typical weekday evening peak of 5-6pm. This suggests that peak traffic flow on the network is more associated with school traffic than general commuting traffic.</p> <p>The pedestrian count under the railway bridge shows a substantial level of pedestrian flow northbound in the morning peak hour and southbound in the school afternoon peak hour.</p> <p>This highlights the importance of the railway bridge for connections on foot towards schools north of the railway line principally St Clement Danes School. The current layout of the highway under the railway bridge prioritises vehicles over pedestrians, which results in a footway which is too narrow to adequately cater for its current usage. The developer in their Transport Assessment sets out anticipated trips by all modes of transport from the site but does not quantify likely travel routes or destinations for any mode of travel other than by car. However, the TA does set out likely levels of traffic flow which will result in a significant increase in peak hour traffic flow. Whilst junction capacity is given due consideration in the assessment work, the impacts on pedestrian movement is given limited attention. Indeed, the additional traffic flow from the development will result in the Green Street/Shire Lane/Station Approach junction exceeding theoretical capacity in the future year scenario.</p> <p>The developer has attempted to address the concerns of the Parish Council with regard to the road junction where Green Street meets Station Approach and Shire Lane by offering a redesign of the junction. Unfortunately, their plan cuts across and blocks the entrance of a private road which is the access for some of the residents to their homes and pays no regard to the fact that the ancient hedge located in their design, forms the boundary of the Common Conservation area and is protected under the Chorleywood Neighbourhood Development Plan. In addition, it is considered that it is unlikely that modifying the junction will have the desired effect due to the narrow nature of the tunnel under the railway immediately proximate to the junction.</p>

Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT	
Water/ Sewage	<p>Thames Water has stated that 'insufficient capacity exists within the foul sewer network'.</p> <p>The developer has ignored Thames Water's concerns and no changes are evident in their plans to mitigate the problem. The residents of Chorleywood are already suffering from issues with the current sewers and Thames Water have received numerous complaints. The Chorleywood Parish Council has a detailed correspondence file on this matter and this situation already exists before any large development in this area has been approved.</p> <p>Affinity Water has stated that 'the Proposed Development could have a potentially major adverse and significant effect upon both the supply network and associated groundwater abstraction. The developer has ignored Affinity Water's concerns and no changes are evident in their plans to mitigate the problems.</p>

Application 20/0882/OUT 800 Dwellings	
Historic Environment	<p>The Parish Council maintain the proposal will result in detrimental harm to the Chorleywood Common and its associated Conservation Area. It fails to conserve the heritage assets in a manner appropriate to their significance. The applicant themselves recognise in their response to the council's previous comments that this development proposal would be clearly visible from the Common.</p>
Landscape and Visual Effects	<p>The development would result in harm to the rural setting of Chorleywood. It would introduce an uncharacteristically large and dense development within the AONB. The proposal would be harmful because it would introduce a dense urban form of development that would be discordant with the characteristics of the AONB. It would create an uncharacteristic urban sprawl in this location.</p> <p>It would be visible from various vantage points on Chorleywood Common and the associated Conservation Area as well as the surrounding area. It would result in the loss of open views from the footpaths adjoining the site. The light spillage, pollution and associated domestic paraphernalia would result in harm to the current tranquil landscape setting of the Chiltern AONB.</p>

9.1.4.2 Chorleywood Parish Council (April 2022): [Objection]

The Full council met on 12th April 2022 where the additional information submitted by the Applicant was considered. It was concluded at the meeting that the Parish Council's original and subsequent objections against the application continue to stand. In addition to the objections already raised, the Parish Council further add:

- According to the Applicant's modelling, the development will result in a 5% increase in traffic using Long Lane during peak hours. This is cause for concern since, as even a small increase in traffic using the narrow country lanes around the village, like Long Lane, at peak times can cause them to gridlock. There is also a concern that the modelling does not seem to take into account of the fact that, as the modelling shows the development will have an adverse impact on the traffic delays at J18 M25, the impact on Long Lane is likely to be greater than 5% as traffic chooses to use J17 instead of J18.
- It was also noted that in the Applicant's E-Technical Note it still says you can cycle to the station using footpath 14 and Old Common Road. This cannot be facilitated as cycling on the Common is illegal?
- The Parish Council's concerns about the situation with pavements at the junction of Green Street and Station Approach, and the tunnel have all been ignored
- The survey on Crested Newts expires in June 2022, it needs to be redone.
- Chorleywood Parish Council maintain their objection to planning ref: 20/0882/OUT - Land East of Green Street (800 Units) and wish to CALL IN the application to the planning committee.

9.1.5 Chorleywood Residents Association: [Comment received]

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Natural Environment (AONB)	The development proposed is within the Chilterns Area of Outstanding Natural Beauty (AONB). In the additional documentation the applicant has provided, they have included seven Appeal Decisions where Planning Inspectors / the Secretary of State have given permission for development in Green Belt. However, they do not relate to sites in AONB which has the highest level of protection, above that of Green Belt, so that development in an AONB can only be allowed if there are “exceptional circumstances”. As such, the applicant has still not provided any examples that would demonstrate that an appeal would be allowed for development such as this in AONB.	
Natural Environment (Ecology)	The applicant has provided additional information in response to questions from Hertfordshire Ecology. This seeks to demonstrate that mitigations will be put in place to offset and damage to the natural environment. However, in this analysis, in the mitigations planned no consideration has been given to ground nesting birds such as Skylarks (<i>Alauda Arvensis</i>) which have been observed on the site and there is no obvious mitigation that can be put in place. This is of particular concern as the Skylark appears on the RSPB’s Red List for endangered UK birds species and therefore is protected under the Wildlife and Countryside Act 1981. Note: the information for 20/0882/OUT was not provided until 7 th February (two weeks into the consultation).	
Green Belt	The development proposed is within the London Metropolitan Green Belt. In the additional documentation the applicant has provided, they have included seven Appeal Decisions where Planning Inspectors / the Secretary of State have given permission for development in Green Belt. However, it should be noted that there are also many Appeal Decisions where development in the Green Belt has been refused.	
Historic Environment	In the new documentation, in response to comments raised by Chorleywood Parish Council to the first consultation, the applicant accepts that this proposal will have a significant adverse effect on views from the Chorleywood Common and its associated Conservation Area.	No material new information
Traffic & Transport	The applicant has provided extensive new information in the form of a revised traffic and transport assessment including junction modelling requested by the relevant highways agencies. There are concerns over the quality of the modelling as the results appear inconsistent, for example, 300 dwellings is expected to cause additional delays of 46.9 seconds at the Green Street/A404 junction whilst 800 dwellings is expected to only cause delays of 27.98 seconds (Table 8.8 in the respective traffic assessments). This trend is seen across the data for several junctions. Whilst the applicant appears to address most of the questions asked by the agencies, it is notable that the applicant has not responded to the agencies queries on the impact on J17 of the M25. As the access to this junction from the proposed site would be via a narrow country lane (Long Lane), which already struggles to cope with the levels of traffic experienced in busy period, this is of considerable concern.	

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Traffic & Transport	<p>In the new information the applicant recognises that the modelling for this application shows that, due to the increases in traffic from the development, there would be a major adverse impact to traffic delays at the junction of Green Street and Station Approach. The applicant contends that, if the junction were modified to create two lanes at the end of Green Street, this would reduce the impact on traffic delays so that they would reduce from that currently experienced.</p> <p>However, it is questionable whether this change to the end of Green Street could be achieved. It would require widening the road across the hedge separating Homefield Road (a private road) from Green Street, thereby merging the exit from Homefield Road into Green Street. Also, the hedge involved is protected in the Chorleywood Neighbourhood Plan as it marks the ancient boundary between Wessex and Mercia.</p> <p>If the change to the end of Green Street could be made, it is also questionable whether the predicted reductions in delays could be achieved as the modelling does not appear to take into account the narrowness of the road under the railway bridge.</p> <p>The pavement under the bridge is very narrow and is used by a very high number of pedestrians during morning peak hours, mainly children going to school. Any increase in traffic will increase the risk to these children and will cause them and their parents to fear for their safety.</p> <p>In addition to the major increase in delays at the junction of Green Street and Station Approach, the applicant's report recognises that there will be moderate increases in traffic delays at the junctions of Green Street/A404 and A404/M25</p>	<p>The applicant's report recognises that there will be a moderate increase in traffic delays at the junction of Green Street/A404.</p>
Schooling	<p>The applicant has raised the prospect of land being provided for a new school. However, no details are provided of where this might be and how the building of the new school would be funded.</p>	
Healthcare	<p>No material new information</p>	
Community Facilities	<p>The applicant has linked this development to the provision of additional football and golf facilities on the west side of Green Street. It should be noted that these facilities are directly linked to specific organisations and therefore these facilities could be considered as not fully public facilities. Also, these are dependent on the approval of a separate planning application by Buckinghamshire Council and approval of this is not guaranteed.</p>	
Affordable Housing	<p>No material new information</p>	
Flooding	<p>No material new information</p>	
Density of Housing	<p>No material new information</p>	
Design of Development	<p>No material new information</p>	

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Sewage	Unrelated to the additional paperwork provided by the applicant, since the original application documentation was lodged, there have been issues with flooding in Whitelands Avenue and the bottom of Blacketts Wood Drive. Investigations by Thames Water have shown that this is related to a hydraulic pinch point in the main sewage network for Chorleywood so that, at times, the network cannot manage the existing demands. In their latest response to the applications, Thames Water have confirmed that the sewage network cannot support the proposed new housing and have asked that specified conditions are fulfilled before any new houses are occupied.	

9.1.6 Environment Agency: [No comment]

There are no environmental constraints within our current remit on this site and the previous/intended uses are not contaminative so we therefore have no comments at this time.

9.1.6.1 Environment Agency: [January 2022 response – No comment]

The Environment Agency is a statutory consultee on all development projects subject to Environmental Impact Assessment so they will both need to be logged onto our system. However, both applications fall under our risk bar as there are no environmental constraints within our current remit. We therefore have no comment to make regarding either application.

9.1.7 Friends of Chorleywood Common: [Objection]

On behalf of the Friends of Chorleywood Common, I wish to object to the proposed development as it is in the Green Belt and an Area of Outstanding Natural Beauty and it would have a significantly detrimental impact on the views from the Chorleywood Common and Conservation Area.

9.1.8 Hertfordshire County Council – Archaeology: [Insufficient information]

We wrote to you in January 2020 in response to a consultation on an Environmental Impact Assessment Scoping Opinion Request for this proposal. In our comments we discussed the archaeological potential of the site and noted the Iron Age and Roman evidence found in the surrounding landscape. We also noted the relatively large size of the site and the likelihood that given the density of archaeological sites recorded in Hertfordshire, a site of this size was likely to contain some heritage assets with archaeological interest.

We recommended that the following investigations be carried out, and the results be submitted with the Environmental Statement:

- An archaeological geophysical survey.
- An archaeological trial trenching evaluation.

This was so that an informed decision can be made with reference to the impact of the proposal on the historic environment.

These recommendations have not been carried out, and the Environmental Statement is therefore unable to assess the site in an informed way which would allow us to use the results to advise you. The applicant has also submitted an archaeological desk-based assessment with this planning application. Although it contains some useful information it was not carried out in consultation with this office and so is deficient in the information it uses to discuss this proposal. For example the Buckinghamshire historic environment record does not seem to have been consulted which is a requirement of the NPPF (paragraph 189) and is significant because the west and north sides of the site lie on and

close to the county border respectively. In any case, our advice to you noted above, did not recommend that such a report was required.

In section 1.4 *Key Heritage Considerations* the *Historic Environment Desk-based Assessment* (DBA) notes (paragraph 1.4.4):

“The key heritage constraint for the development is the potential for non-designated heritage assets (archaeological remains) to be present below ground. These archaeological remains, if present, will be impacted during construction of the development ...”

It goes on to say:

“...the local authority may request a pre-determination archaeological evaluation to identify any buried heritage assets of archaeological interest which may be impacted by the scheme..”

The DBA also says (paragraph 6.3.1):

“The potential for archaeological remains to survive across the Site is anticipated to be moderate to good..”

The Cultural Heritage chapter of the Environmental Statement (ES), notes (paragraph 9.2.3):

“It is evident that the Site has potential for archaeological remains to be present”

It also says (paragraph 9.2.46):

“It is possible that previously unrecorded archaeological sites will have survived within the Site. Therefore, there is an element of uncertainty over the nature, frequency and extent of the below ground heritage assets (archaeological remains). Additionally, due to the buried nature of these assets, there is an element of uncertainty regarding the survival, condition, nature and extent of the known sites identified within the Site.”

We agree with this statement and in the absence of the investigations we requested above are unable to advise you regarding the impact of this proposal on the significance of any heritage assets which may be present at the site.

The ES goes on to say (paragraph 9.5.4.) *“The Proposed Development does not incorporate any mitigation by design in regards to below ground heritage assets.”*

In considering this statement, we note the masterplan submitted with this application shows a dense array of housing. Although the southern part of the site does not appear to contain houses, it does include water and SuDS features which will also have an impact on any archaeological remains. Therefore given the above there appears to be little opportunity to accommodate the preservation *in situ* of heritage assets of high significance, should they be revealed by archaeological investigations.

In summary due to the lack of archaeological information submitted with this planning application we are unable to advise you on the implications of this proposal on the historic environment.

9.1.8.1 Hertfordshire County Council – Archaeology (March 2022): [Insufficient information]

The applicant has formally submitted a geophysical survey report to Three Rivers DC with this updated planning application. As far as I can see no other archaeological information has been submitted.

This is the same report that was submitted to this office by Savills on behalf of the applicant in December 2020.

We sent them the following comments on 25/1/21:

"Many thanks for sending us a copy of the geophysical survey report.

My apologies for the delay in replying, we have been extremely busy.

I am a little surprised at your request to truncate the archaeological evaluation part way through. Your e-mail below dated 2 October acknowledges that the geophysical survey is to be the first of a two part evaluation, which includes trial trenching as per our advice to Three Rivers DC. We have previously discussed this on the telephone.

In addition the geophysical survey report Summary (page i) notes its findings:

"A possible pit-alignment has been identified, likely forming boundary features. However, these could equally be natural in origin. Numerous discrete, pit-like anomalies have been identified that could indicate wider settlement activity such as extraction or refuse pits."

It goes on to say:

"A former watercourse has also been identified traversing the site that corresponds to a valley. While the presence of a former watercourse may make the location more favourable for settlement, there is no clear evidence of this in the survey data. Circular anomalies to the north of the valley may be evidence of ring ditches, but these are very weak and are considered more likely to be natural."

Therefore as previously discussed, we look forward to receiving a proposal for the remaining phase of the evaluation, which has some interesting points to clarify."

We have not received a reply. Our request for trial trenching is in line with our previous advice and the geophysical survey report notes anomalies which may represent heritage assets. The trenching will allow us to assess the significance of these heritage assets as per NPPF and also to look at other areas that are apparently blank and confirm that geological or other interference is not masking heritage assets there. Also, not all types of heritage assets are normally revealed by a single geophysical survey technique.

This information will also allow an informed design for the masterplan which appropriately considers the historic environment. Heritage assets can then be conserved, preserved and/or reflected in the layout of the site.

Therefore as per our original advice to you dated 17/7/20, due to the lack of archaeological information submitted with this planning application we are unable to advise you on the implications of this proposal on the historic environment.

9.1.9 Hertfordshire County Council – Fire and Rescue Service: [Comment received]

We have no objections to this application. Similar to our comments on 20/0898/OUT earlier this month, there is no detail on the internal layout regards access for emergency vehicles to within 45m of all parts of each residential dwelling. Access and facilities for the fire service should comply with Approved Document B Vol 1. In addition there should be a hydrant within 90m of the entrance to each dwelling.

9.1.10 Hertfordshire County Council – Highway Authority: [Objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation.

In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for sustainability and safety for pedestrians and cyclists and highway layout safety.

The applicant seeks planning permission for the following development:

Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access)

The Highway Authority has reviewed the Transport Assessment (TA) submitted for the 800-unit scheme.

Sustainable Travel

The Highway Authority note that all applications are assessed against policies contained within the adopted Local Transport Plan 4 (LPT4). There are a number of policies contained within the document, but underpinning all other policies is Policy 1, as below:

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

The Highway Authority has assessed the Transport Assessment against the policies contained within LPT4.

Aside from describing the existing conditions and offering connections to the two existing Rights of Way, the Transport Assessment does not consider any improvements to the existing infrastructure that may be necessary for a development of this size.

Given that the Transport Assessment seeks to make the case for a lower vehicular trip generation given the proximity to Chorleywood Station (National Rail and London Underground), connections by walking and cycling to both the station and the village centre will be important.

The Highway Authority would seek that detailed consideration is given to the existing routes by way of a walking and cycling audit (PERS or similar), to Chorleywood (station, retail, local facilities and amenities), given the additional persons who will seek to walk from the development, in particular south towards Chorleywood, but also towards St Clements Dane School or community/leisure facilities on Rickmansworth Road.

With respect to cycling, the Highway Authority seeks to consider provision in accordance with guidance contained within CD 195 and LTN 1/20.

It is noted that a shared footway/cycleway is located on Green Street for the length of the site frontage, finishing at approximately 51 Green Street. However, the Highway Authority

consider that the applicant should seek to make improvements to this facility given the increased number of trips.

It is noted that on Green Street (on the site frontage), that there are 20 Bollards at 7.3 meter centres (set along the foot/cycleway edge on the 'dip' in the carriageway with the caution flooding signs and double white line, with dimensions measured approximately as set out below:

- 450mm bollard set in off the outer kerb face.
- 120 mm diameter bollards
- 1800mm from bollard edge to back edge kerb of path .
- Total width 1800mm +120mm +450mm = 2.37 M

The Highway Authority wish to note that the effective width is reduced by the presence of these bollards. As set out above, this leads to concerns with respect to potential conflicts between pedestrians and cyclists.

The applicant is requested to consider the feasibility of improvements to pedestrian and cycling facilities on Green Street in accordance with national guidance. This should be investigated for land both within the highway boundary and within the developer's red line, as needed.

At any reserved matters stage, all internal layouts should be designed to the aforementioned standards. Reference should also be made to the Highway Authority's design guidance, Roads in Hertfordshire which is currently in the process of being updated, or via consultation with officers with respect to highway geometry within the site. However, the Highway Authority currently has concerns with respect to pedestrian and cyclist safety using the existing infrastructure.

With respect to bus, the nearest bus stops to the site are accurately identified in the Transport Assessment, located to the south of the site on Green St. The Highway Authority uses the 400m distance criteria to assess accessibility of a site to bus services which is a widely used measure. The Highway Authority require that this is based on actual walking distances, not 'as the crow-flies'. Existing bus stops would be within 400m of some of the site, but even with 300 dwellings (not as per the 800-unit scheme assessed here), some are currently likely to be over that distance. The bus service available is as stated, the hourly 103/X103 (Mon-Sat) which runs between High Wycombe and Watford and is operated with financial assistance from Bucks CC.

Both TA's state that adding a bus stop outside the site reduces maximum walking distance between dwellings and stops to approx. 450m. This being despite the extent of built up area being much less for 300 dwellings. It is not stated how many dwellings would be over 400m from these stops, but we would prefer that all dwellings were within 400m actual walking distance, and if this is possible through redesign of the masterplan and more direct pedestrian and cycle routes to these proposed stops, this should be pursued. This would be preferable to diverting the service into the site, which would incur extra journey time on the route. Consideration of these issues, as well as the supply of isochrones maps for bus accessibility should be provided.

The proposed location of the bus stops for the 300-dwelling development is rather too close to the existing stops south of Orchard Drive (approx. 175m), with the proposals for the 800 dwelling development being preferable in terms of stop spacing and accessibility of the development. Whilst stop location has been chosen to suit the development proposed but stops that are too close together on a bus route is inefficient in operational terms. Moving existing stops further south would make them too close to the next stops on the route.

Whilst the 103/X103 bus service does provide accessibility to surrounding towns, its frequency is not sufficient to encourage regular usage. At 300 dwellings, the development is not large enough to adequately contribute to improvements to the service for an appropriate period, nor generate patronage that would make any improvement viable in the long term.

However, for the 800-dwelling development under consideration within this response, bus service improvements to this or another suitable route should be investigated (the applicant should contact the Passenger Transport Unit within HCC to initiate discussions). Whilst the site is within walking/cycling distance of the town centre and rail station, residents are likely to want to travel further afield and to a wider range of destinations than are possible via direct rail services and the proximity of stops at the site and better bus services would encourage these journeys to be made by sustainably.

The Highway Authority has sought initial views of the bus operator and internally within the Passenger Transport Unit. Whilst further investigation and discussion should be undertaken, there may be issues with improving the 103 service, given that this is a long route that runs out of High Wycombe, and a number of vehicles are needed to run it. A discussion needs to be entered into with the operator to understand the options and whether any increase to the service pattern is feasible, although may be difficult with one extra bus being introduced to the service (subject to discussion more than one bus may be needed).

Other options are around existing contract services that operate in Chorleywood such as the R2 service.

In summary, with respect to the bus provision, the Highway Authority is presently concerned that the existing hourly bus service is not going to be sufficiently attractive which without improvement could lead to new residents using the private car as their first choice. It is noted that depending on where a resident lives in the site, they could be more than 1km from the station which is likely to encourage use of the private car, particularly given the development's location accessed from Green Street and Common Road where lighting and surveillance issues must be considered.

Travel Plan

As an outline application stage, the Travel Plan sets out the framework that the overall objectives and measures for the site. However, an updated Travel Plan would be required during the detailed planning stages to address the following outstanding information:

- National and Local policy should be within the Travel Plan
- Interim TPC contact details should be provided if no official TPC has been appointed yet
- Secondary contact required for any personnel changes to the main contact
- Statement of commitment that is signed from the developer stating that they are commitment to implementing a successful travel plan
- Give an estimated amount of time the TPC role is expected to be allocated per month and the frequency the TPC would be on-site
- Due to the size of the development the Travel Plan should have a steering group with the following: Name, Frequency of meetings and the key stakeholders to attend the meetings.
- High speed broadband should be provided to allow homeworking
- A minimum of £50 per flat and £100 per house is required to be given to each dwelling in sustainable travel vouchers
- Once known detailed parking information including cycle parking should be added to the travel plan
- Baseline survey - multi-modal survey should be completed for the baseline survey. The date of baseline monitoring should be agreed with HCC but would be expected to be done around 200 occupations.

- Monitoring: should also refer to HCC Travel Plan guidance and multi-modal counts should also be part of the annual monitoring
- Says monitoring would be done for 5 years, due to the size of the development monitoring should be undertaken annually from baseline until 5 years after full occupation.
- The Travel plan should undergo a full review annually after monitoring
- The Travel Plan should mention that it would be secured via S106 with an evaluation and support contribution of £1,200 annually for the period of the Travel Plan.
- The Travel Plan must be secured by S106 with an evaluation and support contribution of £1,200 per annum for the period of the Travel Plan, the Travel Plan should be implemented from first occupation until 5 years post full occupation. The relevant contribution would be calculated on the estimated build rate.

Given the scale and location of the development, as part of a Section 106 agreement, the Highway Authority would also seek to secure contributions towards the delivery of Smarter Choices measures. These will promote or facilitate travel by non-car modes between the development. Initiatives can include bus vouchers, travel awareness campaigns, promotion of public transport information. The contribution will be calculated during the more detailed phase of the application, but an estimated contribution would be in the region of £210,000.

Rights of Way and Footway Connections

The Highway Authority in conjunction with the Rights of Way team considers that improvements should be made to the existing network in order to facilitate trips by sustainable modes onto Green Street and Common Road.

The Highway Authority would seek a link between Footpath 11 and 14 to be constructed on the eastern boundary of the site. This would serve to provide a link to the Clement Danes school as well as increasing the overall permeability of the site.

The exact specification should be discussed with the Rights of Way team, although this may take the form of a macadam path, in accordance with the latest guidance on the segregation of cyclists and pedestrians.

Footpath 14 (550 LM) on the site's southern boundary should be upgraded to a macadam surface with wide grassy margin for multi-use by vulnerable non-motorised users with respect to cycleway design standards. The Highway Authority is seeking improved access on this path taking the form of an upgrade to allow cycle use. We would seek a macadam surfaced width to accommodate both cyclists and walkers with grassy margins to form a 6-metre min green corridor along the edge of the estate, concurrent with the Definitive line.

The Parish Council (Chorleywood) do not want to encourage cycle access across the common; the common is under their control, but cycle access to the common and connecting all-purpose highways should accord with HCC policy . This is important as it also links to the village and station. Further discussion on this point is therefore needed.

Footpath 14 (W165 LM) where it crosses from the site's south-eastern boundary linking to Common Road should be improved to facilitate additional trips. Improvement should be made to the existing natural surface to form a compacted granular surface concurrent with the common.

As noted above, the Highway Authority is seeking improvements to the existing Right of Way network and a further pedestrian/cyclist link on the site's eastern boundary.

In terms of links to Chorleywood, both via Green Street and also Common Road (which may be attractive for some residents accessing the station), or the public house and community centre, the Highway Authority is seeking a comprehensive audit of pedestrian and cyclist

links, both using the existing footways and Rights of Way. The materials as submitted thus far do not give the Highway Authority confidence that pedestrian and cyclist links are satisfactory and that residents would wish to make use of these over the private car. This leads to doubt with respect to compliance with HCC LTP4 policies.

Site Access(es)

The Highway Authority note the submission of drawing number SK07 which illustrates the two site access points and the visibility splays.

With respect to the proposed site access(es) on Green Street, the Highway Authority would be seeking that a higher level of visibility may be achieved given the existing 60 m.p.h. speed limit.

The Highway Authority would, however, seek a reduction in the speed limit on a section of Green Street to be agreed to reflect a 30 m.p.h. limit. Any proposed change to the speed limit should be first agreed with the County Council's Speed Management Group. Given that no prior consultation or approval with the Speed Management Group has been undertaken, the visibility splays should be shown in accordance with the existing posted limit. Speed surveys should be commissioned in consultation with the Highway Authority.

Further to the above, given the existing speed limit, the Highway Authority would have concerns with respect to a proposed crossing to the west side of Green Street.

Should the applicant not proceed with a review via the Speed Management Group, a Road Safety Audit (Stage 1) should be submitted with the existing limit in place.

A Stage 1 Road Safety Audit should also be supplied on the basis of any successful application to the Speed Management Group illustrating the extent of the changes to the limit alongside the proposed access strategy.

Assessment

The TA presents an assessment of the forecast trip generation and distribution.

The Highway Authority has reviewed the methodology and would like to make the following comments.

For the modal split using Temprow, the Highway Authority would seek that the journey purpose data is further broken down, for example in education, this should be primary/secondary, for retail, this should be food and non-food retail and other should be personal business/leisure.

Given the fairly low vehicular trip rate produced by the applicant's calculations, the Highway Authority would seek this further element of robustness.

It is also noted that given the site's position from Chorleywood, with no improvements to the footway/cycleway network, that trips using the underground/rail, may choose to in part to access the station by car or kiss and ride.

The Highway Authority also queries the very low number of cycle trips predicted.

With respect to the distribution, it is recommended that this is also done by journey purpose. The modal split has been undertaken using journey purpose, so the Highway Authority would recommend that this is also applied to the distribution.

The Highway Authority notes that the employment distribution is heavily weighted towards the north, whereas a more detailed analysis may suggest otherwise.

A more detailed distribution reflective of where people want to go may provide more evidence of the need to improve routes towards Chorleywood and the local schools.

Modelling

With respect to assessment of the proposed development on the local highway network, the Highway Authority will require that the developer tests the proposed application using the County's strategic transport model (COMET). To this end, the applicant is advised to contact the Highway Authority in order to initiate discussions with respect to its usage. It is noted that the site does not feature in the County Council's current strategic model run. Both quantum's of development should ideally be tested using the strategic model, although the Highway Authority may accept a conventional assessment of the individual junctions for the 300 unit scheme. However, for the 800 unit scheme which would normally be a Local Plan allocation, a firm requirement for testing using the COMET model is put forward given the more strategic nature of the development.

The Highway Authority notes the submission of junction assessments in the study area. Detailed comments will be provided on the robustness of the junction models should the above information with respect to the trip distribution/generation be provided.

Mitigation

The junction modelling has shown that capacity improvements need to be made to the A404/Green Street junction. The Highway Authority may accept the principle of signalisation of the junction. A Stage 1 RSA should be supplied.

Subject to the Highway England response for M25 J18 and the assessment which needs to be provided for M25 J17, the Highway Authority may make further comment on the proposed mitigation as outlined within the TA.

Conclusion

In conclusion, this response has identified the need for further information. This includes the splitting of the journey purpose and distribution.

With respect to the proposed accesses these must be assessed on the basis of the existing speed limit (and not any proposed limit prior to the matter being taken to the Speed Management Group), and as such, this leads to doubt with respect to highways safety.

An assessment of the application shows that the Transport Assessment has not demonstrated compliance with LTP4 policies and this to doubt to travel by sustainable modes.

At present, the Highway Authority has insufficient information and therefore recommends refusal of the planning application.

9.1.10.1 Hertfordshire County Council – Highways (Response 2, April 2022): [No objections]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

CONDITIONS:

New Access (Design) – Green Street

No development shall commence until full details (in the form of scaled plans and / or written specifications), have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i. Roads, footways;
- ii. Cycleways.;
- iii. Visibility splays;
- iv. Road Safety Audit; and
- v. Access arrangements.

Reason:

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

New Access (Delivery) – Green Street

Prior to the first occupation of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan(s) drawing number(s) SK50/55. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Off-Site Highway Infrastructure Works

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to show the off-site highway works on Green Street, as illustrated on drawing numbers SK50, SK51, SK52, SK53 and SK54 and SK55. Prior to first occupation, these works shall be constructed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority.

Reason:

To ensure construction of a satisfactory development and in the interests of highway pedestrian and cyclist safety in accordance with Policies 5, 7 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

Public Transport Infrastructure

Prior to the commencement of the development, details of the public transport infrastructure shall be submitted to and approved in writing by the Local Planning Authority. This infrastructure shall comprise of but is not limited to the following:

- Details of bus stop facilities to include raised height kerbs and shelters and real-time information signs, where agreed;
- Bus priority measures where appropriate within the Spine Road; and
- A programme for the delivery of the public transport infrastructure.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Construction Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan (in accordance with the best practice guidelines as described in the [Construction Logistics and Community Safety](#) (CLOCS) Standard), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be

carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

The plan shall include the following:

- i. The construction programme and phasing;
- ii. Hours of operation;
- iii. Details of any highway works necessary to enable construction to take place;
- iv. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These details shall demonstrate how safe and unobstructed access will be maintained at all times;
- v. Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- vi. Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;
- vii. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- viii. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- ix. Details of public contact arrangements and complaint management;
- x. Construction waste management proposals;
- xi. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xii. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xiii. Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.

Reason:

In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Monitoring

Prior to commencement of any development the submission and agreement of a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Travel Plan

At least 3 months prior to the first occupation of the development, a detailed Full Travel Plan, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan shall be implemented at all times.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Rights of Way (PART A)

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Rights of Way (PART B)

Prior to commencement (where appropriate) and/or prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason:

To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Maintenance of Streets - Outline

Prior to the occupation of any dwellings within any Parcel of the development, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within that Parcel. Following the provision of such streets, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.

Reason:

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

Detailed Highways Plans – Outline

Prior to the commencement of the development, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways
- c. Cycleways (compliant with LTN 1/20);
- d. External public lighting;
- e. Minor artefacts, structures and functional services;
- f. Foul and surface water drainage;
- g. Visibility splays;
- h. Access arrangements including temporary construction access
- i. Hard surfacing materials;
- j. Parking areas for vehicles and cycles;
- k. Loading areas; and
- l. Turning and circulation areas.

No development shall be occupied until the detailed scheme has been implemented. The development shall be implemented in accordance with those approved plans.

Reason:

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

HIGHWAY INFORMATIVES:

Hertfordshire County Council (HCC) as the Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

- i. Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel plan guidance document for business, residential and education development (March 2020). Individual Travel Plans will be required for each land-use (should any non residential development be included at a later stage), which is of sufficient size to require the preparation of such a plan;
- ii. Bus Contribution (£175k x 5 years); and
- iii. Sustainable Travel Voucher.

AN5) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN6) The Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. In addition, the following should be noted:

- The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works; safe passage past the site should be maintained at all times;

- The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete), should be made good by the applicant to the satisfaction of this Authority; and
- All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

COMMENTS:

The applicant seeks planning permission for the following development:

Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) | Land East Of Green Street And North Of Orchard Drive Chorleywood Hertfordshire

The Highway Authority note the first submission of this planning application in April 2020. The Highway Authority provided a formal response to the Local Planning Authority at the time.

It is noted that the development quantum remains the same with this application.

The Highway Authority held a number of technical meetings with transport consultant Origin which covered a number of works areas identified within our formal highways and transportation response.














This has included matters relating to trip generation and distribution, highway layout and visibility, modelling, mitigation and sustainable transport measures.

The development site is located to the north of Chorleywood village, with vehicular access proposed from Green Street.

Green Street is a 'C' classified road and a local distributor road in the Hertfordshire roads hierarchy. A single access point is proposed, with an emergency access to the north of the application site. Pedestrian access is shown to be provided directly onto Green Street and also onto Common Road via Chorleywood Common. Common Road is also a 'C' classified road and a local distributor road in the Hertfordshire roads hierarchy.

The application site lies on the edge of the urban area, although local facilities, amenities and public transport are available within a fair walking distance. This notwithstanding, it is noted that connectivity, in terms of walking, cycling and public transport needs careful consideration and assessment of sustainability issues. This is owing to in parts poor existing infrastructure and the character of the immediate surrounding area to be semi-rural in character. The Highway Authority, for example, note that the speed limit on Green Street on the application frontage is 60 m.p.h. and is bounded by dense vegetation/trees. The applicant's proposals do little to promote an active frontage on its boundary with Green Street in terms of enhancing surveillance and pulling northwards the suburban character of the southern section of Green Street.

The Highway Authority note the submission of revised documentation which includes Appendices B through to L, a Residual Matters note and a Transport Assessment Addendum. The revised information is contained within the documents as named by the applicant below:

-  Appendix B1 Green Street, Chorleywood, TA_V2_24042020_Full Report_R - (Part 1 of 2)
-  Appendix B2 Green Street, Chorleywood, TA_V2_24042020_Full Report_R - (Part 2 of 2)
-  Appendix C Technical Note 1 V2_Journey Purpose Distribution
-  Appendix D Technical Note 1A V2 Green Street M25 Linsig Validation Report
-  Appendix E Technical Note 2V2_ TfL Comments
-  Appendix F Technical Note 3V2_Response to Highway England J17
-  Appendix G Technical Note 4 V3_ Sustainable Travel
-  Appendix H Technical Note 5 V2 Visibility Splays
-  Appendix J Technical Note 8_V1_Matrix Estimation Modelling_
-  Appendix K Technical Note 1V10_M25 Junction 18 modelling
-  Appendix L Additional Drawings 800 Application
-  Green Street Tech Note 11 V1 Residual Matters
-  Green Street, Chorleywood draft TAA_V1_06052021 with appendices

With respect to the 800 home scheme, the initially submitted Transport Assessment is noted followed by a suite of Technical Notes which seek to respond to comments made by the Highway Authority.

It is therefore understood that the information contained within the Technical Notes seeks to put forward the applicant's position with respect to mitigation.

The Highway Authority's initial response to the planning submission in 2020 should be used for reference purposes for highlighting areas of concern.

Agreement has been reached on a number of technical issues with transport consultant Origin, including on trip generation/distribution, vehicular visibility splays and modelling. Given that agreement has been reached on these matters, the initial technical concerns raised by the Highway Authority are not repeated within this response.

Sustainability

The Highway Authority note the submission of Appendix G Technical Note 4 V3_Sustainable Travel.

The proposed mitigation may be summarised as below:

- i. Green Street (adjacent to site): footway /cycleway widening to 4m;
- ii. Green Street Junction with Orchard Drive: a partial set back of the footway /cycleway with marked priority;
- iii. Green Street (south of the site): footway /cycleway improvements including widening the footway /cycleway, tactile paving and better signing;
- iv. Green Street north of service roads: provision of a new parallel crossing;
- v. Green Street southern end: re-painting of zebra crossing;
- vi. Station Approach: re-painting of the zebra crossing;
- vii. Common Road: It is proposed to provide a tactile crossing point at the junction of Gilliat's Green with Common Road;
- viii. An additional 20 cycle parking spaces at the railway station.

Walking

The Highway Authority has raised concerns with the submitted Transport Assessment (April 2020), with respect to consideration of walking routes. The applicant's own assessment materials note a number of issues.

The principal desire lines from the site are considered to be towards Chorleywood railway station and village either via Green Street or Common Road.

However, other destinations to the north of note include St Clement Danes School, Chorleywood Lawn Tennis Club, Chorleywood Cricket Club, Christchurch C Of E Church and a number of leisure facilities around the common. These facilities are located to the north of the site.

It is noted that further to comments made by the Highway Authority, the transport consultant has undertaken an audit using the "Walking Route Audit Tool" from the Department for Transport guidance "Local Cycle and Infrastructure Plans".

Whilst the supporting narrative has reviewed in part links to the north of the site, it is clear that the applicant has focused principally on routes towards Chorleywood railway station and village. It may be considered that connectivity to the north is presently poor, for example, there are sections of Common Road to the north of where it meets Footpath 32a that would require pedestrians to cross over to the east side to use the footpath on the Common itself. The Highway Authority consider that connectivity to amenities and facilities to the north of the site is poor. As such, the Highway Authority consider that improvements within the applicant's land that, for example, that can facilitate new links to Clement Danes School and along footpath Chorleywood 011 to take on more significance. This matter should be addressed further at the Masterplanning stage. More direct links, for example, by way of a footpath on the site's eastern boundary have been suggested by the Highway Authority in order to improve connectivity.

The mitigation measures included within the Sustainable Travel Technical Note have nevertheless focused on improvements to Green Street on the site frontage and south into Chorleywood.

The proposed enhancements to Green Street are acceptable in principle with respect to access on foot. It is noted that the applicant proposes a Zebra crossing on Green Street (shown on drawing number SK 30 Rev B) to the north of the service roads at approximately number 45/56 Green Street. Whilst such a provision is welcomed, this should be subject to a Road Safety Audit. The Highway Authority notes the gradient on the approach to the crossing, which from the north may encourage higher than desirable vehicular speeds. Evidence of satisfactory 85th percentile speeds should be supplied to accompany a Road Safety Audit.

Drawing number SK 30 B FOOTWAY / CYCLEWAY AND ZEBRA CROSSING IMPROVEMENTS also shows the existing Zebra crossings at the southern end of Green Street and Station Approach are to be repainted. The Highway Authority welcomes this measure.

It is noted that using an alternative route to the station via Footpath 14 (via Common Road), the only improvement proposed on the public highway is a tactile crossing point at the junction of Gilliat's Green with Common Road. It is noted that cycling is not permitted across the Common, although the applicant's provision is shown on Green Street.

Cycling

The Highway Authority note that the revised documentation contains details of a shared footway/cycleway on Green Street which seeks to upgrade the existing (footway) provision. The drawings show a shared footway/cycleway on Green Street.

No analysis appears to have been made available of the potential flows of pedestrians and cycle users along Green Street with the development (whether 300 or 800 units), in operation. This has a bearing on whether a Shared-Use path would be suitable (ref. LTN 1/20 6.5 and Table 6-3), with regard to pedestrian/cyclist interactions, although the preference is for fully segregated pedestrian and cycle provision.

Partial setback and full setback junctions to LTN 1/20 Figure 10.13, such as those shown on the drawings, are likely to be unacceptable on Road Safety grounds within speed limits above 30mph. This would need to be subject to further review, such as on the site access itself, although a solution is considered feasible. The HCC Road Safety Team has stated elsewhere that such junctions are only suitable on roads with a maximum 30mph speed limit (this is less than the 40mph indicated in LTN 1/20).

A buffer strip should ideally be provided between the cycle track or Shared-Use path. Its width should be as recommended in LTN 1/20 Table 6-1. This could fit with continued provision of bollards along the path edge.

Assuming that the site access crossing for cycles and pedestrians cannot follow precisely the format of LTN 1/20 Figure 10.13, the junction should be designed to maximise the safety of pedestrians and cycle users.

- Entry and exit kerb radii should be minimised, for example to 4m.
- The crossing length should be minimised. If the crossing(s) for pedestrians and cycles includes a central refuge island, then that should include a waiting area at least 3m x 3m.
- The crossing location should be considered in relation to speeds of vehicles turning from Green Street.
- Visibility splays in accordance with LTN 1/20 Section 5.8 and Table 5-6 should be provided, both for cycle users approaching or waiting at the cycle route give way markings and for general traffic approaching the crossing used by cycle traffic.

Whilst the Highway Authority does seek an arrangement which provides a continuous crossing for cyclists across the proposed site access junctions (and one in keeping with the principles of LTN 1/20), it is clear that some modifications to the proposed access are necessary. This may include moving the cycleway/footway which goes across the junction (currently shown as set back approximately a vehicle length back from Green Street), further into the site and more tapered radii than what are presently shown. It will also be necessary to design a feature at the junction mouth that discourages cyclists from simply going straight across the junction. Other safety features such as a central refuge may be necessary. The design should be subject to a Road Safety Audit. The Highway Authority note that the applicant has not provided such a document despite a request for one. Conditions for cycling along Shire Lane through the railway bridge are poor, yet a primary destination for non-commuting utility cycling and walking would appear to be Lower Street, accessed through this bridge. It would be possible to introduce signals for one-way traffic flows through the bridge, both to reduce the risk of bridge strikes and to provide wider footway. Cycles would still need to use the road, which would be less constrained because there would be no opposing traffic flow.

Drawing SK42

The junction layout is akin to those shown in LTN 1/20 Figures 10.13 and 10.15, but some of it is contrary to those.

1. It would be preferable to have separate footway and cycle track along the road, segregated from each other by a 60mm kerb. The cycle track should be 3m wide.
2. The road has a speed limit of 60mph, for which we would want a buffer strip 2.5m wide (absolute minimum 2.0m) between cycle track and carriageway. If the speed limit will be lowered, then narrower buffer may be provided (see LTN 1/20 Table 6-1). In this location I would anticipate that the buffer might be a grassed verge, with bollards or other measures if parking on the verge is likely to be an issue. Should we end up with a Shared-Use path, I would still want to see this buffer provided.
3. The side road exit and particularly entry radii should be much tighter. LTN 1/20 Figure 10.15 recommends a maximum radius of 6m, and we should go for smaller if possible. The purpose is to slow turning traffic before they need to give way to cycles or pedestrians.

4. As the splitter island is not a pedestrian refuge, it could be reshaped and/or moved further from the carriageway edge, which might facilitate right turns into the side road given the smaller radii requested above.
5. The Shared-Use path radii look tight. LTN 1/20 Figure 10.15 stipulates at least 4m radius, and the plan gives the impression that much larger radii are possible. I would want to see larger/gentle radii provided.
6. The set back from carriageway to side road crossing looks like it exceeds the minimum 5m, which is good. However, it would be helpful to have the minimum dimension specified on the drawing.
7. We would expect the Shared-Use path (or footway and cycle track if provided instead) to be on a raised table across the junction. The ramps should have speed hump markings, as indicated on LTN 1/20 Figures 10.13 and 10.15.
8. Visibility splays 31m along the Shared-Use path in both directions should be provided as shown within LTN 1/20

Drawing SK42

1. Points 1 and 2 above apply.
2. If separate footway and cycle track are provided, a Shared-Use section or bus stop boarder arrangement will be needed at the bus stop.
3. Immediately south of the bus stop is some sort of access. If this is a pedestrians only access then tactile paving will be needed where it joins the Shared-Use path or cycle track.
4. South of the site access a line of dots is shown across the pedestrian and cycle route. What are they?
5. Orchard Drive: points 3, 5, 6 and 7 above apply.

Drawing SK43

SK42 points 1, 2, 3, 5, 6 and 7 above apply.

Whilst the Highway Authority welcomes the principle of mitigation to Green Street which seeks to promote walking and cycling, it is clear that further work is necessary to produce a satisfactory arrangement. However, the Highway Authority is content to accept the principle of the proposed access arrangement and off-site highways works, which subject to further design work (and Road Safety Audit), are likely to be acceptable.

Other Mitigation

Drawing number SK05 GREEN STREET / AMERSHAM ROAD

JUNCTION IMPROVEMENTS illustrates the proposed signalisation of the junction. The Highway Authority is content in principle with the signalisation proposal developed in response to capacity issues identified should the junction remain in its existing layout with the development flows.

The applicant has also proposed a junction capacity improvement at the Station Approach junction (at the southern end of Green Street), as illustrated in drawing number SK31 STATION APPROACH JUNCTION IMPROVEMENTS.

The Highway Authority has examined the proposals and further consideration needs to be given to the overall improvements this junction amendment provides. The LHA may choose to apply a slightly different approach, e.g. upgrading the crossing facilities.

Based upon the measurements supplied and taking into account the highway boundary, the proposed scheme may in theory be achievable, although the width of the footway on this section of Green Street is noted to be narrow. To achieve this scheme, much of the existing vegetation would need to be removed, and furthermore, satisfactory intervisibility with the private road (Homefield Road), would need to be secured. The submission of a Road Safety Audit is required in the first instance.

It is noted that in terms of highways mitigation, the above two schemes are the only elements that separate the 800 unit scheme from the separate planning application for 300 homes.

Rights of Way

The Countryside and Rights of Way (CRoW) team has been engaged with the development proposals (via the Highway Authority), and the improvement plans put forward. Comments have been issued to the applicant's transport consultant on a number of occasions.

The CRoW team note the HCC document, Non-Motorised Routes: A Design Guide which contains detail of specifications for various types of Right of Way. When considering improvements or new routes, the CRoW team seek to implement the principles as contained within this document.

This refers to definitive widths of 6 meters for all non-motorised multiuser routes, including the upgraded routes of FP 11 and in particular FP 14 , which comprises a 3-meter bound surface for cycle/pedestrian users alongside a 3 meter wide grassy margin that will act as a refuge to reflect the multi user nature of the path.

Section 4.5 and 4.6, however, only refers to the 3-meter bound surface and makes no reference to the 3-meter grassy margin that would make up a Definitive width of 6 meters. Section 4.8 details an improved link to FP 11. However, the issues around shared use with private vehicular traffic on FP11 have not been addressed which is of concern given the increased housing numbers and the related increase in use by vulnerable non motorised path users.

The applicant refers in 2.4 to access to the school from the proposed new home site via FP 11 and in 4.5 makes reference to improvements to facilitate users.. *if sufficient land is available at the Old Common Road end of FP 14* . More information is needed on what the applicant plans to provide within their site with reference to our NMR document and how they plan to mitigate the effect of their development on FP 11 & 14 whilst ensuring improved access is provided in limited space.

In paragraph 4.7 reference is made to the use of the estate road systems as a link between FP 11 & 14 acknowledging the identified desire for the link. The status of the proposed cycle/ footway connections through the site shown as two green dotted lines including the estate roads (see map extract below) are not clearly defined . The desire line linking FP 11 & 14 would make the use of the estate road system; the applicant is promoting this as a safer route as opposed to an off-carriageway link along the eastern boundary. CROW's preference is for an off (estate) road direct link for vulnerable non-motorised path users closer to the eastern boundary following the contours to ensure an acceptable gradient is established (1:12. reference Roads in Hertfordshire Design Guide standards).

It is also noted that the planned widths do not relate to our NMR doc.

The applicant has not clarified the status of the estate roads which serve as connections to the dotted green cycle/footways. If public access is to be established, the legal status of the estate roads must be addressed for clarity along with the status of the green dotted routes.

The applicant has attempted to deliver the desire lines identified in our previous comments as summarised in paragraphs 6.4 & 6.5 , so linking FP 11 to 14 through the site , although the status and width of the estate roads and the linking paths needs clarification as does the proposed increase in width of FP 11 (see statement above) which has a recorded existing width that varies between 6ft to 3-5 meters & FP 14 currently recorded at a width of 3ft.

Definitive Map Extract showing FP 11 & 14 with desire lines shown based on CROWs previous comments

Given that there remain some issues outstanding, the Highway Authority recommend the preparation of a Rights of Way Improvement Plan document, to be agreed in conjunction with the CRoW team and the Highway Authority. A planning condition to this effect is recommended (see proposed planning conditions at the beginning of this response).

Public Transport

Train

It is noted that Chorleywood railway station is located approximately 1km from the site and therefore within walking distance. The station may be reached via Green Street or Common Road.

Chorleywood station is served by both National Rail and London Underground services. Transport for London (TfL) has made comment under separate cover with respect to the access requirements of the station and accommodating the additional trips generated by the development.

It is further understood that additional cycle parking is to be provided at the station which is welcomed. It is likely that some residents may wish to cycle to the railway station.

Bus

The Highway Authority has noted that some parts of the site would be over 400m walk to the proposed bus stops.

The Sustainable Travel Note states that *“It should be noted that approximately 66% of the dwellings are within 400m and 95% within 600 metres. The pedestrian routes to the bus stop are already very direct but this will be considered in more detail at reserved matters stage.”*

It is noted that the applicant seeks to place two new bus stops on Green Street.

Both TA's state that adding a bus stop outside the site reduces maximum walking distance between dwellings and stops to approx. 450m. This being despite the extent of built up area being much less for 300 dwellings. As above, it is now stated how many dwellings would be over 400m from these stops, but we would prefer that all dwellings were within 400m actual walking distance, and if this is possible through redesign of the masterplan and more direct pedestrian and cycle routes to these proposed stops, this should be pursued. This would be preferable to diverting the service into the site, which would incur extra journey time on the route.

It is noted that two new bus stops are to be provided on Green Street as stated in paragraph 5.4 of the Sustainable Travel Note. “The two new bus stops that will be provided near the emergency and pedestrian / cycle access will include flags and shelters.” The Highway Authority welcome such provision, although note that for some parts of the site are over 400m walk to such stops.

Whilst the 103/X103 bus service does provide accessibility to surrounding towns, its frequency is not sufficient to encourage much usage. Given the presently poor accessibility to bus services, the Highway Authority is seeking a contribution towards bringing a bus route into the site. Whilst the site is within walking/cycling distance of the town centre and rail station, residents are likely to want to travel further afield and to a wider range of destinations than are possible via direct rail services and the proximity of stops at the site and better bus services would encourage these journeys to be made by sustainably.

The Highway Authority has advised previously that for a site of this size, prospective residents should have access to a bus service.

Origin note that "A meeting was conducted with Carousel Buses on 12th May 2021, where it was advised that the 103 service is a 1.5 hour end to end service with no available time within the service to accommodate diversions. Carousel advised that it would therefore not be desirable to run the service into the site."

The above notwithstanding, the Highway Authority has made consultations with HCC's Passenger Transport Unit.

It is the opinion of the Passenger Transport Unit that the applicant should widen the scope when considering the provision of bus services for the site. It is considered that it could be feasible to provide dedicated facility by diverting and/or enhancing the existing R1 and R2 services (which serve Chorleywood).

The Highway Authority would seek pump priming of this service to a value of £175k p.a. for a period of five years (to be paid prior to occupation of the first dwelling and prior to or on the anniversary of the occupation of the first dwelling). This would be secured via a Section 106 contribution.

The Highway Authority consider it of key importance to provide such a bus service that can route into the site in order to demonstrate compliance with the provisions of Local Transport Plan 4. The site's position on the northern periphery of Chorleywood makes it important to ensure that suitable bus provision is made as walking via Green Street/Common Road, particularly at night (being on the edge of an urban area or access via the common), may not be attractive to some and will ensure that more car trips are made.

Bus vouchers

The Highway Authority would seek via Section 106 agreement the provision of bus vouchers in order to encourage the usage of public transport from the outset of the development. This would provide vouchers that could be used for three months.

£70 per month (indicative bus fare cost) x 3 = £210

£210 x 800 = £168,000

Voucher printing cost @ £1 per booklet (each booklet is the value of £70 – 3 booklets per household)

3 x 800 = £2,400

Reimbursement process/design time: £4,000

Travel Awareness campaigns/PT information: £10,000

Total £184,400

Travel Plan

As this development is a large residential development, a comprehensive Full Travel Plan will be required. The applicant has submitted a Residential Travel Plan. At this outline stage, the Travel Plan is acceptable, although prior to first occupation, should be updated (in consultation with Hertfordshire's Travel Plan team), to accord with our guidance.

A review of the applicant's Travel Plan and recommended changes is contained within **Appendix A** of this response.

The residential development will require a Full Travel Plan and £6,000 Evaluation and Support Fee and should be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance for Business and Residential Development. This should incorporate measures to promote sustainable transport, an appointed travel plan coordinator and an appropriate monitoring programme.

Full guidance is available at:

www.hertfordshire.gov.uk/travelplans, or for more guidance contact: travelplan@hertfordshire.gov.uk.

The Plan should include targets that will be assessed using surveys and which monitor actual trip generation against the predicted trips (including trips by modes) as identified in the TA to confirm the effectiveness of the mitigation measures identified in the Travel Plan.

Surveys to include:

- i. An ATC at each of the entrances to the development;
- ii. A questionnaire survey to determine how people are travelling; and
- iii. Usage statistics for the bus service.

Monitoring would be undertaken 9 months from the occupation of the 1st dwelling and repeated every 12 months for a period of 5 years.

In support of the Travel Plan, residents will be encouraged to make use of the bus service, through the provision of initial free travel. It should take the form of the provision of Travel Vouchers to claim an initial three-month free travel on the bus service, on the basis of one ticket per household. The cost of such provision is estimated at £184,400 to be secured via a S106 agreement (this may be negotiated in conjunction with the local bus operator). This excludes an additional figure for marketing and printing of the vouchers.

The travel vouchers would be redeemed with the bus operator. It is estimated that a three-month voucher would cost £210 (pooled vouchers), multiplied by the total number of residential units. The vouchers would be for individual journeys and could be pooled across a household. This is considered sufficient to allow all members of a household to try using the bus a number of times.

Access

The applicant has proposed two new access points onto Green Street, as illustrated on drawing number SK50 and SK55.

The Highway Authority note the discussions with the transport consultant on establishing that the principle of the access is satisfactory, including the preparation of a Visibility Splays Technical Note.

However, subsequent to comments made with respect to improving cycling infrastructure, some improvement to facilitate cycling and pedestrian trips are necessary, although the precise form of a LTN 1/20 compatible solution is considered to necessitate further design work by the applicant.

Junction Assessments

Extensive commentary has been supplied to the transport consultant relating to the methodology used for the modelling assessment.

The Highway Authority is content that the impact on the local highway network for the development may be accommodated and as such, has no further comment on this particular technical area.

Conclusion

The Highway Authority has reviewed the revised materials preparation in submission of a planning application for 800 dwellings, with all matters reserved except for access.

It is noted that agreement has been reached on the methodology used for the trip generation, distribution and modelling.

The Highway Authority has established that the development may be satisfactorily accommodated in vehicular capacity terms on the local highway network, with an attendant access strategy from the site onto Green Street.

An indicative Masterplan has been supplied as part of the outline planning application. It is clear that at reserved matters stage, further work will be necessary, both in terms of improving pedestrian linkages to/from and within the site and also in terms of bringing public

transport services into the site. A comprehensive Rights of Way Improvement Plan is recommended and a condition to this effect is contained within this response.

Within this response, the Highway Authority has made detailed comments with respect to the proposed pedestrian and cycle infrastructure on Green Street. The Highway Authority is of the view that a suitable scheme is feasible, although will be seeking amendments to the design to ensure both better connectivity and address safety issues.

In terms of sustainable transport, the public transport offer proposed within the Transport Assessment is not considered to comply with LTP4. It is clear that through a Section 106 agreement that a bus service is necessary to route into the site. This will address the site's relative isolation to useful public transport services and further avoid users waiting for buses on Green Street, or walking longer than desirable distances to access such provision. It is considered that agreement on this matter is of key importance to ensuring a sustainable development in accordance with LTP4. The public transport provision should also be supported by a sustainable travel voucher and an updated Full Travel Plan.

In summary, the Highway Authority does not wish to restrict the grant of planning permission, subject to the inclusion of the planning conditions and obligations as detailed within this response.

9.1.11 Hertfordshire County Council – Lead Local Flood Authority: [Objection]

The Flood Risk Assessment carried out by Cole Easdon Consultants Limited, reference 7189, issue 2, dated April 2020 and the information submitted in support of this application does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment;

1. Clarification of location of SuDS features in mapped surface water flow path.
2. Provision of adequate treatment and management for runoff from the road.
3. Clarification of contributing drainage area.
4. Confirmation of safe access and egress.

Overcoming our objection

To address the above points, please see the below comments

- 1) Following review of the Environment Agency's Risk of Flooding from Surface Water maps and the submitted Existing Site Layout with Surface Water Flow Paths Sheet 2 of 2, ref: 7189/501, dated: March 2020, there appears to be two surface water flow paths identified at risk from the 1 in 30, 1 in 100 and 1 in 1000 year rainfall events. The first flows across the site from north west to south east and the second is located along the eastern boundary of the site. We understand that a series of attenuation basins and an infiltration basin acting as the discharge point are proposed to be located within the central flow path crossing the site. This will require further clarification as the surface water storage and SuDS have the potential to become compromised as their locations have been identified as being at risk from surface water flooding. In addition, we will require clarification on whether the basins are acting as attenuation for surface water from the proposed development or for the flow path or a combination.

We note that an exceedance infiltration trench has been proposed in the south east corner of the site following the infiltration basin. We will require further review and detail of this feature due to the potential for over-topping whereby surface water from the site would flow towards existing residential areas.

- 2) We note that the site is located within Groundwater Source Protection Zone 2 (SPZ 2) and that Affinity Water have provided comments (dated: 17.07.2020) identifying this site as corresponding to the Mill End Pumping Station which provides public water supply. At this point in time, the Proposed Drainage Layout (ref: 7189/502, rev: C, dated: 14.04.20) shows part of the road system directly connected into two of the proposed attenuation basins. This is currently unacceptable as the runoff is attenuated before discharging to the infiltration basin and into the ground with no further treatment or management. As the site is located in SPZ 2, we will require adequate treatment and management of all runoff from the road before discharge into the proposed basin system.
- 3) We will require further clarification of the contributing impermeable drainage area (area positively drained) which should then correspond to the relevant submitted microdrainage calculations for the proposed drainage scheme.
- 4) We are aware that a Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. This report has also been included within the submitted FRA as Appendix 3 and it is noted within the main text that runoff flows along the dry valley south-western part of the site, following heavy rainfall and flooding on Green Street. As we understand that this flooding to the highway is located in close proximity to one of the two proposed access locations to the site. In addition, the Proposed Drainage Layout identifies an existing low point in the highway near this access point. We noted that the road at this access is currently proposed to be 'lowered to direct highway flood flow along proposed access' which appears to suggest that the access would be actively flooded and therefore will require further clarification.

To ensure safe access and egress to the site, adequate technical justification will need to be provided and we would expect to see management of the surface water on the road in order to alleviate flooding at this location.

We understand that the FRA has acknowledged the presence of the surface water flow path through the centre of the site, however the second flowing south along the eastern boundary has not been mentioned. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. This presents an opportunity for the positive management of this flow path within the site.

We acknowledge that the current planning application is for Outline permission with all matters reserved except for access, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible

9.1.11.1 Hertfordshire County Council – Lead Local Flood Authority (March 2022): [Objection]

We understand that an amended Flood Risk Assessment (Cole Easdon Consultants Limited, reference 7189, issue 5, dated November 2021) has been provided. We note that significant amendments have been made namely the removal of the previously proposed infiltration basin in the south-eastern corner of the site and replacement with an infiltration tank. Due to the nature of the development as greenfield, we would expect to see demonstration that the surface water drainage can be managed in a sustainable manner, giving priority to above ground storage and source control. This substitution of a proposed basin for a tank would not be considered acceptable by the LLFA considering that the site is located in greenfield.

If the proposed SuDS features are located within the surface water flow path, we will require consideration as to whether the flow path will compromise the surface water system. If it does, these features should be moved out of the flow route.

We would expect to see the use of a sub-catchment approach with attenuation provided throughout the site. This would provide additional SuDS components which would provide source control and opportunities for additional management and treatment stages prior to discharge. We are aware that the site is located in Groundwater Source Protection Zone 2 and will require clarification that adequate treatment has been provided.

Within our previous response (dated: 03.08.20), we required further clarification on whether the proposed basins were acting as attenuation for surface water from the proposed development or for the surface water flow paths located on the site or a combination. We understand from the submitted response to the LLFA (ref: DF/sse/7189trdc, dated: 06.11.20) that the attenuation basins and now infiltration tank have been sized for post development runoff from the development site only and that the existing flow route will be routed around the basins via regrading of the land and bunding of the basins. We will require further clarification as to how this will change the flow path dynamic, for example, modelling of the flow path to ensure that surface water will not be directed towards other residential areas.

Policy 17 of the Local Flood Risk Management Strategy Revision 2 published by Hertfordshire County Council LLFA outlines that where a development alters the natural flow route and/or is located in an area with existing flooding issues or high risk of potential flooding; proposals must demonstrate the management of any existing and predicted overland flows entering the site from adjacent areas for rainfall events up to and including the 1 in 100 year plus climate change event. Therefore, we will require further consideration of the flow route and the capture and store of runoff before entering the proposed drainage mechanism and infiltrating into the permeable strata with limiting the risk of dissolution features. Our previous response highlighted that there is a second flow route flowing south along the eastern boundary which was not mentioned within the submitted FRA. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. We would like to highlight again that this presents an opportunity for the positive management of this flow path within the site. We would expect to see both flow paths managed for the 1 in 100 year event within the site.

We noted on the provided updated drainage plan (ref: 7189/502, rev: E, dated: 19.01.21) there is a box highlighting that an 'underdrained swale' has been located near the highway (Green Street) and in close proximity to the location of where the Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. However, it is not clear where this feature has been located or what the box is associated with therefore, we will require further clarification on this feature.

We acknowledge that the current planning application is for Outline permission with all matters reserved except for access, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible.

9.1.11.2 NOTE: Following receipt of the comment above from the LLFA, the LPA were notified that due to resourcing constraints the LLFA would be unable to provide further comments on planning applications. As a result, the LPA has commissioned a drainage consultant to review the drainage details of the application and provide guidance in respect of the compliance of the proposed drainage strategy with the LLFA's published guidance.

9.1.11.3 TRDC Drainage Consultant (August 2022): [Insufficient information]

LLFA provided comments on 24th March 2022 which don't appear to have been addressed by the developer and the key points have been summarised below.

LLFA comments 24/03/2022	LPA comment
This substitution of a proposed basin for a tank would not be considered acceptable by the LLFA considering that the site is located in greenfield.	Proposed Drainage Layout still shows a tank.
If the proposed SuDS features are located within the surface water flow path, we will require consideration as to whether the flow path will compromise the surface water system. If it does, these features should be moved out of the flow route.	Developer is proposing to redirect the surface water flow route. Refer to summary comments.
We would expect to see the use of a sub-catchment approach with attenuation provided throughout the site. This would provide additional SuDS components which would provide source control and opportunities for additional management and treatment stages prior to discharge. We are aware that the site is located in Groundwater Source Protection Zone 2 and will require clarification that adequate treatment has been provided.	No sub-catchment approach has been undertaken based on the provided information.
We understand from the submitted response to the LLFA that the attenuation basins and now infiltration tank have been sized for post development runoff from the development site only and that the existing flow route will be routed around the basins via regrading of the land and bunding of the basins. We will require further clarification as to how this will change the flow path dynamic, for example, modelling of the flow path to ensure that surface water will not be directed towards other residential areas.	No modelling has been undertaken. Refer to summary comments.
We will require further consideration of the flow route and the capture and store of runoff before entering the proposed drainage mechanism and infiltrating into the permeable strata with limiting the risk of dissolution features. Our previous response highlighted that there is a second flow route flowing south along the eastern boundary which was not mentioned within the submitted FRA. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. We would like to highlight again that this presents an opportunity for the positive management of this flow path within the site. We would expect to see both flow paths managed for the 1 in 100 year event within the site.	No assessment provided. Refer to summary comments.
An 'underdrained swale' has been located near the highway (Green Street) and in close proximity to the location of where the Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. However, it is not clear where this feature has been located or what the box is associated with therefore, we will require further clarification on this feature.	Proposed Drainage Layout still shows an underdrained swale in this location.

Conclusions/Observations

Outstanding LLFA comments have not been fully addressed.

These conclusions/observations also cover 20/0898/OUT as the drainage elements will need to be built prior to both schemes.

1. It appears that the developer has not fully considered the existing surface water flood flow route and its implications for development following LLFA comments. It would be expected that the developer would quantify and manage this flow route and not just redirect flows. No assessment has been undertaken to confirm pre- and post-development flood risk to confirm that surface water flood risk would not be increased through regrading of local topography. Whilst there have been no confirmed flood incidents to the south-east of the site to date, the developer has not modelled climate change events. No assessment of climate change impacts on surface water flow routes and the implications for developed areas including car parking and the frequency of interruption to highways has been undertaken.
2. A variety of flow routes are crossing the infiltration tank.
3. How will permeable paving within private plots (i.e., private driveways) be managed and maintained by a private management company? Any degradation of privately owned permeable paving will impact residual risk.
4. Section 3.34 of the FRA indicates that basins will be dry, but Section 3.35 indicates that basins will be wet (around 1m of standing water) for newts. Please clarify and confirm capacity.
5. Half Drain Time exceeds 24 hours for the majority of infiltration features, including the infiltration tank (55 hours). How will consecutive storm events be managed?

9.1.11.4 TRDC Drainage Consultant (December 2022): [Insufficient information]

Conclusions/Observations

These conclusions/observations also cover 20/0898/OUT as the drainage elements will need to be built prior to both schemes.

1. The Council would like to see appropriate management of the flow route and inclusion of an infiltration basin in accordance with Hertfordshire LLFA's policy on the SuDS Hierarchy. The Council would expect the LLFA's policies to be implemented, i.e., basins over tanks, and it is for the applicant to demonstrate how this could be achieved?
2. Whilst the applicant identifies those areas of permeable paving, filter strips and under drained swale drainage alongside highways provide a catchment approach, there is no quantified storage for these features.
3. Applicant has agreed to undertake pluvial modelling to confirm and quantify overland flow routes to be managed which is welcomed by the LLFA. It would be expected that the developer would quantify and manage this flow route where practicable and not just redirect flows. Any assessment needs to confirm pre- and post-development flood risk to confirm that surface water flood risk would not be increased through regrading of local topography including climate change events. An assessment of climate change impacts on surface water flow routes and the implications for developed areas including car parking and the frequency of interruption to highways should also be undertaken.
4. Applicant has removed tanked permeable paving within private plots from the drainage strategy in accordance with previous LLFA concerns on maintenance liabilities.
5. Applicant has indicated that basins will be over excavated in areas to provide ecological enhancement without compromising capacity.
6. Half Drain Time exceeds 24 hours for the majority of infiltration features, including the infiltration tank (55 hours). Applicant has indicated that there is sufficient capacity

within the infiltration tank to accommodate runoff from a 1:10-year storm event, 24 hours after the end of a 1:100-year + 40% rainfall event' which appears a reasonable approach.

9.1.12 Hertfordshire County Council – Minerals and Waste: [No objection]

Minerals

In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls partially within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable finite resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The Ministry of Housing, Communities and Local Government (MHCLG) sets out in the National Planning Policy for Waste (October 2014) the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;
Policy 2: Waste Prevention and Reduction; &
Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Outline Solid Waste Management Strategy

It is encouraging to see that the applicant has considered waste management within the 'Outline Solid Waste Management Strategy' submitted alongside the application. This states that a SWMP will be prepared and provides detail on how demolition and construction waste arising from the proposed development is proposed to be managed. The strategy provides estimates for various types of waste expected to arise and identifies local waste facilities that could be used for the disposal of waste subject to a Construction Traffic Management Plan (CTMP).

The strategy also states that a Construction Environmental Management Plan (CEMP) will be produced by the developer before any demolition activities take place.

Overall, the county council would conclude that the Outline Solid Waste Management Strategy provides a good base for the production of a SWMP with well considered estimates for waste arisings and on-site storage and reduction measures.

This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The produced SWMP should include estimates and actual total volumes of waste during enabling works (including demolition) and construction works should also be summarised. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

9.1.13 Hertfordshire County Council – Growth and Infrastructure: [Objection]

Thank you for consulting Hertfordshire County Council on the above planning applications. This response is made by the Growth and Infrastructure Unit (GIU) on behalf of non-highways county council services and the responses apply to both application 20/00882/OUT and 20/00898/OUT at Land East Of Green Street and North Of Orchard Drive Chorleywood Hertfordshire.

HCC has identified a number of key concerns (detailed below) and cannot currently support the development proposals unless the concerns raised below can be appropriately addressed.

Children Services and Education

Given the following concerns regarding education provision, HCC objects and would not support the current applications in their current form:

20/0882/OUT – 800 units

- In terms of school provision, the site should be treated as a strategic development requiring specific additional infrastructure provision.
- Insufficient capacity at existing schools to meet potential demand arising.
- No expansion potential at nearest primary schools.
- At 800 units we would seek a 2FE primary site (2.03ha) and proportionate financial contributions, however this issue is not mentioned in the application.
- the developer would need to make a contribution towards providing additional secondary school capacity, either through expansion or as a contribution towards a new school.

20/0898/OUT – 300 units

- In terms of school provision, the site should be treated as a strategic development likely to require specific additional infrastructure provision.
- Insufficient capacity at existing schools to meet potential demand arising.
- No expansion potential at nearest primary schools.
- Not well placed to provide additional land to existing primary schools i.e. does not share a boundary or offer land for education use.
- Likely to be too small to support a new primary school as a standalone site.
- the developer would need to make a contribution towards providing additional secondary school capacity, either through expansion or as a contribution towards a new school.

Minerals and Waste

The county council as Minerals and Waste Planning Authority have submitted their comments directly to TRDC on 7th July 2020. The comments made by Minerals and Waste should be read in conjunction with other comments included in this response.

ERP (Landscape, Ecology and Historic Environment)

GIU understands that due to the size and complexity of the two applications, ERP (Environmental Resource Planning) has been given a slightly longer period to response. Please note that the comments from ERP should be read in conjunction with all other comments included in this response.

Public Health

GIU understands that Public Health is intended to submit their comments directly to TRDC. Please note that the comments made by Public Health should be read in conjunction with all other comments included in this response.

Fire & Rescue Services

Although the provision of fire hydrants is not specified on the Reg 123 list, due to the area and number of dwellings on both applications, multiple fire hydrants would be required for the two applications 20/0882/OUT and 20/0898/OUT should the development be granted. In the event TRDC are minded to approve the planning application a suitable planning condition should be applied to ensure the appropriate provision of fire hydrants.

Other relevant HCC Services

This development will have an impact on other services, but the county council notes that contributions towards other services are intended to be funded via the CIL. The county council will liaise with the district council on potential projects and CIL contributions as service project planning progresses should this development come forward.

We would be grateful if you could keep us informed regarding the progress of this application and would wish to continue to engage constructively regarding the evolving design proposals for the primary school.

9.1.13.1 Hertfordshire County Council – Growth and Infrastructure: [Revised Response in respect of Education, April 2021]

The county council is the local authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Mainstream education provision includes nursery, primary, secondary and post-16 (up to the age of 19) education.

Where there is considered to be insufficient capacity in local schools to cater for the development (and other sites if appropriate) planning obligations will be sought. On larger scale developments and strategic sites, the provision of land and build costs for on-site schools is usually required. Nursery provision is usually made at primary schools, while new secondary schools will also offer post-16 education.

In accordance with Policy CP8, Policy CP1 and CP2 of the TRDC Local Plan, new development is required to provide or make adequate contributions towards infrastructure and services. HCC expects that the development proposal will be fully in compliance with these policy requirements and in particular, those infrastructure and services that are related to county council service such as school provision, childcare provision, adult care etc. With the evidence submitted so far, we are unable to clearly identify any proposed contribution towards school provision, or how sufficient provision will be provided to fulfil the additional need generated from this new development.

In terms of travelling distance to school, finding school places for younger children within a reasonable travelling distance would be more of a concern, while older children may be able to travel further for schooling.

With regards to existing school provision in the area, it was mentioned in our previous response (dated 16/10/2020) that none of the nearby primary schools (individually or collectively) have the capacity to accommodate the number of additional pupils that are expected from the new development. Assuming Pupil Yield is based on a ratio of 1:400 (1 Primary FE per 400 dwellings, equivalent to 30 additional places in each of year group), the development of 300 new homes would generate a demand of approximately 169 new pupils. None of the existing primary schools has the potential to expand and accommodate 169 additional places arising from this new housing development. It is also noted that this development site doesn't feature in the existing local plan or any preliminary TRDC growth scenario as far as HCC are aware. Arnett Hills JMI, Christ Church and Chorleywood primary schools are all located on sites too small for expansion while there are probable highways concerns with the Russell School. Secondary schools in the area are also highly unlikely to be able to accommodate fully the pupil yield arise based on the latest secondary school area forecast.

Whilst we understand CIL is potentially applicable to this development, it is noted that there is no agreed mechanism for HCC Services (such as Education) to access the TRDC CIL aggregated fund.

We have noted that the applicant has submitted a draft S106 Agreement as part of the applications. However, there has been no discussion between HCC and the developer over the content included in the draft S106. We must stress that financial contributions offered (as per the contributions level suggested in the table on page 22 (Schedule 3A) of the draft S106) are not, in isolation, an acceptable strategy to provide the infrastructure to mitigate additional pupil yield generated from this development. As set out above financial contributions will not resolve existing capacity issues and the applicant has not demonstrated how additional school capacity will be delivered.

For reference, the land take of a standard new 2FE primary school is 2.03ha, and an estimated build cost of £8,824,770 (Costs based on 1Q2019, BCIS All in TPI (indexation to

be applied)). It equals to £19,610.60 per primary school place (£) (based on 2018 DfE Scorecard).

HCC has been working closely with TRDC in planning for new school provision through the delivery of new strategic sites allocated in the adopted and emerging local plans. However there has (understandably) been no discussion to date over how school provision will be delivered for sites that are not included in the emerging plan.

Therefore, although we appreciate that the CIL mechanism and/or a S106 agreement may be potentially applicable and understand that there may be a funding gap in delivering such infrastructure, the applicant has not demonstrated how the planning application would deliver the sufficient education provision that is required by TRDC's adopted planning policies CP1, CP2 and CP8 within the Core Strategy.

Given the reasons set out above, as a Local Education Authority HCC cannot support the proposed development.

9.1.13.2 Hertfordshire County Council – Growth and Infrastructure: [Revised Response in respect of Education, September 2022]

I write to refresh HCC's position with regard to the impact of the development proposal on Hertfordshire County Council Services.

The response HCC previously provided for the outline application 20/0882/OUT was dated 17 July 2020. Our aforementioned response is considered out of date as it has been over 24 months since it was submitted. In the period between July 2020 and today the service information for the local area is likely to have changed and projects to improve capacity evolved. Therefore, further to answering the question received on 22 June 2022, the purpose of this letter is to include an update to reflect the current position HCC holds in terms of education provision.

A question received on 22 June in relation to this application is as follow:

[You state below that the planning application for 300 units would generate a demand of approx. 169 new pupils] Are you able to advise what the equivalent number would be for the application for 800 houses?

At 800 dwellings, the modelling suggests that the peak pupil yield arising from this scheme is approximately 1.23fe in 2034 for primary and approximately 1.19fe in 2041 for secondary (modelled using version 6.5 of the HDM). This equates to approximately 258 primary school pupils and 179 secondary school pupils. The modelling is on the assumption that construction commences in 2024 and the first dwellings are occupied in 2024/25. A total pupil yield of 1.23fe is anticipated to arise from the 800 units development.

Based on the information to date the development mix of the 800 units scheme is as follow:

HOUSES		
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent
1	0	0
2	0	0
3	180	120
4+	80	20
Total	260	140

FLATS		
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent
1	70	130
2	70	130
3	0	0
4+	0	0
Total	140	260

Trajectory

Year (situation at end of year)	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	2031/ 32	Total
Number of Completions	100	100	100	100	100	100	100	100	800

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

The modelled pupil yield cannot be accommodated in the existing local primary school capacity in Chorleywood. In this case, as there is insufficient capacity in local schools to cater for the development (and other sites if appropriate) planning obligations will be sought.

This site is a large, strategic development site where there is not enough capacity in local primary school to mitigate the development's impact. On that basis we would expect there to be an on-site provision of land for a new 2FE primary school. Build costs to finance the delivery of the school site will be sought in proportion to the yield modelled based on the shared development mix. Nursery provision would be made at the primary school.

The site masterplan should identify a land parcel that is suitable for a 2FE primary school in accordance with the land for new schools specification set out in Hertfordshire County Council's Guide to Developer Contributions ([Guide to Developer Infrastructure Contributions](#)). We would welcome further engagement with Three Rivers District Council and the applicant on this matter.

It is expected that funding stream, along with potential S106 terms and planning conditions will be set out through further discussion. The application, as currently submitted, does not identify the additional provision of primary school places. In turn, for the reasons stated, HCC objects to the application.

In terms of secondary provision, secondary schools in the area are also highly unlikely to be able to accommodate fully the pupil yield arise based on the latest [summer-22-23-secondary-school-forecast.xlsx \(live.com\)](#). The development will be expected to fund the provision of new secondary school places locally.

Croxley Danes Secondary School is capable of being expanded to accommodate the pupil yield generated by this development. Funding for the expansion would be sought from the development in to fund the additional secondary school places that will be required.

The position set out in this letter is based on HCC's understanding that there are no further, significant development proposals currently being considered by Three Rivers District Council in Chorleywood. Education requirements are best assessed on a local scale and it is not possible to look at any single planning application in isolation.

The information suggested above only captures the situation at the current juncture, if further development comes forward in the area, the capacity to accommodate the potential level of new demand arising from the development site might change again.

In the longer term, the Local Plan process will be used to forward plan for the region's education requirements. HCC will continue working with TRDC in its Local Plan preparation and taken into consideration of the sites included in the current stage to inform the county-wide infrastructure planning.

I hope the update of the above information is of assistance to you.

9.1.13.3 Hertfordshire County Council – Growth and Infrastructure: [Revised Response in respect of Education, March 2023]

Hertfordshire County Council (HCC) has previously responded to this application in July 2020, April 2021 and September 2022. The summary of the position is that, due to insufficient primary school capacity within the site's locality we must object to the proposed scheme, unless a deliverable solution is included as a part of the proposal. I am writing to you to update HCC's position on the contributions required from this application to mitigate the impact on education provision.

In our letter of 16 September 2022 we set out the level of demand we expected this development to yield at primary and education stage. We have updated this modelling based on the most recent version of the Hertfordshire Demographic Model. We now expect this development to yield 1.23FE of primary demand in 2035 and 1.18FE of secondary demand in 2041. For clarity, this is based on the same housing mix and trajectory as set out in our letter of 16 September 2022.

The local primary schools in Chorleywood remain incapable of accommodating the development proposal as there is insufficient local capacity. Our most recent school forecasts show an average of only 0.2FE of primary and secondary capacity in the area over the life of the forecasts, excluding any buffer capacity required to maintain parental preference and manage fluctuations in demand. The existing local primary school sites are still not adequate to enable expansion of the existing schools.

On this basis, we continue to require land and proportionate financial contributions for the provision of a 2FE primary school at this development and a proportionate financial contribution towards the expansion of a secondary school serving the development. This position was explained to the applicant in a meeting in early 2023 and it is understood there is a commitment, in principle, to working towards a solution.

In October 2022 HCC updated its guidance on costs due to the publication of new school scorecards, the indexation of costs to a more recent date, and the need to incorporate sustainable development measures in new school capacity. I have therefore set out our updated requirements based on our updated guidance in greater detail below but, for clarity, the overall strategy for this development remains broadly in line with that set out in our letter of 16 September 2022.

Primary Education Requirements

We require land for a 2FE primary school. In accordance with our Guide to Developer Infrastructure Contributions this will need to be 2.03ha in size, compliant with our land specification and masterplanned into the development. HCC's preferred primary school size is 2FE. The land take and build costs for 1FE schools are proportionally larger for the number of students it would serve as are the revenue and operational costs for the school once it is in use. It is therefore not in the public interest to build new schools at 1FE that are not capable of being expanded to 2FE.

The applicant has previously shared a document with HCC that set out a series of site options capable of accommodating a new, up to 2FE primary school. In responding to this document, HCC set out that critical considerations when determining the appropriate location of a new school will be understanding how the potential school parcels relate to the site's phasing strategy. Any new school site would have to be accessible at the time when new primary school places would be required to serve the development. More generally, new community infrastructure should be masterplanned in a way that maximises opportunities to provide sustainable access to and from it for users.

To deliver the school we will also require a financial contribution to ensure that the identified mitigation can be funded. For clarity, the contribution sought proportional to the demand generated by this proposal and not the entire school. Based on the most recent DfE school cost scorecards, which are the most up-to-date evidence of school delivery costs per pupil, this comes to £6,391,980.80 (which has a land cost of £67,565.20 deducted) (index linked to BCIS 1Q2022).

These contributions are calculated based on the peak yield from this development as required by DfE guidance. The peak yield sustained for less than seven years is calculated based on the cost of delivering temporary school places. The remainder is calculated based on the cost of delivering permanent school places. This is because providing additional capacity over a number of years at a single school would be expected to trigger a formal 'prescribed alteration' (or 'significant change' in academy schools) process. Such a process is invariably linked to providing high quality permanent accommodation rather than short term temporary buildings, with the associated higher capital cost. The approach outlined above enables HCC to deliver additional capacity to the estimated peak whilst acknowledging that some places may be required for a limited period.

Secondary Education Requirements

The quantum of new secondary pupils does not trigger the need for additional land for secondary school provision. HCC therefore only requires a contribution of £5,812,223 towards the expansion of an existing secondary school serving the development (index linked to BCIS 1Q2022). The same provisions regarding school costs and peak yield apply to this secondary contribution.

The requirements set out above serve only as mitigation for the above planning application and do not incorporate capacity that may be needed as a result of the area's longer term education requirements. We will continue to work with Three Rivers District Council on infrastructure matters through the local plan process.

9.1.14 Hertfordshire County Council – Public Health: [Comment received]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance. This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process, placing specific emphasis on active travel, multi-functional open space and high quality urban environments. We also recommend applicants refer to Public Health England's Spatial Planning for Health evidence resource

National and Local Policy

The NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 91 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 91c). Paragraph 92b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

Local Health Priorities

The health of people living in Three Rivers District is generally better than the England average. Three Rivers is one of the 20% least deprived districts/unitary authorities in England. However, health and wellbeing challenges still exist. 9.7% (1,620) of children live-

in low-income families, and the difference in life expectancy between the most and least deprived areas in Three Rivers is 7.2 years for men and 5.1 years for women.

The proposed development is located in the Chorleywood North and Saratt Ward. Health indicators in the Local Health Profile for Chorleywood North and Sarratt Ward are either the same or significantly better than the Hertfordshire average. Life expectancy at birth for males is 84.1 years and 85.7 years for females. 12.8% of people report having a limiting longterm illness or disability; 14.4% of children in reception have excess weight; by year 6 this increases to 23.3%. Reducing overweight and obesity levels in children and adults and increasing levels of physical activity are public health priorities

These health and wellbeing challenges can be significantly influenced by the built environment to benefit the residents of the proposed development and existing residents in the local area.

Specific Comments on the Proposal

Air Quality

Air quality is a Public Health priority. Children, older adults and people in poorer health are a health sensitive group to the effects of air pollution. There is an AQMA approximately 1500m from the site (M25, J18). The proposed developments for 800 and 300 units have the potential to generate a large number of car journeys which may exacerbate existing poor air quality. Furthermore, the proposed development, once occupied will introduce a new community to potential poor air quality exposure. It is essential therefore that the proposed development mitigates both of these issues through design: 1) that it reduces the reliance on the car by promoting walking and cycling to local destinations and public transport routes; 2) that it considers exposure to poor air quality during masterplanning We look to both the Applicant and the Planning Authority to demonstrate that this development will not create or worsen the existing air quality problems.

Active Travel

Public Health supports the Hertfordshire Highways response and the improvements required for active and sustainable travel to be viable modes of transport. This is in line with Public Health priorities including improving local air quality and encouraging physical activity.

Other Considerations

Should the local planning authority deem this site suitable for development, we request that a number of key points are considered under reserved matters:

1. Encouraging early adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The Planning Authority may wish to consider this by way of a Condition.
2. Permeability beyond site boundary: To encourage walking and cycling, new walking and cycling connections will be required across the development boundary to enable residents to take the most direct routes possible for their journeys. We defer to Hertfordshire Highways response for the specific improvements required.
3. Parking on or near the development: Anti-social parking often discourages walking, cycling and informal play. We look to the Applicant to outline how on-street parking will be actively discouraged, and how the Planning Authority will enforce this.
4. Children's play areas: It is positive to see play provision provided at six locations across the site and the inclusion of additional areas around the site to allow for informal play and exploration. This will provide opportunities for children to be physically active and encourage social interaction. We flag a preference for natural surveillance from the nearby housing to increase feelings of safety to encourage outdoor play and activity.

5. Great Greenstreet Park and Trim Trail: It is positive to see provision being provided for community food growing within the park and a 1.8km trim trail along the site periphery to encourage the adoption of healthy behaviours.
6. Affordable housing: Having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It is positive to see the proposed affordable housing meets the 45% target set in the Local Plan (Policy CP4). In line with this policy 70% of affordable housing to be provided as social rented and 30% to be intermediate. It is crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation.
7. Charging points for electric vehicles: We would like to see electric charging points installed in residential parking spaces to encourage the use of cleaner vehicles.
8. Car club: The Travel Plan proposes to provide a total of 10% electric vehicle spaces and 2% car club spaces. We are not clear what is being provided, is the developer making a contribution to setting up a car club or just providing parking spaces? If the latter, how will the car club be activated and subsequently managed?

Health Impact Assessment

We recommend that a Health Impact Assessment (HIA) is undertaken for developments in excess of 100 dwellings. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. An HIA can also be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.

It is positive to see the developer has submitted an HIA as part of the Environmental Impact Assessment. We have undertaken an appraisal of the HIA using the Wales Health Impact Assessment Support Unit Quality Assurance Framework". See Appendix One for a copy of our appraisal and feedback.

As the HIA currently stands, it is not recommended to use the HIA findings as part of any planning decision making. The HIA should be revised to incorporate the points listed in the clarifications and weaknesses sections. It is important to stress that an HIA is about identifying the positive health impacts of a proposed development as well as any unintended consequences. There are a number of potential positive health impacts for this development which Savills have not included. It is also imperative that the HIA considers the potential health impacts on the new as well as the existing communities. The HIA has focussed on the existing community and not on the new community. The proposed development is intending to provide 45% of the units as affordable housing. This means there will potentially be a population with higher health inequalities than is shown in the local health profiles. We also recommend that the local community and community groups are engaged with to identify their health concerns.

9.1.14.1 Hertfordshire County Council – Public Health (April 2022): [Comment]

In its response letter of 10th September 2020 (attached PDF), Public Health provided comments to the applicant regarding the earlier submitted HIA report in Chapter 14 of the Environmental Statement prepared in May 2020. Public Health assessed the HIA report using the Wales Health Impact Assessment Support Unit Quality Assurance Framework and sent its feedback to the applicant. The feedback on the HIA report was then followed up by discussion with the applicant at the meeting and further supporting information and guidance was sent out to the applicant to enable revisions required in HIA report.

Public Health is disappointed to see that a revised HIA report has not been added as an addendum to the environmental statement in December 2021. To this end, Public Health would like to reiterate the request to revise chapter 14 on human health as was recommended in the Public Health response letter of 10th September 2020 and

accompanied Appendix 1 (attached doc). More specifically, as the HIA report currently stands, it is not recommended to use the HIA findings as part of any planning decision making. The HIA should be revised to incorporate the points listed in the clarifications and weaknesses sections specified in Appendix 1. It is important to stress that an HIA is about identifying the positive health impacts of a proposed development as well as any unintended consequences. It shouldn't only focus on how negligible potential negative health impacts would be. There are a number of potential positive health impacts for this development which Savills have not included. The HIA also needs to identify any unintended consequences and how these will be mitigated against. It is also imperative that the HIA considers the potential health impacts on the new and existing communities, as the existing health chapter has focussed only on the existing community and not on the new community. The proposed development is intending to provide 45% of the units as affordable housing, meaning there will potentially be a population with higher health inequalities than is shown in the local health profiles. We also recommend that the local community and community groups are engaged with to identify their health concerns.

Until the above and the weaknesses listed in Appendix 1 are addressed, Public Health cannot be satisfied that these issues have been considered robustly as part of the application.

Public Health would like to recommend for the planning authority to consider, as part of a planning condition, for the developer to provide a short statement attached to the Human Health chapter 14, on how the development might influence the wider (socio-economic) determinants of health and how weaknesses identified in Appendix 1 have been addressed.

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the District.

9.1.15 Hertfordshire Constabulary: [Comment received]

In relation to crime prevention, security and safety I would ask that the development is built to the police minimum security standard Secured by Design. At this early stage as it is an outline application I have not detailed the physical requirements required to achieve the Secured by Design award.

9.1.16 Herts and Middlesex Wildlife Trust: [Comment received, June 2020]

HMWT is pleased to see that the applicant has stated that they plan to run the Defra biodiversity metric to show net gain. This needs to be done now, at the outline stage, and submitted in its original form (not as a summary), to establish a baseline value for the site. The requirement to exceed this figure by 10% to deliver measurable net gain can then be secured through an appropriately worded condition. e.g.

'Prior to the commencement of development, a landscaping and ecological management plan which delivers X ecological units to achieve a 10% net gain to biodiversity and therefore offset biodiversity impacts on the site, shall be submitted to the local planning authority. Any proposed ecological net gain scheme shall include:

- Details of the on-site habitat creation and management requirements of the development in accordance with the approved Defra biodiversity metric, which has been calculated to comprise X ecological units of habitat as set out in the approved ecological report;
- The identification of an offsite receptor site or sites if required;
- The provision of evidence of arrangements that secures the delivery of the habitat creation and management scheme;

- A management and monitoring plan (which shall include for the provision and maintenance of such habitat management measures for a period of not less than 30 years from commencement of the development.

The developer shall thereafter secure and implement such measures in accordance with the requirements of the approved scheme.'

The ecological report also makes mention of integrated bat and bird boxes within the development. These are also welcome but the number to be delivered must be specified so that it can be conditioned. An appropriate number is 80 bat and bird boxes, integrated into the brickwork of the buildings bordering open space. A suitable condition is:

Development should not commence until a plan showing the make, model and location of 80 integrated bat and bird boxes has been approved.

9.1.16.1 Herts and Middlesex Wildlife Trust: [January 2022 – Objection]

HMWT is pleased to see that a NE biodiversity metric assessment has been undertaken to determine if the development will achieve a net gain. However, the full original metric must be supplied not a summary or technical note as is currently the case. The full metric is needed to enable scrutiny. The comments section of the metric should be used to justify all habitat and condition assessments by reference to the UK Habs descriptions and the condition tables contained in the supporting documentation to the metric. The application should not be determined until this information has been supplied and approved. Version 3 of the metric should be used.

As previously stated, 80 integrated bat and swift boxes should be incorporated into the development. Their provision should be secured by a suitably worded condition.

9.1.16.2 Herts and Middlesex Wildlife Trust: [March 2022 – Objection]

In our comments of 25th June 2020, HMWT stated that the Natural England biodiversity metric calculation for the site must be supplied in full (not as a summary), to enable scrutiny and to demonstrate a biodiversity net gain. Only a summary of this calculation has been submitted (Appendix E biodiversity net gain technical note). Before a decision can be made on this proposal the full metric must be supplied. This should be the most up to date metric available i.e. v3. All habitat and condition assessments must be evidenced by reference to survey, the UK Habs community classifications and the condition scoring tables for each habitat. This information must be provided in the comments section of the metric and cross referenced to the ecological report.

If this is acceptable the outputs of the metric can be conditioned in the decision with explicit reference to the number of offset units that must be delivered together with the monitoring and remedial measures required to deliver this number of units in perpetuity.

9.1.17 Herts Ecology: [Objection]

1. The site is a large, undulating open field currently grazed by cattle. It has a topography which reflects the high ground south of the Chess Valley which slopes down towards Chorleywood Bottom with a dry valley towards the south-east corner, all part of the dip slope character of the Chilterns.
2. There is limited existing ecological information for the application site itself. However, since around 1890 this has been one large field, having been composed of up to six fields in 1838. Consequently it has long been limited in respect of ecological features.
3. The Ecological survey identified the field as agriculturally improved grassland. Whilst supporting some biodiversity associated with such a habitat, this would be of very limited intrinsic ecological value, perhaps of some significance in respect of the size

and lack of disturbance of the area. However, this in itself is insufficient to represent a fundamental ecological constraint on development

4. There is some interest in the bordering hedgerows which are considered to be habitats of principle importance, but these would be retained within the development.
5. I have no reason to dispute the view that the site has low ecological interest. However, if approved the proposals would now be expected to achieve a biodiversity net gain consistent with NPPF, although this is not currently a legal planning requirement.
6. Nevertheless, the Government has now proposed a mandatory requirement for 10% biodiversity net gain as set out in the 2020 Environment Bill. To demonstrate this can be achieved it has also proposed use of the Natural England biodiversity metric v2. Although there has been a review of potential habitats proposed for the site (habitat calculation area), and a metric is proposed, given a metric has not yet been provided I am unable to advise that such measurable net gain has been achieved. Consequently should the LPA now consider this approach needs to be demonstrated prior to determination, the LPA may consider refusal is justified. We are currently awaiting the outcome of a recent Hearing in TRDC which may clarify Government's position on this matter.
7. Otherwise, I advise it could require the biodiversity metric to be provided to prior to determination, or if not, as a Condition of approval. Alternatively it should be submitted as a reserved matter to the satisfaction of the LPA. However the implications of net gain should be known on approval given this may have both onsite and offsite consequences. Any funding agreement to enable this should be secured through a S106 agreement to secure additional appropriate habitat creation.
8. The reserved matters (or a Condition to any approval of this application) would also need to include an appropriate lighting scheme which reduced the impact of the development locally, given the ecological and visual sensitivities of this topographically prominent area.
9. Also, there will need to be a Landscape / Ecology Management Plan to describe the management required to maintain the POS habitats as part of the offsetting approach. This should also be a reserved matter submitted to the satisfaction of the LPA. The need for this is recognised (ES Table 10.7 K).
10. The development is quite clearly large and intense; it represents a major intrusion into and urbanisation of the AONB at this location. It is wholly unreasonable to claim that it is a relatively / small scale development (ES10.4.28, 10.9.2). The quality of the habitats created will be limited given they all fringe the built development and will be subject to significant disturbance – their multi-use function with both passive and active recreation will invariably impact on biodiversity, despite claims more sensitive wildlife will be managed for. The provision of 'meadows' with trees is a non-sequitur, although I acknowledge on-site habitat diversity will be increased. The dedicated wildlife area to the north east of the site (DAS 3.6 Landscape GI and Biodiversity) does not appear to be mentioned anywhere else and so cannot form part of these proposals or be considered further.
11. Newt ponds are welcome if these features are to retain permanent water; however any water they do hold will limit their contribution to drainage water storage unless they would be over-deepened. Seasonal ponds cannot easily be used for breeding.
12. Furthermore, this amount of new dwellings is highly likely to generate further pressure on Chorleywood Common LNR, which is already subject to high amenity use. It will also be further fragmented from its hinterland of open countryside, although the link to

the west is limited to the existing green-lane. This has been considered within the ES Chapter 15 and the LNR is thought to be too far from the development for any major impact. However, it is the closest and most accessible genuine open amenity and semi-natural greenspace to the development and so it is not credible to consider that additional impacts will not occur. This is recognised at ES 10.6.9, which also recognises similar impacts on Darvell's Meadow / Homefield Meadow LWs, although these are privately owned.

13. The ES Chapter 10 Ecology refers to 6ha of new parkland; however, no details of this are provided with the submission unless this is part of the landscaping within the development scheme. If so, to suggest this area – which will include the largest play area (DAS Landscape Strategy, Parks and Gardens) - will (for example) provide continued grazing for roe deer (10.2.3) is nonsense.
14. Further surveys will be undertaken in 2020, and this is noted. However it is highly unlikely these will identify any significant ecological constraints. Nevertheless I do not agree that a grazed grassland survey in April is representative of an 'optimal' period for undertaking such surveys, but I acknowledge it would appear that the site is agriculturally improved.
15. The Ecology ES Table 10.6 outlines inherent design mitigation. Clearly any ecological interest associated with the existing habitats – such as farmland birds – cannot be mitigated or compensated within the development as there will no longer be any farmland. There will also be an increase in predation from pets and disturbance of open space by dogs, noise, people and lighting.
16. ES Table 10.7 outlines additional measures for biodiversity. It refers to J, a dedicated wildlife area established in the south of the site, but presumably this can only be part of the GI which is already recognised as also providing formal and informal recreation – which will have inevitably limit the potential for biodiversity. The claims for such biodiversity enhancements are unreliable without further detail. I consider that provision of a homeowner pack – whilst well intentioned (Measure L, Table 10.7) - will not in any way prevent additional disturbance to the LNR, or effectively influence their behaviour. If people want to visit Chorleywood Common for recreation and dog walking – they will do.
17. The provision of a LEMP is essential if the ecological proposals are to have any credibility.
18. On the basis of the above, whilst I recognise the limited ecological value of the application site itself, I remain concerned for the following reasons:
 - This undoubtedly represents a major development in a sensitive, urban fringe area. The proposals do not reflect the rather soft edge of Chorleywood Common currently present which act as low density residential buffer to the site;
 - It will serve to further isolate Chorleywood Common LNR from its already rather tenuous links with open countryside;
 - The development will increase the public pressure on the LNR;
 - The landscape strategy, though welcome, will benefit the development itself but be limited in respect of biodiversity given the multiple use and expectations of Green Infrastructure;
 - The apparent proposals to provide dedicated areas for biodiversity are either absent or severely compromised;
 - No biodiversity metric has been submitted to demonstrate 10% net gain can be achieved.

Given the consequences for biodiversity locally which is very close to what is in my view one of the most diverse and sensitive LWS / LNRs in the county, I am of the opinion that this should not be approved unless the above issues can be satisfactorily addressed.

9.1.17.1 Herts Ecology (May 2022): [No objection in principle, more information needed]

Summary

- We have no objection in principle to residential development at this location;
- Four key issues are evident: the scope of the ecological supporting documents, the safeguard of Chorleywood Common LNR from recreational pressure, the delivery of a biodiversity net gain and the scope of the landscape strategy.
- Of these, should consent be granted, I believe the scope of the ecological reports, the proposals to safeguard the LNR and the landscape strategy are adequate for this stage of the planning process. However, all must be expanded upon to allow determination at the reserved matters stage.
- However, the biodiversity net gain assessment lacks sufficient detail to allow it to be relied upon and until such time as this is resolved, **I cannot recommend that outline consent is granted.**

Full response

Thank you for your original letters of 19 January 2022 and subsequent correspondence over the last month or so which refer, and for consulting Herts Ecology; I apologise for the delay with this reply.

We have written previously to you before on both cases (20/0882/OUT and 20/0898/OUT) on 20 July and 21st July 2020 respectively.

Contextual opinions still stand from 2020 – and are not repeated here – so please see previous letters for the necessary detail. Importantly, though, I reiterate our belief that the site remains of limited ecological interest at present.

However, our previous recommendations were that both applications should be refused unless the following issues could be resolved:

- *This undoubtedly represents a major development in a sensitive, urban fringe area. The proposals do not reflect the rather soft edge of Chorleywood Common currently present which act as low density residential buffer to the site (although for '0898' the following phrase was added) although they do provide a distinct nucleus of intense development slightly further away, which will damage the existing open greenspace);*
- *It will serve to further isolate ('degrade in 0898) Chorleywood Common LNR from its already rather tenuous links with open countryside;*
- *The development will increase the public pressure on the LNR;*
- *The landscape strategy, though welcome, will benefit the development itself but be limited in respect of biodiversity given the multiple use and expectations of Green Infrastructure;*
- *The apparent proposals to provide dedicated areas for biodiversity are either absent or severely compromised.*
The letter for '0898' also included the following points:
- *No biodiversity metric has been submitted to demonstrate 10% net gain can be achieved.*
- *The potential for any beneficial environmental use of the remainder of the field – which could potentially provide a grazing link to the Common – has not been considered. This could be subject to a S106 Agreement if this application was approved;*
- *A financial contribution could be generated from the development to support conservation measures on the LNR.*

Although expressed slightly differently, to reflect the different footprints and number of dwellings, it is my opinion that broadly, all apply equally, to both proposals and the rest of my letter adopts this position.

Since the original application, however, some circumstances have changed, notably the need to deliver a biodiversity net gain though I will return to this below.

In response to this and to reflect the evolution of the proposals, a wide range of new reports have subsequently been provided which are not listed here except to acknowledge the applicant's response to our original letters. Where relevant, all are referred to as necessary below.

Taking all this information into account, I consider the following to represent the outstanding primary issues:

- The scope of the ecological supporting documents;
- The need to safeguard Chorleywood Common LNR from increased recreational pressure;
- The need to ensure that a biodiversity net gain can be delivered;
- The Landscape Strategy is sufficiently robust to deliver the above and other aspirations;
-

These are taken in turn below:

Scope of supporting ecological documents

Whilst broadly acceptable for this stage of the planning process, **the surveys and assessments must be expanded upon at the reserved matters stage** to ensure data remains up to date and to allow the identification of exact avoidance, mitigation and compensation measures. I expect that the mitigation hierarchy is followed closely with clear evidence provided of how it has been applied.

Chorleywood Common LNR

In the responses provided, I welcome the recognition and the proposal to fund additional measures at Chorleywood Common LNR. Whilst the funding package has not yet been agreed, should meaningful and long-lasting measures be put forward and funded this would, in principle, be adequate to offset harm from increased recreational pressure. **Details must be provided at the reserved matters stage** (should outline consent be granted). I would add that as an increase in pressure is likely to be permanent, the proposed sum must reflect this.

Biodiversity Net Gain

Again, the production of a biodiversity net gain metric is welcomed, and I agree with proposal to employ the 'v2' version of the metric.

I also agree that the delivery of a 10% net gain is not yet a legal requirement. Whilst I acknowledge this is a position on which we differ from the Wildlife Trust, the Environment Act and NPPF makes clear the expectation that a gain is delivered.

Given that a considerable net gain has been suggested by the applicant and, it is anticipated, a material benefit for the applications assumed, it is reasonable to expect that an adequate justification is provided.

However, the overall assessment lacks the supporting contextual evidence or justification to support both the description of the current ecological value or that proposed. This is, in part, related to the multi-functional use of land also put forward as this may restrict the gains anticipated.

Without such evidence, the assessment cannot be relied upon to adequately inform this application. This is important as it will have a direct influence on the design of the landscape strategy and may require that offsite solutions are found if land available within the red line boundary is found to be insufficient.

A revised metric and justification must be provided. Until such time as this is resolved, I **cannot recommend that outline consent is granted**. This task should not prove insurmountable.

Should offsite measures be required, and a funding package pursued rather than actively sourcing and managing a site elsewhere, it should be noted that whilst Herts Ecology has in the past recommended a fee of £12,000 per biodiversity unit, this is being reviewed and we expect the figure to rise.

Landscape Strategy

Broad aspirations are provided by means of landscape masterplans and associated documents. Whilst I consider these to be reasonable for this stage of the planning process, it is important to consider these will play a fundamental role in the delivery of the net gain and other ecological functions (such as providing an alternative for outdoor recreation to the nearby LNR). Consequently, I welcome the proposal to prepare a more detailed Landscape and Ecological Management Plan (LEMP) and I agree **this can be deferred to the reserved matters stage**.

Importantly, and as with the net gain section above, we expect to see proposals that deliver a meaningful and sustainable measures that take full account of the ecological setting of the site, rather than one that focuses on providing the highest numerical value.

Details must be provided at the reserved matters stage (should outline consent be granted). For the avoidance of doubt, we believe this should be developed alongside a suitable lighting strategy as described in our original letters and addressed by the applicant in their subsequent responses.

9.1.18 National Highways: [Insufficient Information]

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the SRN, in particular, the M25 at Junctions 17 and 18. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.

We have now had the opportunity to review the Transport Assessment provided in support of the proposed development. Chapter 5 of this document provides an assessment of the trip generation associated with the 800 proposed dwellings. As the development is an outline planning application, we note there is little information on the breakdown of units, parking provision and other detail and as such, we have reviewed the information only as presented in this planning application.

The applicant has derived the person trip rates from TRICs for 'privately owned dwellings' and applied these to TEMPro7.2 data for the local area (Three Rivers District 005 (Chorleywood)) to understand the purpose of journeys made in the area. They have then applied 2011 Census Data and TEMPro Data to derive the percentage of vehicle trips for each journey purpose. Consequently, as a result of the development, the applicant has stated there would be 282 two-way vehicular trips generated in the AM peak and 420 two-way vehicular trips generated in the PM peak as a result of the development. Highways England is content that the trip generation methodology applied by the applicant is suitably representative of the proposed development.

Highways England has checked the vehicle routing and acknowledge that it is broadly in-line with the expected routing between Chorleywood and the 'Place of Work' 2011 census data. However, the applicant has not stated how they have routed their vehicles per the census outputs, and as such, we request details on the journey planning information used to assign the trips to the network, in the AM and PM peak hours.

The trips have been distributed onto the highway network in Table 20 under Chapter 6.2, which indicates that 28% of trips will route 'North along Green Street, then east along A404 then north onto M25', '14% of trips will route 'North along Green Street, then east along A404 then north onto M25' and '12% of trips will route South along Shire Lane, then east towards Junction 17 and south onto M25'. It is these trips that will be routing onto the SRN that will be of particular interest to Highways England.

The applicant states under Chapter 6.8 'Impact Assessment' "The development traffic has been distributed and major junctions that had 10% or more of the development flows have been subject to detailed assessment". The applicant has not provided any assessment of M25 junction 17, despite 12% of the development flows likely to route via this junction, as stated in Chapter 6.2 of the Transport Assessment. Therefore, Highways England request an assessment of this junction is undertaken, involving a suitably calibrated and validated base traffic model, to form the basis of the future year assessments (as per the other junction assessments).

We note that Paragraph 6.40 provides commentary and the results of the LinSig junction modelling undertaken at M25 junction 18. Highways England requested the modelling files on 3rd July 2020 and they were subsequently received from the Local Planning Authority on 6th July 2020. The model for Junction 18 is currently under review; we will provide our consolidated comments once we have received and reviewed the Junction 17 assessment.

The applicant has prepared a Construction Management Plan (CMP) which we have also reviewed. The CMP states that deliveries will be outside the network peak and school peaks. How this is monitored and enforced is not stated, therefore we request further detail on how this will be managed and enforced. We note that the number of employees expected to be working on site during the construction programme is not stated, nor how these trips are going to be managed to reduce the impact. Given that the construction programme for the 800 units is anticipated to be approximately eight years in duration, Highways England considers this to be of significance.

It is noted in paragraph 5.8 of the CMP that the site is will operate from 0800-1800 and the applicant states the majority of trips will be outside the peak hours. Highways England requests detail on the number of staff and the number of staff trips during construction, in particular the number and proposed routing of these trips that will be made during the peak hours.

The applicant has not made any reference to delivery and servicing arrangements. We would have expected reference to be made to this, either as part of the Transport Assessment or as a standalone Delivery and Servicing Management Plan. This would account for the trip generation associated with servicing of the proposed development, particularly given its size and scale. This would include, but is not limited to, the provision of loading bays, access, how deliveries will be managed through promoting the use of locker drop boxes to residents, reducing peak hour deliveries or similar etc. Although we have referenced more detailed information within this email, we recognise that because this is an outline planning application, some of this information may not be available at this time.

Noting the above, with a limited understanding of the potential impacts of the development, there is insufficient information for us to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para

10 and MHCLG NPPF para 32) and we would want to have all of the additional information before issuing a formal response to you.

I trust that the above is of assistance and would be grateful if you could pass the above comments to the applicant and their consultants for further consideration and reply. This email does not constitute a formal recommendation from Highways England.

Accordingly, we formally request that your authority refrains from determining this application, (other than refusal) until such time as we have received and considered all the requested information. Once we are able to adequately assess the above and its potential impact on the SRN, we will provide you with our final formal response.

If, in the meantime, your authority wishes to determine the application, please let us know and we will provide you with a formal response based on the information available at that time

9.1.18.1 National Highways (May 2022): [Insufficient Information]

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long term operation and integrity.

We have reviewed the latest submitted documents to consider any potential for operating impacts on the SRN, so expressly M25 Junction 18 (A404), but also M25 Junction 17 to the south. You will be aware that National Highways (then Highways England) first provided consultation advice on this application on 9th July 2020, so shortly after application receipt in May 2020. We have continued to engage with the applicant's transport consultants (Origin) in the period since, and in fact some of the latest documentation now received reflects on-going dialogue in developing an 'agreed' 2019 base model (LinSig) for M25 Junction 18 and comments made on forecasting results for 2030 and 2036.

The submitted 'Technical Note 11 - Residual Matters' correctly sets out the situation with the 'Base' (2019) model for M25 Junction 18 (A404). A 'Technical Note 1: M25 Junction 18 LinSig Validation Report' was submitted to National Highways on 21 January 2021. This now comprises the submitted document 'Appendix D' to the main TN 11. Following discussions with Atkins (acting for National Highways at the time) an amended validation report was issued by Origin on 22 February 2021, to which a response in the form of a TN from Atkins was issued on 3 March 2021. Following some further meetings and amendments, I can confirm that National Highways approved the 'base' model on 6 April 2021.

This agreed 'base' modelling showed that the two signalled junctions comprising M25 Junction 18 (A404) were already operating at or over-capacity in 2019. In fact, the Practical Reserve Capacity (PRC) estimates in the AM and PM peak hours, they were -8.8% and -0.3%. Looking in a bit more depth at results, an 'at capacity' situation on the A404 East (Westbound) approach is a common theme in both peak hours, with problems within the downstream 'internal' link between the two signal- controlled junctions also a concern. In the AM peak hour, the northbound exit slip-road from the M25 was also reported to be over-capacity.

The Addendum to the Transport Assessment was duly issued for comment in May 2021, and now forms the submitted Appendix I to TN11. This considers a 2030 scenario of most interest to National Highways in determining the need for mitigation in line with DfT Circular 02/13.

The 2030 Reference Case results show, not unsurprisingly, a further deterioration in the base-line operating conditions, with PRC estimates for the weekday AM and PM peak hours worsening to -8.0% and -10.6% respectively. With the added traffic generation impact of the 800 dwellings proposed under this application in Chorleywood, the over-capacity situation as reported worsens further to yield PRC estimates of -9.6% and -11.8%. Attention is drawn to Paragraphs 9 and 10 of DfT Circular 02/2013, which refers to development proposals being considered unacceptable, by virtue of a severe impact, if they increase demand for use of a section of the network (SRN) that is already operating over-capacity or cannot be safely accommodated within the existing infrastructure provision, unless suitable mitigation is agreed.

The main concern with the validity of the 2030 modelling is the reported 'excess' queue in the nearside westbound lane (A404) in the 'reservoir' link between the two signalled junctions. The available 'storage' capacity available before any queuing here would block or impede westbound flow through the eastern signalled junction. This is around 100m, so around 17 vehicles. However, the predicted mean maximum queue is reported to be 38 and 75 vehicles in the 2030 'Do Minimum' and 'With Development' scenarios (PM), rendering the results as presented invalid. These internal lane queues in the AM peak are also predicted to be 34 and 37 vehicles, so again not physically possible. This issue was recognised by the Atkins response to the Addendum Transport Assessment on 18 October 2021. Indeed, it was explicitly stated that "*The predicted increase in westbound queues along Rickmansworth Road is likely to cause more congestion and disruption to the flow of traffic and could also potentially impact on traffic exiting from the M25 southbound exit slip-road and turning right to join Rickmansworth Road. Therefore, based on the modelling results for the 2030 PM peak hour, it is considered that the proposed residential development of 800 dwellings and associated amenities in Chorleywood is likely to impact the operation of the M25 J18 and therefore mitigation would be required. Currently, no mitigation has been proposed at this junction*". This was the last formal National Highways response which the submitted document (Appendix K) 'Technical Note 10: M25 Junction 18; Future Year Modelling', dated December 2021, now seeks to address.

It is important to note that the internal (A404) link between the junctions passing over the M25 has a restricted 'storage' capacity/lane. In the westbound direction, the distance between stop-lines is circa 120m, but to prevent queue 'over-spill' unduly affecting the operation of the upstream junction, the maximum 'back-of-queue' position/lane would ideally have to be maintained through control to around 100m. The corresponding distances in the eastbound direction are 110m and 90m respectively, so internal storage capacity is even tighter. 'Excess' queuing beyond what is achievable internally will occur on the A404 approaches or the M25 slip-road exits, and the LinSig modelling needs to reflect this. In short, the prediction of modelled queuing well over the physical storage capacity possible in these internal lanes is not accepted as 'valid'.

TN 10, which forms the submitted Appendix K document, seeks to address the concerns raised by Atkins in their response of the 18 October 2021. However, the revised 2030 scenario results for the 'with development' case (PM) presented in Table 3, still shows a westbound queue in the nearside internal lane (A404) of 40 vehicles, so around double its physical 'storage' capacity and well above the desirable mean maximum queue of 17 vehicles. As such, this level of 'excess' queuing in this internal westbound lane is still too high to allow any consideration of the results as valid or sensible. This exercise also needs to be done to the 2030 'Reference Case' to allow a sensible comparison of the development impact, as the 38-vehicle queue predicted with this scenario is again not achievable within this short internal lane. The 2030 AM models also require correction.

The other point raised in the Atkins comments in October 2021 was the excessive 'modelled' disutility in the use of the two eastbound 'ahead' lanes through the junction by 'ahead' traffic routing along the A404. In short, no 'ahead' drivers were assumed to use the outer lane. In

their revised work (TN10) Origin conclude this is because of relative delays in the two lanes on the eastbound A404 approach, with any 'ahead' drivers using the outer lane facing the risk of being impeded during the main signal stage by right-turning traffic to the M25 northbound entry slip-road. This right turn 'runs' in another stage, whilst the demand in both weekday peak hours is significant. As such, the risk of a right turn queue extending beyond the short right turn lane to create an impedance impact is high. So, this point is accepted, but the predicted queuing level within the nearside internal lane (EB) still needs to remain within its physical 'storage' limit. In practice, some drivers using the nearside lane on the A404 eastbound approach may elect to 'cross-over' to the outer lane between the junctions, when right turn impedance blocks normal routing access via the outer lane.

In conclusion there remain concerns with the LinSig modelling undertaken for M25 Junction 18 (A404) for both the Reference Case and 'with development' scenarios in 2030 for the reasons stated. Until this modelling is corrected and deemed satisfactorily, National Highways is not able to assess whether the impact on the SRN is acceptable. As such, the view expressed by Atkins in October 2021 remains the position insofar as "*it is considered that the proposed residential development of 800 dwellings and associated amenities in Chorleywood is likely to impact the operation of the M25 J18 and therefore mitigation would be required*".

With respect to the impact on M25 Junction 17, it has been accepted in past correspondence that the impact of the development here would be negligible.

Until the information mentioned above has been provided and is acceptable to address National Highways outstanding concerns, our recommendation is as follows:

Recommendation

National Highways recommends that Three Rivers District Council do not grant planning permission for the development proposals (App Ref: 20-0882-OUT) for a period of at least 56 days.

Reason: To provide the applicant with sufficient time to prepare and submit revised LinSig analyses for M25 Junction 18 to correct the identified deficiencies. The corrections are needed to both scenarios and the AM/PM periods. Depending on the subsequent assessment of these models by National Highways, a scheme of mitigation may be needed and requested to offset any 'severe' impact on the SRN in this location.

9.1.18.2 National Highways (October 2022): [No objections]

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). Our network is a critical national asset and as such, we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We are interested in the potential impacts that the development might have on the SRN, in this case M25 Junction 18 (A404) affecting the slip-road exits from the SRN. We are interested as to whether there would be any adverse safety implications for the SRN as a result of this proposal.

Since our last formal comments submitted on 5th May, we have engaged with the developer's transport consultants (Origin) to discuss our concerns with the highway modelling undertaken for M25 Junction 18. To reiterate, the main concern included the validity of the 2030 modelling, which reported an 'excess' queue in the nearside westbound lane (A404) in the 'reservoir' link between the two signalled junctions. Without recourse to detail, we have since undertaken a detailed review of the actual highway model inputs and suggested a series of changes to ensure that 'internal' queue lengths were realistic and, as

such, that future congestion effects on the approaches were being sensibly predicted. This work, in discussion with Origin, has now been reflected in their latest technical note.

We have concluded our review of data submitted by Origin on behalf of the applicant. More detail is set out in the NHPR attached. M25 slip-road flow changes can clearly be accommodated within available capacity providing the right turns are not exit blocked or impeded during respective green periods, which the analyses before us now support. As such, in relation to SRN impacts, the results presented now demonstrate that the proposed development should not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111). On this basis National Highways raise no formal objection to the application.

Supplementary Information:

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

The concern in this case is the potential for adverse highway impacts at M25 Junction 18.

Since our last formal comments submitted on 5th May, we have engaged with the developer's transport consultants (Origin) to discuss our concerns with the highway modelling undertaken for M25 Junction 18. To reiterate, the main concern with the validity of the 2030 modelling presented in TN10 was the reported 'excess' queue in the nearside westbound lane (A404) in the 'reservoir' link between the two signalled junctions. The available 'storage' capacity, before any queuing here would block or impede westbound flow through the eastern signalled junction is around 100m (approx. 17 vehicles).

From the results presented, the predicted mean maximum queue was 39 and 70 vehicles in the 2030 'Do Minimum' and 'With Development' scenarios (PM), rendering the results as presented invalid. These internal lane queues in the AM peak were also predicted to be 33 and 35 vehicles, so again not physically possible.

Other results presented to address this still showed a westbound queue in the nearside internal lane (A404) of 40 vehicles (PM) with development, so around double its physical 'storage' capacity and well above the desirable mean maximum queue of 17 vehicles. As such, this level of 'excess' queuing in this internal westbound lane was still too high to allow any consideration of the results to be valid or considered sensible.

Without recourse to detail, we have since undertaken a detailed review of the actual highway model inputs and suggested a series of changes to ensure that 'internal' queue lengths were realistic and, as such, that future congestion effects on the approaches were being sensibly predicted. This work, in discussion with Origin, has now been reflected in TN12 and the results presented.

Tables 1 and 2 in TN12, which show the 2030 results for the 'Do Nothing' and 'With Development' scenarios, now predict sensible modelled maximum queue lengths for the internal lanes between the two signalled junctions in both directions. The expected maximum queue length in the westbound nearside lane is shown to reach the storage capacity available, but the outer lane will always have space available. As such, traffic turning right from the M25 southbound exit slip-road will still have an adequate clear length to discharge into during its green phase. In other words, exit blocking preventing free discharge is not indicated to be at risk. Further detailed analyses suggest that, with suitable co-ordination or linking, the traffic turning right from the M25 southbound slip-road will

always have space to discharge into during its green phase. As this lane is reported to operate under capacity with the development, then however bad the eastbound congestion gets on the A404 (East) approach the adverse 'knock-on' risk to the operation of the M25 is considered low to negligible. As such, from an SRN perspective, it is our view that there would not be a severe impact with potential to affect our network so, in short, any potential to create over-saturation conditions on either slip-road with a subsequent risk of queuing affecting the mainline M25.

It is worth noting that, contrary to the previously submitted results in TN10, the 'baseline' and 'with development' PRC values in 2030 are now significantly worse. Both the AM and PM results show that the overall PRC is unchanged with development at -47.8% and -55.6%, but the level of over-capacity is expected to be extremely serious. To put this in context, the previously quoted values in TN10 were -9.5% AM and -12.6% PM in the two development scenarios. There are development impacts, as the degree of saturation (DoS) and queuing associated with the right turn from the A404 (West) to the M25 NB is noticeably worsened in the AM peak hour. Furthermore, whilst the Origin analysis seeks to make the apparent DoS no worse on the A404 (East) approach in the PM peak, we remain unconvinced this will be the actual case in practice. However, these are both local highway network matters which are not the concern of National Highways, but a matter for Hertfordshire Highways to consider M25 slip-road flow changes can clearly be accommodated within available capacity providing the right turns are not exit blocked or impeded during respective green periods, which the analyses before us now support.

In view of the latest analyses presented in TN12, and the direct input provided in auditing the latest M25 Junction 18 models (2030), we accept that the proposals would not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

9.1.19 Historic England: [Concerns]

The land that is the subject of this application lies to the East of Green Street on the northern edge of Chorleywood. The far south east of the site is adjacent to the Chorleywood Common Conservation Area, character area D. It is on a patch of rising ground that has panoramic views across the town and surrounding countryside.

Chorleywood Common is a large tract of open land to the north of the town with typical common edge ribbon settlement to its western side. As Chorleywood has grown, the common has seen development to its western and eastern sides, the southern extent being defined by the railway line. The south western boundary of the site is defined by houses which were developed between 1938 and 1955 in a linear fashion along streets. The eastern boundary is adjacent to an area of properties with large gardens and is well treed. The western boundary lies along the boundary with the neighbouring local authority and the Chilterns Area of Outstanding Natural Beauty.

The land in question has historically formed a part of the open setting for Chorleywood Common and is a positive factor in the character of the Conservation Area. Despite the more recent larger houses separating the more historic development along Common Road from this piece of land, the land is a rural backdrop to the ribbon development in this area creating a link back to the more rural origins of settlement in this area.

It is proposed to place 800 houses on this piece of land along with associated open space and access. The proposed 800 homes would be separated from the boundaries of the site by enhanced planting and where the site borders the conservation area, a sustainable urban drainage system would be developed leaving this area for recreation. The site is proposed to have extensive planting and a mixture of hard surfaces and different sizes and styles of housing.

The view analysis shows that the development would be visible from the conservation area and through gaps between the buildings along Common Road leaving the open, rural backdrop of this traditional settlement compromised. Although a tree line is present at the moment, a sense of space is created by the lack of ridgelines and development behind it. This would be altered by the proposed scheme

Policy Context

Paragraph 193 states that great weight should be given to a heritage asset's conservation (and the more important the asset, the greater the weight should be), paragraph 194 states that any harm to the significance of a heritage asset from its alteration, destruction or from development within its setting should require clear and convincing justification and paragraph 200 states that local planning authorities should look for opportunities within the setting of designated heritage assets to enhance or better reveal their significance.

Historic England Good Practise Advice in Planning Note 3 – Setting of Heritage Assets is also a relevant consideration.

Historic England's Position

Historic England has concerns relating to the overall scale of the development and the impact that this will have upon the sense of space and openness of the conservation area along Common Road. We consider that the impact upon the conservation area could be made less should the development be drawn significantly away from the eastern boundary of the proposed site area. This would mean the development met with paragraphs 193 and 200 of the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds. The scale of the proposed development means the houses would impact upon the sense of openness in the conservation area along Common Road.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

9.1.19.1 Historic England: (January 2022 response: Objection]

Historic England provided comments on this scheme in a letter dated 8th July 2020. We observed that the Chorleywood Common Conservation Area lies adjacent to the southern part of the site and in the vicinity of the eastern boundary. Our comments stated that should the line of the easternmost development be drawn back then this could reduce some of the visual impact of roof lines and built form from what is a verdant backdrop to the conservation area. We note that this has not occurred and therefore our previous concerns remain valid. We therefore consider that your local planning authority should weigh up the planning balance as required by paragraph 202 of the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds and we would draw your attention back to our letter dated 8th July 2020.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

9.1.20 National Grid: [No response received]

9.1.21 Natural England: [Objection]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - OBJECTION

Natural England objects to this proposal. As submitted we consider it will:

- have a significant impact on the purposes of designation of the Chilterns AONB

We have reached this view for the following reasons:

Chilterns Area of Outstanding Natural Beauty (AONB)

Our assessment is based both on a review of the applicant's landscape and visual assessment and associated documents, alongside conversations with the Chilterns AONB Conservation Board, who have visited the site location pre-application. It should be noted that Natural England have not visited the site due to current Covid-19 lockdown restrictions.

We propose the LPA considers both applications together, as they raise the same balancing of planning issues and cumulatively (as well as individually) represent a significant impact on the AONB.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'. Proposed developments within these protected landscapes must include an assessment and consideration of the Major Development Test (NPPF para 172 a-c), and it is also made clear within 2019 planning practice guidance that the '*scale and extent of development in these areas should be limited*'.

It is not Natural England's role to advise on the merits of the case in relation to the need for development at this location, nor on alternative development solutions, the first two of the bullet points in NPPF paragraph 172. However, it is important for us to take into account these matters insofar as they set the context for our advice on the environmental effects, and should be a key consideration for the planning decision.

It is clear to Natural England that these tests cannot be satisfied at this location for the following reasons:

- (a) In terms of the need for the development, and the impact of refusing it on the local economy, no exceptional circumstances are provided. This test cannot be satisfied.
- (b) The scope or cost for developing outside of the protected landscape is not discussed. This test cannot be satisfied.
- (c) Detrimental impact on the environment and landscape and the extent to which this could be moderated. Detrimental impact cannot be moderated for such developments of this size and scale within an AONB, and cannot take precedence over the existing nationally protected landscape. This test cannot be satisfied.

Where no exceptional circumstances exist, or where it cannot be demonstrated that the development is in the public interest, planning permission should be refused for major developments.

These proposals of 800 + 300 houses fully within the Chilterns AONB constitutes a major development which harms the special qualities of the AONB in this area, in this case the rolling and undulating dip slope character adjacent to the village of Chorleywood. The site also lies within the Heronsgate Heights area of the Hertfordshire Landscape Character Assessment. This area is characterised as '*the plateau is a gently undulating area forming part of the Chilterns dip slope. Slopes rise from the adjacent Maple Cross slopes*'. The fact that both proposals constitute major development is accepted within the accompanying Planning Statement in Section 6.13.

The argument within the Landscape chapter of the ES that the proposed development will result in a landscape impact of '*minor adverse*' is, in our opinion, erroneous. The dip slope landscape is an integral valued landscape of this part of the Chilterns, and is part of the wider Chilterns dip slope landscape as identified as a special feature in both the Chilterns AONB Management Plan (adopted 2019) and the Heronsgate Heights Landscape Character Area.

The conclusion within the Town Planning and Affordable Housing Statement that the benefits to local housing outweighs the negatives to the scenic and natural beauty of the AONB relies solely on the exceptional circumstances test within the NPPF. This cannot be justified as they fail to give the essential 'great weight' to the conservation and enhancement of the landscape and scenic beauty as required in the NPPF and in the CROW Act, Section 85. We are of the opinion that these applications harm the AONB, rather than conserve it, and would result in the erosion of the urban to rural AONB boundary.

The current Three Rivers Local Plan identifies the site as Green Belt land (adopted 2014). The site is considered within the new Local Plan Potential Sites Document, which has recently been consulted on. However, pre-empting the Local Plan site allocation process with a development of this size and scale within the AONB is, in our opinion, premature. We consider it unlikely that Three Rivers Council will allocate this land for such a large quantum of development, taking into consideration its sensitive location, and this is something we would be very opposed to if it were to be allocated.

The Chilterns AONB is already under tremendous pressure across its whole area from developments of both housing and infrastructure. This pressure on the AONB is recognised within the 2019 Glover Review into protected landscapes, where he also recommends National Park status for the Chilterns. Whilst some smaller sites, carefully chosen and developed sensitively, may be considered acceptable, Natural England is of the opinion that such large scale sites as those proposed at Chorleywood would both severely damage the unique landscape and result in significant visual impacts to those who visit the AONB to enjoy its special qualities.

Natural England has had correspondences with the Chilterns Conservation Board on these applications. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan (adopted 2019), should be given great weight as it is a valuable contribution to the planning decision

9.1.21.1 Natural England (March 2022): [Objection]

Natural England objects to this proposal. As submitted we consider it will:

- Harm the purpose of designation of the Chilterns Area of Outstanding Natural Beauty (AONB)

The Chilterns AONB

The Chilterns landscape was designated as an AONB in 1965. Its designation confirms this to be one of England's finest landscapes and applies the statutory purpose of conserving and enhancing the area's natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on local authorities and other public bodies to 'have regard' for that statutory purpose in carrying out their functions. The natural beauty of the Chilterns is expressed through the area's distinctive character which features a unique interaction of geological, ecological and cultural heritage features. Particular special qualities of the AONB include the dramatic chalk escarpment, a globally rare landscape type, panoramic views from across the escarpment interwoven with intimate dipslope valleys and rolling fields, and nationally important concentrations of flower-rich chalk grassland. Other special qualities comprise significant areas of woodlands, historic commons, tranquil valleys, ancient routes, villages with brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures. The Chilterns Management Plan (2019- 2024) describes the landscape character of the Chilterns as comprising four broad character types; Scarp Foothills and Vale Fringes, Chalk Scarp, River Valleys and Plateau and Dipslope. Of particular relevance to this planning application is the landscape character of the Plateau and Dipslope, which is described thus:

'A large proportion of the AONB is covered by plateau and dipslope as the land gradually falls away to the east and Greater London. Though less visible and striking than the scarp, this landscape forms a key part of the classic Chilterns landscape.'

The topography is complex, with areas of plateau dissected by long, narrow, often dry valleys. Extensive woodlands and arable fields interspersed with commons, villages, scattered farmsteads (often dating from medieval times) and designed parklands characterise the plateau. Commons, heaths and greens would once have been far more extensive. Many Chilterns commons are wooded or former wood pasture, with areas of heathland, acid grassland, ponds and other open habitats. Grazed fields can still be found on the steeper valley sides and valley bottoms where settlements often formed around water sources or stretched out along the valley roads.'

The Chilterns AONB was extended in 1990 and is currently undergoing a boundary review, with a view to a further extension of the AONB.

National Planning Policy Framework

The statutory purpose of AONBs is to conserve and enhance the area's natural beauty. Natural England's assessment of the application, based on the consultation materials made available and site visit, is that the proposed development would harm that statutory purpose by introducing substantial built development into an currently undeveloped open area and by materially harming the dipslope and dry valley special qualities of the AONB. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

Paragraphs 176 and 177 of the National Planning Policy Framework (NPPF) give the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

First and foremost the planning application should be determined against paragraph 176 of the NPPF, which states:

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵⁹. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Natural England is of the opinion that the applicant has not given sufficient weight to the NPPF policy in paragraph 176, which gives *great weight* to conserving and enhancing landscape and scenic beauty in these areas. The proposed development is entirely within the Chilterns AONB and the development proposal fails to either conserve or enhance the natural beauty of the designated area. Furthermore, the scale and extent of development proposed in this location (whether 300 or 800 dwellings) is clearly contrary to the NPPF policy that “*the scale and extent of development within all these designated areas should be limited*”. Natural England asserts that the proposals will not *conserve and enhance* the Chilterns AONB landscape nor *its scenic beauty* and would clearly constitute major development within an AONB.

Paragraph 177 of the NPPF makes it clear that major development within AONBs should be refused, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It goes on to state:

‘Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’*

In previous correspondence (ref: 20/0882/OUT and 20/0898/OUT on 20th July 2020) Natural England advised that these tests cannot be satisfied by the proposed developments, that exceptional circumstances do not exist and that therefore major development on this site should be refused in accordance with NPPF policy in paragraph 177. We emphasise that detrimental effects to the landscape cannot be moderated for developments of this size and scale within the AONB and that the proposed development therefore directly conflicts with national planning policy and Development Plan policy (as discussed later in this letter) and should be refused planning permission.

Natural England considers that the location, scale and extent of development results in significant harm to the AONB. This is confirmed by the conclusions of the applicant’s own landscape assessment. In the assessment, it was found that there will be significant adverse effects to the proposal site and to its immediate setting during the eight year construction period (13.6.7), thus acknowledging the significant effect on the AONB. The assessment also found there would be permanent ‘moderate adverse’ effects (which based on their methodology are significant effects) on the landscape character of the AONB proposal site 15 years after completion. This is also acknowledged in the updated planning statement which states *‘development of the site would by its nature result in harm to the AONB and Green Belt’* (para 5.6) and underlines Natural England’s stance that detrimental effects of development of this size and scale within the AONB cannot be moderated. We would also add that NPPF paragraph 11d and its associated footnote 7 is directly relevant to determining this scheme. We refer to our advice below citing this in relation to case law and the Planning Inspectors’ decisions based on this clear policy provision.

The Chilterns Management Plan, a material planning consideration to which planning weight should be attached, sets out guidance for the management of the AONB to uphold the statutory purposes of conserving and enhancing the AONB and its special qualities. It recognises that the Chilterns face unprecedented pressure from housing and transport infrastructure which impact on the natural beauty and special qualities for which the Chilterns were designated. The management plan strategic objective DO1 aims to *‘ensure planning decisions put the conservation and enhancement of the AONB first.’* Policies DP1 – DP15 set out in detail how that objective should be achieved. We note that the Chilterns Conservation Board has strongly objected to this development proposal and advise that their advice regarding the site and its wider landscape setting, together with the aims and

objectives of the AONB's statutory management plan, should be given considerable weight in the determination of the proposals.

Glover Landscapes Review and the National Landscape Designation Programme

This planning consultation has been reviewed in the context of a renewed government ambition to revitalise England's protected landscapes. We highlight this important context in which this application can be considered along with setting out the established planning policy framework for determining the application, together with relevant case law and a critique of the Landscape and Visual Impact Assessment. The Glover Landscapes Review (21st September 2019) set out a compelling vision for more beautiful, biodiverse and accessible National Parks and AONBs. It recommended strengthening protection of AONBs with 'new purposes, powers and resources' (proposal 24), 'a strengthened place for national landscapes in the planning system' (proposal 6) and a new programme of landscape designations (Proposal 20.)

As a consequence of the Glover Review, on 24th June 2021, an ambitious new programme to assess four areas for possible designation as Areas of Outstanding Natural Beauty (AONB) was announced, contributing towards the Government's commitment to protect 30% of our land for nature by 2030. This programme aims to deliver on the Government's commitment for more National Parks and AONBs made in the Government's Manifesto and more recently in the Prime Minister's Ten-point plan for a Green Industrial Revolution. As part of this programme, an extension to the Chilterns AONB along with three other national designation projects were prioritised for delivery on the basis that they were areas likely to achieve the most against the key policy objectives.

Natural England, as the Government's designating body and statutory advisor for England's Landscapes, is currently working on reviewing the boundary to the Chilterns AONB, with a view to extending the AONB via a Variation Order to be confirmed, in due course, by the Defra Secretary of State.

On 15th January 2022, the Government's response to the Landscapes Review Environment set out 'ambitious proposals to strengthen our protected landscapes'. Environment Secretary George Eustice said 'Our National Parks and Areas of Outstanding Natural Beauty are amongst our nation's greatest and most cherished natural wonders. The comprehensive set of measures set out today represents a new chapter in the story of our protected landscapes'¹

The Landscapes Review and the Governments' response to it, confirms the continuing importance of these landscapes to the nation, signalling a new approach to nationally designated landscapes and renewed vigour to protect them. It recognises both their importance in their own right as cherished landscapes, but also their strategic importance as a vehicle for delivery of measures to address the challenges we face on climate change, biodiversity loss and improving the populations health and wellbeing in the wake of the Covid-19 Pandemic.

Natural England considers that the Review and Government's response to it should be taken into account when determining this major housing development within the AONB. We note that, without exception, all the of the major development examples cited within AONBs in table 8 of the updated Planning Statement included within this planning application (November 2021) relate to allocations or permissions pre-dating both the Glover Review, the Governments' response to it, and the national landscape designation programme announcement.

Relevant Case Law

We would draw your attention to a recent planning case Hawkhurst Golf Club for a hybrid residential development proposed within the High Weald AONB. The proposal was dismissed at appeal on 2nd February 2022 on the grounds of the harm caused to the AONB.

The Inspector found *'harm to the AONB both through harm to the character and appearance of the appeal site, and also through harm to some of the key characteristics of the AONB'* (para 87) and also to the *'character and appearance of the wider area and landscape in general terms'* (para 23). The Inspector ruled that landscaping treatment of the boundaries could not overcome the fundamental harms caused by the large scale proposed development and extensive engineering works required for the provision of 374 homes (para 88), finding that the proposal failed to comply with Local planning policies which sought to *'preserve and enhance landscape character'* and *'resist detrimental impacts on the landscape setting of settlements.'* The Inspector concluded

'I recognise that the identified benefits in relation to housing matters, both directly from the proposed housing and in terms of the benefits from the new road, would clearly be in the public interest. However, the reality is that the circumstances of the housing shortfall, including challenges around providing for affordable housing, self-build, custom-build, and care home housing, are not unusual. The other benefits identified are commonplace and do not add significantly to the balancing. Overall, my view is that these considerations do not together present exceptional circumstances. I conclude that when they are balanced against the harm to the landscape and scenic beauty of the AONB that I have identified, a development of this scale in this location would not be in the public interest. Consequently, the proposal does not comply with Paragraph 177 of the Framework.' (para 90)

In the planning applications at Chorleywood currently under consideration, the applicant has sought to apply the 'tilted balance' to give housing supply elevated weight in the consideration of planning issues on the premise that no harm arises to the AONB landscape. This is both erroneous and illogical, since the applicant's own landscape assessment does find harm to the AONB landscape, albeit they do not acknowledge it as such, referring rather to the site and its immediate surroundings. In Natural England's opinion the assessment summary understates the extent of the harm where it states that the development will be *'scarcely seen'*, downplaying the fact that the development will be seen by significant numbers of people using Chorleywood Common, Public Rights of Way 011 and 014, and the publicly accessible path leading to St. Clement Danes School.

Natural England concur with the Chilterns Conservation Board that in this case applying NPPF paragraph 176 to give *great weight* to the AONB provides a clear reason to refuse the development under the NPPF paragraph 11d (i) presumption in favour of sustainable development and that there is no therefore no need to consider 11d) ii in deciding the planning balance. The *Monkhill v SSHCLG* High Court judgement (28th January 2021) 3 sets a clear case law precedent on this matter and in the *Hawkhurst Golf Club* case the tilted balance was also disappplied, despite the fact that the Council could not demonstrate a 5 year housing land supply. In the *Hawkhurst* case, the Inspector stated;

'Paragraph 11d) of the Framework sets out that where the application of policies within the Framework that protect areas of particular importance provide a clear reason for refusing the development, then the so called 'tilted balance' in favour of granting planning permission, which would otherwise have been engaged, does not apply. Therefore, in light of Footnote 7, given my conclusion in respect of the AONB, this case falls to be determined on the ordinary unweighted planning balance, to which I now turn.

The benefits in this case, substantial though they are, are not sufficient in this instance to outweigh the great weight to be afforded to the harm to the AONB, and the other harms set out above.

I therefore conclude, on balance, that the appeal be dismissed.' (paras 94-96)

Site visit

Natural England carried out a site visit on 7th March 2022, weather conditions were dry and visibility was good for the duration of the site visit. An experienced Chartered Landscape

Architect (CMLI) conducted the site visit and contributed to this consultation response with the advice set out below:

LVIA: Approach and Methodology

A review of Chapter 13: Landscape and Visual Impact Assessment has been undertaken on behalf of Three Rivers District Council by RSK Environmental Ltd. We do not propose to undertake a full review of the LVIA, but will highlight some key points in relation to that part of the LVIA which concerns the assessment of the Chilterns AONB and any relevant documents which relate to it.

The LVIA refers to a number of published policy documents and character assessments, both within the chapter and also within Appendix 13.1, including the documents relating to the AONB (Chilterns Management Plan and Building Design Guide). Here, the special qualities of the AONB (i.e. those for which it is designated) are referred to, however there is no further mention of these in the main part of the LVIA, and no clear assessment thereof, nor any further reference to the AONB Management Plan. In Table 13.16 (p.31-2), when setting out the value of the site in relation to each of the identified landscape character areas, the LVIA refers to the site as '*not exhibit(ing) some of the more characteristic features of the Chilterns*' when referring to NCA 110 Chilterns and refers to the site as not representing '*features associated with the highest quality landscapes associated with the Chilterns*' in relation to Heronsgate Heights LCA. Neither of these documents sets out landscape characteristics in this way, nor are the special qualities identified in the Chilterns Management Plan considered in Table 13.16 or the wider assessment. The approach continues when the assessment considers the value of landform and water features, where the LVIA refers to a '*minor dry valley*'. In assessing the value of the character areas and the landscape features in this way, the LVIA has not only ignored the special qualities of the AONB, but has purported to devalue those of the site over the rest of the AONB in an attempt to convince the reader that the site is lower in landscape value. We would strongly disagree. The site visit confirmed that site topography clearly displays the characteristic Chilterns AONB dipslope character, dry valley and associated grazing pasture land use described in the Chilterns AONB Management Plan within the Landscape Character section. In this section, it notes that the Plateau and Dipslope landscape character type '*forms a key part of the classic Chilterns landscape*' (p. 13).

The approach to the AONB in the LVIA is further highlighted by the exclusion of the AONB from the list of landscape receptors, thereby avoiding the need to make an assessment of the effects on the nationally designated landscape. Notwithstanding the above, when setting out the potential effects on landscape receptors during operation (at year 15), the LVIA appears to contradict the baseline assessment of the site, by noting that '*the dry rolling valley topography of the Site is typical of the Chilterns...*' (13.6.27). However, despite this acknowledgement, the assessment of the effect on the landform of the site is judged to be 'minor' adverse, which could not be the case once the site is developed, as the dry valley and dipslope will no longer be able to be appreciated as key landscape features of the Chilterns.

The LVIA methodology and approach is based on a series of matrices and tables. These are considered acceptable in GLVIA3 as a way of communicating complex information, but it is recommended that they are used to support, rather than replace narrative descriptive text, in particular in relation to judgements of significance (para. 8.10). The LVIA methodology states that impacts of moderate or higher are assessed as significant, which is usual industry practice. However, the matrices that underpin the methodology (both those relating to landscape and visual sensitivity matrices as well as the significance of landscape and visual effects matrices) are skewed towards the lower end of significance. We would expect these matrices to be balanced, with a roughly equal number of significant to non-significant options. Although medium-low is used extensively, there are no medium-high options and a combination of high susceptibility and medium value is deemed medium sensitivity. In relation to the significance tables, only six out of 20 options are significant

effects, and again, they are skewed to the lower end of significance, such that for example, high sensitivity and medium magnitude of effect is deemed a moderate effect, as is medium sensitivity and medium magnitude of change. The matrices therefore result in a consistently lower impact assessment, compounded due to both the sensitivity and significance matrices under assessing the effect. Adding to this, we would concur with the RSK analysis that there is an over reliance on tables within the text in favour of narrative text, which results in judgements erring towards the lower end of significance. We would also note that the number of tables used make the judgements reached are difficult to easily follow, especially since those effects which are significant are not flagged beyond the reference to these in the methodology.

In the assessment landscape effects in relation to the site setting, are judged as being minor adverse at year 15. The description in table 13.21 (p. 55) concentrates on views of the development within the AONB, however there is no discussion of the effect on the landscape as a resource, nor on the special qualities/landscape character of the AONB. The judgement that a development of either 300 or 800 dwellings will result in a minor adverse effect on the site setting, which is part of the Chilterns AONB cannot be correct, and supports our assessment that the methodology and approach of the LVIA underplays the effect of the proposed development.

The LVIA has not dealt with residual, significant effects transparently. As set out in the LVIA methodology, all effects over moderate are significant. However, in the summary tables at the rear of the LVIA, not one of the construction or operational effects is identified as being residual or significant, despite the fact that a number of them are assessed as being moderate adverse. For instance, the landscape effects on vegetation at operation was judged to be moderate adverse, as were visual effects during operation on Chorleywood Common and sections of Common Road/Chess Valley Walk. These should all be highlighted as significant, residual effects in order to provide the reviewing body with the means to understand clearly what the environmental effects of the schemes would be. In addition, by under assessing the effects on the site setting in relation to NCA Profile 110, no residual significant effect has been identified here, and because the site and its setting are assessed together, there is no facility to show the residual, significant effect on the site. The neutral to moderate adverse effect on the users of PRoW 014, given the footpath's route along the site boundary and notwithstanding potential landscaping, is too wide in its scope and cannot be correct, as there will be at least glimpsed views, which would result in some effect on the users. PRoW 011 has been similarly assessed and the width of the effect is non-sensical.

LVIA Omissions

GLVIA3 notes that reviewing any relevant existing assessments is the first step in preparing the landscape baseline (p. 93). There are two documents which have been prepared as part of the evidence base for the emerging Local Plan for Three Rivers District Council, which have not been referred to in the LVIA, and their omission from the LVIA appears to further under-play the sensitivity of the site. The first is the Strategic Housing and Employment Land Availability Assessment (SHELAA), which found that '*The landscape sensitivity assessment classifies the site as having a high sensitivity to built development*' (Appendix 7d – Previously Considered Sites Detailed Assessments, under reference PCS4). The other document to which no mention is made is the Landscape Sensitivity Assessment, undertaken by Place Services (published August 2019). In this document, the site (PCS4) is assessed as being of High landscape sensitivity to built development, with it noting that '*the rolling grassland hills and pasture land are characteristic of both the Hersongate Heights LCA and the Chilterns AONB*'. High landscape sensitivity is defined in the document's methodology as,

'Landscape and / or visual characteristics of the assessment unit are very susceptible to change and / or its values are high and it is unable to accommodate the relevant type of

development without significant character change or adverse effects. Thresholds for significant change are very low.'

To conclude, it is clear that the proposals would cause harm to the AONB's statutory purpose to conserve and enhance the natural beauty of the Chilterns AONB. The LVIA has not assessed the special qualities of the AONB, as set out in the Management Plan, and in so doing, the effect of the proposed developments on the statutory purpose of the AONB has not been considered. As the designating authority for the AONB, Natural England would expect a high or very high sensitivity to be assigned to both landscape and visual receptors in relation to the AONB. This is due to the very high value of this landscape (as confirmed by its AONB designation as being one of England's finest landscapes, and with its landscape and scenic beauty afforded the highest level of protection by national planning policy) and its clear susceptibility to the type of development proposed. Natural England views an assessment which is based on a lesser level of sensitivity and without the strongest justification for that, as unsatisfactory. The LVIA methodology not only under assesses the effects of the schemes on the receiving landscape, but by failing to assess the effect on the AONB's statutory purpose through an assessment of its special qualities, it provides insufficient information to allow an informed determination of the schemes.

Development Plan Policy DM7

Both of the proposed developments would contravene policy DM7, set out in the Development Management Policies Local Development Document (adopted on the 26 July 2013), failing on all three requirements in terms of the Chilterns AONB.

DM7 does not support development within the AONB where it would:

- i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development.
- ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area.
- iii) Detracts from the public enjoyment of the AONB landscape.

Natural England note that the wording of the aforementioned policy encompasses all adverse impacts on views and whether or not those impacts are deemed to be 'significant' for the purposes of the Environmental Impact Assessment (EIA). Natural England's assertion that the development fails to meet these three requirements is set out in detail below.

i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development.

The proposed development causes material harm to the dipslope character of the AONB within the application site. The dipslope character is recognised as a defining special quality of the AONB and is associated with grazed fields found on the steeper valley sides and valley bottoms which is in evidence on the proposed development site. Replacing this rural area of grazed land, with an urban housing development would cause irreversible harm to the special qualities of the Chilterns AONB, its landscape character and its distinctiveness. The scale of each of the proposals would result in material harm to the character and appearance of the site and the AONB setting of Chorleywood Common. It would result in the permanent alteration of the site from an attractive, undeveloped area of traditional rural gazing land use to a heavily developed suburban site.

Even after the proposed screening is established 15 years post construction, the built development would be visible from the public rights of way in the immediate area of the site, as well as from Chorleywood Common, and from public streets and roads in the plateau

area within the settlement around Shire Lane and Rendlesham Way. In its current form, the site offers a green and verdant character that reinforces the rural edge between the Chilterns AONB and the settlement. The proposal would fundamentally alter this edge with the introduction of substantial, urbanising, built form, irrespective of the landscape mitigation proposed. There would be material harm to the established character and appearance of the area, and to the natural beauty of this part of the AONB.

ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area.

The site falls within the Herongate Heights Landscape Character Area, which is assessed as being in good condition and having a strong character, placing it in the highest landscape category ranking with a management recommendation to 'safeguard and manage'. The LCA comments "The area feels private and relatively remote, despite the proximity to the M25 and neighbouring settlements" and goes on to state "the area is unusual in the country with Herongate and Chorleywood Common being the most distinctive features." Our site visit confirmed that the Herongate Heights Character Area has a rural 'village' feel, which is unusual given its urban context and proximity to London. The development would compromise this character by infilling the last remaining visual connection to the rural AONB landscape from the elevated plateau at Chorleywood Common, as can be seen from viewpoint 10, and from reciprocal viewpoint 1.

The proposal site has clear intervisibility with Chorleywood Common, a popular area of Open Access land which is locally important for recreation, and where the sensitivity of visual receptors are high. Chorleywood Common is notable for its mixture of contrasting enclosed views channelled through woodland and far-reaching open views across the AONB Chilterns landscape, seen over the existing properties on the edge of the settlement, and towards wooded skylines on the horizon. These long reaching views reinforce the unusual sense of ruralness in this location on the edge of London, alluded to in the 'Herongate Heights' LCA, and reinforce the sense of historical connectivity between the Common and the AONB landscape. For this reason, Chorleywood Common can be considered to be within 'the setting' of the AONB. Development on the proposal site would remove the last remaining gap in urban form, as seen from the Common, blocking open long distance views from the Common to the wider AONB landscape and in doing so compromising visual receptors ability to 'read' the wider AONB landscape and the classic Chilterns AONB pattern of the interaction between the local dipslope and plateaux. The Chilterns AONB Management Plan notes that commons are characteristic of the plateau and dipslope landscape, stating that '*commons, heaths and greens would once have been far more extensive*'. The result of development taking place on this site would be that, Chorleywood Common, 'the setting' of the AONB, would lose its sense of connectivity with the AONB landscape and the sense of the special relationship between the dipslope, plateau and commons.

iii) Detracts from the public enjoyment of the AONB landscape.

The residents of Chorleywood and visitors who use the public rights of way which lie in close proximity to the site (PRoW 011 and 014, the private footpath to St Clement Danes School) currently experience the AONB landscape as soon as they leave the settlement edge, with the dipslope and dry valley visible, especially through the hedgerow gaps along PRoW 014. These rights of way offer an immediate gateway from the settlement to the wider AONB landscape to the north, and the proposals will remove this early opportunity for public enjoyment of the AONB in favour of high density housing. In addition, the public enjoyment of the AONB landscape from Chorleywood Common would be lost, as discussed under policy point ii above. Natural England also note that although the site is contained by mature hedgerows along its western boundary with Green Street, at the time of our site visit (March) there were clear views into the site through gaps in the defoliated hedgerow from the footway along the road. During the site visit we both walked and drove along this road.

Views into the site were particularly noticeable when driving along Green Street where the defoliated hedge branches formed a regular foreground interruption to views into the application site, which was continuously and clearly visible along the length of its boundary with Green Street.

Summary of Natural England's advice

To summarise, the proposals are made for an unallocated site that was considered at Regulation 18 consultation stage for the emerging Local Plan, but was not taken forward for allocation. This is unsurprising given its location within the AONB, and the findings within the documents produced to underpin the evidence base. The development proposals comprise major development in an AONB. Paragraph 177 of the NPPF states that such development should only be allowed in exceptional circumstances and where it is in the public interest. As established above, there would be significant harm to the AONB, both through harm to the character and appearance of the site, and also through harm to some of the special qualities and key characteristics of the AONB. Landscaping and the treatment of boundaries cannot overcome the fundamental harms caused by the large scale proposed development and extensive construction works required for the provision of 300 or 800 homes. Proposals for enhanced boundary screening and green infrastructure provision to moderate these impacts would not overcome the scale of physical and visual intrusion identified on our site visit. Given the harm caused to the AONB and its setting, it is difficult to envisage how a development of this scale in this location would be in the public interest, and therefore how it could comply with Paragraph 177 of the Framework and local plan policy DM7 which seeks to conserve and enhance the character of the AONB, its setting and the public's enjoyment of this nationally designated landscape. No exceptional circumstances have been demonstrated.

The LVIA does not provide a transparent assessment of the facts. It does not directly assess the effects of the development proposals on the AONB or its special qualities, it ignores published documents which assess the site as sensitive, and given that methodology is skewed towards the lower end of significance, consistently under plays the significance of the effect on the designated landscape.

9.1.22 NHS Herts Valleys CCG: [Comment received]

I understand that this site is subject to CIL rather than S106, however, due to the large number of dwellings proposed, I would like to make you aware of its potentially significant impact on NHS services in the area.

Despite the fact that local GP surgeries have some capacity to absorb growth in patient numbers, there are factors, which intensify its impact:

- Firstly, there is a major housing growth planned in the area according to the draft LP.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their "core" activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

In light of the above, and in the absence of S106, HVCCG would like to reserve an option to seek a CIL contribution at the later date towards additional health facilities in the vicinity of this development.

To give an indication of the financial impact that this development is likely to bring to the NHS, I can share our formula for S106 requests in relation to Primary Care.

800 dwellings x 2.4= 1,920 new patients
1,920/ 2,000 = 0.96 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")
0.96 x 199m2 = 191.04 m2 additional space required
191.04 x £3,150 (build costs including land, fit out and fees) = £601,776
£601,776 / 800 = £752.22 ~ £752 per dwelling

This calculation is based on the impact of this development only, on the number of dwellings proposed.

In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

I trust this information is sufficient for you to proceed.

OFFICER NOTE: The comment above relates to seeking a CIL contribution at a later date. It should be noted that such a contribution would be sought via the CIL Regulations and would not fall to be secured as part of this planning application.

9.1.22.1 NHS Herts Valleys CCG: [January 2022 response: Comment received]

Thank you for your consultation in relation to the above planning application for 800 dwellings on Land East of Green Street And North of Orchard Drive Chorleywood.

I understand that this site is subject to CIL rather than S106, however, due to the large number of dwellings proposed, I would like to make you aware of its potentially significant impact on NHS services in the area.

Despite the fact that local GP surgeries have some capacity to absorb growth in patient numbers at the moment, there are factors, which intensify its impact:

- Firstly, there is a major housing growth planned in the area according to the draft LP.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

In light of the above, and in the absence of S106, HVCCG would like to reserve an option to seek a CIL contribution at the later date towards additional health facilities in the vicinity of this development.

To give an indication of the financial impact that this development is likely to bring to the NHS, I can share our formula for S106 requests in relation to Primary Care.

800 dwellings x 2.4= 1,920 new patients

1,920/ 2,000 = 0.96 GP (based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)

0.96 x 199m² = 191.04 m² additional space required

191.04 x £5,410 (build costs including land, fit out and fees) = £1,033,526.40

£1,033,526.40 / 800 = £1,291.91 ~ £1,290 per dwelling

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls. This calculation is based on the impact of this development only, on the number of dwellings proposed.

In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

We have also sought the views of other NHS provider organisations and you may hear from some of them directly. However, the East of England Ambulance Service NHS Trust (EEAST) have commented as follows:

EEAST is impacted by new housing developments and assessment of the suitability of existing ambulance station(s) within the locality, with potential to redevelop or extend and in certain instances relocate to a more suitable location as well as the need to increase the

number of ambulances and medical equipment to manage increased number of incidents to the growing population in order to maintain mandated ambulance response times and treatment outcomes.

The proposed development will impact on EEASTs' ability to provide nationally set response times for accident and emergency services around the geographical area associated with the proposed application site. EEAST does not have capacity to meet the additional growth resulting from this development and cumulative development growth in the area.

Non-emergency patient transport services are commissioned by Hertfordshire and West Essex CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

The proposed development will impact on the NHS funding programme for the delivery of emergency and non-emergency healthcare service provision within this area and specifically within the health catchment of the development. EEAST would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The Sustainability Assessment indicates the site is in Flood Zone 1 at low risk of flooding. EEAST would welcome utilisation and catchment of grey water is considered by the developer to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse grey water for community gardens instead of entering main sewers. Appropriate use of living green roofs can also reduce the potential for localised flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off would be welcomed. In addition, ensuring sufficient green space curtilage and alongside residential roads helps reduce the risk of localised flooding.

EEAST supports the proposed open space and the establishment of seating, community garden/allotments as these help community cohesion as well as support physical and mental health and wellbeing. EEAST would encourage developers to planting of wildflower grassland to encourage local flora and fauna. EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light on local wildlife.

EEAST would also highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being. The potential for community gardens/ planting areas would also be welcomed to support community physical and mental health and well-being.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed development combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.

Therefore, a contribution is sought to make this scheme favourable to the NHS services commissioner and we propose a charge is applied per dwelling towards providing additional ambulance service provision. Table 1 shows the capital required to support the population arising from the proposed development and is calculated to be £72,900.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional Population Growth (800 dwellings) ¹	Rate ²	Ambulance Cost ³	Total
1,920	0.15	£675	£194,400

Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

Calculated using per head of population in Hertfordshire & West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066)

Calculated from EEAST ambulance data

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

EEAST therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission to support EEAST provide emergency and non-emergency ambulance services to this new development.

9.1.23 Three Rivers District Council - Conservation Officer: [Objection]

The outline application is for the demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

The site is located to the north west of the Chorleywood Common Conservation Area and to the north of the Chorleywood Station Estate Conservation Area. Within the Chorleywood Common Conservation Area are a number of listed buildings, the two within closest proximity to the site are situated on the western side of Common Road. Berkeley House is Grade II listed (list entry no. 1348212) and dates to the early-mid seventeenth century with substantial nineteenth century alterations. It was formerly the Berkeley Arms Public House and is prominent element of the streetscape overlooking the Common. Further north on Common Road is the Grade II listed building of The Old Cottage and Pond Cottage (list entry no. 1296284) with a sixteenth and seventeenth century timber framed core encased in red brick in the eighteenth century and with subsequent alterations in the nineteenth and twentieth centuries. The Conservation Area also includes a number of locally listed buildings including the Rose & Crown Public House, a building with seventeenth century origins fronting the Common, and The Cottage located on Homefield Road which is a good example of early twentieth century design typical of the growth of the area following the opening of Chorleywood Station.

A cluster of four Grade II listed buildings forming the historic core of Great Greenstreet Farm, including the farmhouse (list entry no. 1124748) and three barns (list entry nos. 1332569, 1252815 and 1252819), is situated to the north of the site on the western side of Green Street. These buildings are located outside the Three Rivers District boundary within Buckinghamshire, but their wider setting is impacted by the proposal.

The heritage assets impacted are the Chorleywood Common Conservation Area and the four Grade II listed buildings at Great Greenstreet Farm. The proposal is not considered to individually impact the settings or significance of the listed and locally listed buildings within the Conservation Area. These buildings and the spaces between them form part of the Conservation Area.

Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) on The Setting of Heritage Assets has been considered in assessing the proposal.

Chorleywood Common Conservation Area

Chorleywood Common Conservation Area was designated in 1976 and amended in 1991. The special interest of the area is defined within the Chorleywood Common Conservation Area Appraisal (2010):

Chorleywood Common Conservation Area is of both historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding the Common creates an area of architectural interest. The variation in character of the buildings located around the Common, ranging from 16th and 17th Century to 19th Century buildings demonstrates the growth of the area throughout history... The special interest of the Conservation Area relates to the types of buildings and how the built form surrounding the Conservation Area has developed and grown throughout history. The original buildings consist of the farm cottages. These buildings reflect the historical agricultural use of the Common... Chorleywood Bottom reflects the early village settlements of the Conservation Area. The arrival of the Metropolitan Railway line resulted in a change in the urban form particularly around Station Approach. The north eastern part of the Conservation Area has an urban character created by the development of Rickmansworth Road (A404)...The juxtaposition of low density home and gardens with more intensive terraces or rows of houses does impart a special character to the area. (pg.3)

The Common was historically used as agricultural land for the grazing of animals. Some of the earliest buildings within the Conservation Area are dispersed farm cottages reflecting the agricultural use of the Common. Development around the edge of the Common, particularly to the south west of the Conservation Area, intensified in the nineteenth century following the construction of Chorleywood Station. However, the Conservation Area retains its open and rural character and appearance.

The setting of the Conservation Area contributes to an appreciation of its significance as a historic rural settlement centred on the open land of the Common within a wider agrarian landscape. Areas of open landscape have survived to the north and south, but the former open landscape has been eroded to the east with the growth of Rickmansworth and the construction of the M25, and the west with development around the station. The site is an important area of open land to the north west of the Conservation Area forming part of the surviving agrarian landscape. The site in its present undeveloped form is considered to make a positive contribution to the setting of the Conservation Area.

Due to the unique topography of the area there are clear views of the site from the eastern part of Chorleywood Common looking north west beyond the buildings on Common Road. These views provide an appreciation of the historic landscape setting of the Conservation Area and the development of the settlement within an agrarian landscape. They are an important aspect of the setting of the area. Whilst views from the west of the Common looking north west towards the site are not included on the 'Important Views' map within the Appraisal (Appendix 8), it should be noted that the Appraisal is not an exhaustive record of every element contributing to the area's significance (stated on pg. 4).

One of the views from the Common towards the site is illustrated in View 10 (Figures 13.20 and 13.21) of the Environmental Statement. The wireframe overlay demonstrates that this view of the open landscape setting from within the Conservation Area will be lost and replaced with a view of the proposed housing development. The urbanising effect to the

setting of this part of the Conservation Area and the environmental changes including the change in the use of the land, light spill and movement are all attributes of the proposal which will detract from the setting of the Conservation Area and the appreciation of its significance. The proposal is considered to result in considerable less than substantial harm to the significance of the Conservation Area. Planning Practice Guidance (para. 018) recommends that the level of harm is clearly articulated, therefore, if this harm were considered on a spectrum of low, medium and high, the harm would be at a medium level.

Great Greenstreet Farm (Grade II listed buildings)

The four Grade II listed buildings comprising Great Greenstreet Farm include the former farmhouse and three associated barns. These assets form a group and have been assessed as such. The farmhouse is of seventeenth century origin with alterations and extensions dating to the eighteenth and nineteenth centuries. The three barns are all timber framed and weatherboarded and date to the eighteenth century. The barns have been converted to residential use but retain their legibility as former agricultural buildings within a farmstead. The buildings are all of architectural and historic interest and their setting contributes to an appreciation of their significance as part of an isolated historic farmstead within an open, agrarian landscape. The site forms part of the wider agrarian landscape setting of the listed buildings but it is unknown whether there is any functional link. There is no indication within the Historic Environment Desk-Based Assessment (DBA) of the historic ownership of the land forming the site; the Tithe map of 1838 has been provided but the accompanying apportionment, which shows the ownership and use of the land parcels, has not been included. Given the absence of other farms in the area, as shown on nineteenth century OS maps, it is possible for the site to have been in the same ownership and cultivated as part of Great Greenstreet Farm.

The former farm buildings are located to the north of the site and are separated from it by Green Street and an area of open land between the north of the site and Stubbs Farm. There are some glimpsed views from the site to the listed buildings (as shown in Figure 10 of the Historic Environment DBA), however, the intervisibility is limited because of the existing hedgerow and tree planting along Green Street. The proposal will result in a change to the wider setting of the historic farmstead through the loss of an open field, however, it is considered that mitigation measures including a robust landscaping scheme, appropriate site layout and sensitive building heights to the north of the site could minimise the impact. The consideration of mitigation measures contained within Step 4 of the Historic England guidance. This step has not been fully explored within the DBA and further demonstration of the mitigation measures specifically regarding the group of listed buildings at Great Greenstreet Farm is required.

Due to the immediate setting of the listed buildings within an open landscape being unchanged by the proposal, their distance from the site, the intervening open land south of Stubbs Farm, the existing hedgerow along Green Street, and the potential for mitigation, the proposal is not considered to cause harm to the significance of these four heritage assets.

Conclusion

An objection is raised to the proposal as it will result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of part of its open, agrarian landscape setting and the adverse impact of the environmental changes of the development. There is also an adverse impact on views from the eastern side of the Common within the Conservation Area looking north west towards the open landscape of the site. The harm is at a medium level, if it were considered on a spectrum of low, medium and high. Paragraph 196 of the NPPF should be applied. Consideration should also be given to paragraph 193 which affords great weight to the conservation of heritage assets.

Air Quality

I have reviewed Environmental Statement Chapter 7: Air Quality prepared by Hawkins Environmental Ltd. I have also reviewed Appendix 7: Air Quality.

The assessment indicates that the impact of the operational phase of the proposed development will be “negligible”. Mitigation is not considered to be necessary. The impacts of the demolition and construction phases will see the site designated as a high risk site. However, with mitigation the residual effects are not considered to be significant.

I would recommend that conditions requiring the following be applied to any permission granted:

- A Construction Environment Management Plan (including a Dust Management Plan);
- Wheel Washing;
- Provision of EV charging points.

I would suggest informatives relating to the following:

- The use of Euro 6 vehicles where possible;
- Following relevant guidance such as the IAQM guidance.

Contaminated Land

I have reviewed the Preliminary Contamination Risk Assessment (Report ref. P19-224pra_8) and the Ground Investigation (Report ref. 19-224gi_v2.8) prepared by Paddock Geo Engineering.

It would appear that Appendixes D and E appear to be missing.

The investigation undertaken did not identify concentrations of contaminants of concern that pose a risk to future users. However, the consultant states that due to the significant size of the site and that the objective of the investigation was to undertake an initial screening to inform the outline application, it is possible further focused and detailed investigation will be required (i.e. beneath the hardstanding of the yard, barn and silo etc.).

I would recommend the following conditions:

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

i) A further site investigation, based on the Preliminary Contamination Risk Assessment (Report ref. P19-224pra_3) and the Ground Investigation (Report ref. 19-224gi_v2.3) prepared by Paddock Geo Engineering, 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.

ii) The site investigation results and the detailed risk assessment (i) 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.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

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

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced 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 approved monitoring and maintenance programme shall be implemented.

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

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

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

9.1.25 Three Rivers District Council - Landscape Officer: [Objection]

This application relates to the proposed development of up to 800 residential dwellings. It is accompanied by a tree report, including a method statement and arboricultural implications assessment.

The site has relatively few constraints posed upon it from existing trees, as most are located offsite and around the edges of the site. The issue and concerns regarding the access points off Green Street were raised within pre-application advice. The western boundary although being relatively well treelined, only contains a modest number of moderate quality trees, so provides ample opportunity to achieve the necessary access points whilst retaining the higher quality trees. It is therefore disappointing that the tree report proposes to remove four out of the seven moderate quality trees along this boundary.

I am also concerned that the tree survey is apparently not based upon a topographical survey (section 1.5), which would be an expectation of an outline or full planning application of this nature. It is also typical, and helpful, for the tree data to be overlaid onto the layout drawing, but this has not been done. As an aside the tree protection plan does not appear to have loaded correctly in the submitted tree report.

In light of the above, and with particular reference to the loss of the majority of the higher value trees along the western site boundary, I am compelled to raise objections.

9.1.26 Three Rivers District Council – Landscape Consultant (to review LVIA): [Comment received]

1.1 Scope of Technical Chapter

1.1.1 The scope of the LVIA, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis appears appropriate for the scale of the proposed development.

1.1.2 Details have been provided on consultation with the local planning authority and relevant stakeholders and the response of consultees with regard to the scoping opinion. Table 13.1 provides a useful summary of the scoping opinion comments and locations within the document that provide the applicants response. This table records the comments and requirements with regards to the methodology, planning policy and guidance, study area, viewpoint locations and the approach for visualisations.

1.2 Policies, Guidance and Standards

Planning Policy

1.2.1 The document provides an up to date review of relevant national, regional and local planning policy including:

- The National Planning Policy Framework (NPPF) (February 2019);
- The National Planning Practice Guidance (NPPG) (October 2019);
- The National Design Guide (September 2019);
- Landscapes Review: Final Report ('Glover Report', 2018);
- Local Development Framework Core Strategy (Three Rivers District Council, Adopted October 2011); and
- Development Management Policies Local Development Document (Three Rivers District Council, July 2013).

1.2.2 The planning policy and Landscape Institute Guidance is appropriate for the purposes of the assessment. Appendix 13.1 sets out the published guidance relating to landscape and visual matters. Whilst this provides good coverage of the planning policy and published guidance, it would have been more useful if the applicant could have provided a detailed commentary as to how the proposed development was compliant with this policy and guidance. It has not, and where provided, the information must be picked out of the LVIA text.

1.2.3 The LVIA provides clarity in terms of the requirements to protect and enhance the landscape of the site as a nationally designated valued landscape in accordance with NPPF Chapter 15 para.170. Further clarity is provided in paragraph 172 which states that the scale and extent of development should be limited within Areas of Outstanding National Beauty (AONB). In particular, planning permission, "should be refused for 'major development' other than in exceptional circumstances,". What constitutes 'major development' is a, "matter for the decision maker, taking into account its nature, scale and setting, and whether it could have significant adverse impact for the purposes for which the area has been designated...Consideration of such applications should include an assessment of...c) any detrimental effect on the environment , the landscape and recreational opportunities, and the extent to which that could be moderated."

1.2.4 As stated within the LVIA submission, the Chilterns Conservation Board considers the proposed development does constitute a 'major development'.

1.2.5 The starting point for the assessment of landscape and visual effects is therefore as a proposed development that constitutes a major development within a nationally protected

landscape considered as valued in NPPF terms. This 'sets the bar' very high in terms of protecting and enhancing the landscape and visual resource.

1.2.6 Other planning policy, such as the NPPG and local planning policy, reiterates the requirement to afford significant protection and enhancement to these particularly important landscapes.

1.2.7 The 'Landscape Strategy' (2001), referenced within the Local Development Document (LDD July 2013) states that the Council will, "ensure that development complements the surrounding local landscape of Three Rivers as identified in the current Landscape Character Assessment, through the siting, layout, design, appearance and landscaping of development" and will consider:

- The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change
- The pattern of woodlands, fields, hedgerows, trees, waterbodies, walls and other features
- The topography of the area." (p.28)

1.2.8 The landscape strategy must therefore clearly demonstrate that these criteria are fulfilled

Guidance and Standards

1.2.9 The document provides an up to date review of relevant and guidance including:

- The third (2013) edition of 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3), produced by the Landscape Institute with the Institute of Environmental Management and Assessment;
- The Landscape Institute, Visual Representation of Development Proposals Technical Guidance Note (2019); and
- Visual Representation of Development Proposals: Camera Auto Settings (Landscape Institute Technical Information Note 08/19, September 2019).

1.2.10 A description of the accurate visual representation (AVR) production methodology is provided in Appendix 13.2 which describes how the wireline model has been located within the photograph. A combination of annotated photographs (Type 1) and wireline images (type 3) have been used as appropriate to the visibility of the scheme.

1.2.11 In the case of an LVIA prepared as part of an Environmental Impact Assessment (EIA), the Regulations (Reg. 18 (5)) stipulate that the developer must ensure that the ES is prepared by 'competent experts' and that the developer must include a statement "outlining the relevant expertise or qualifications of such experts". No such evidence is provided as part of the LVIA.

1.3 Assessment Methodology and Significance Criteria

1.3.1 The assessment methodology within the ES LVIA section is based on the principals contained within the GLVIA 3. The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA 3.

1.3.2 The LVIA defines the sensitivity of landscape and visual receptors as dependent on the importance / value of the receptor and its susceptibility to change. This approach is considered appropriate and based on guidance within GLVIA 3.

1.3.3 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape or view. Explanation is provided in terms of the factors that enable the levels of magnitude to be judged. Sensitivity and magnitude are then combined to provide an overall level of landscape and visual effects in the form of significance of

effects matrices in Tables 13.9 and 13.1. Likely significant effects are identified as those of 'moderate' significance or above. Assessment of nature of effect relies on what distinguishes effects as beneficial (resulting in enhancement), adverse (resulting in harm) or neutral (neither beneficial nor adverse). This approach is generally consistent with GLVIA 3.

1.3.4 Whilst the methodology is broadly in accordance with GLVIA3, it is noted that the significance of effects matrices do not allow for intermediate judgements to be made. Where this is the case it is more helpful for the matrices to provide the opportunity for judgements to be decided between a higher and lower level of effect; intermediate judgements are provided for the lower levels of the sensitivity matrices only. The matrices provided therefore tend to provide judgments that are towards the lower end of significance; GLVIA3 explicitly warns against an over reliance on matrices and tables (para 3.35, p.41). In the case of the assessment, judgements are all too readily defined by the matrices with no discretion used by the assessor to weigh the assessment through professional judgement.

1.3.5 For example, where a receptor of high sensitivity experiences a medium magnitude of change, the assessor would more usefully be allowed the discretion to assess the effect as moderate or major depending on reasoned judgement. In this instance, the LVIA always defines the levels of significance to the lower end of the assessment. It is therefore considered that the methodology is overly prescriptive and does not enable sufficient weighting of judgements to be made by the experienced professional. The latest Highways England guidance, LA 107 Landscape and Visual Effects, 2020, provides a useful clarification in terms of this approach for matrices in Table 3.8.1.

1.3.6 A description of the AVR production methodology is provided in Appendix 13.2 as described above wherein it is stated that the latest guidance from the Landscape Institute (TGN-06-19 Visual Representation of Development Proposals) has been followed. However, this guidance sets a higher standard in terms of presentation of the photographic views than is presented within the LVIA. The views should be presented as Type 1 annotated viewpoint photographs at a scale and size that, "aids clear understanding of the view context". The LI guidance states a 'mathematically correct' image for a single image (of 39.6 degrees Horizontal Field of View) equates to a size of 390mm x 260mm on an A3 sheet, which should be held at a distance of approximately 550mm from the eye. Instead of this the photographic views have been presented as wider panoramas of unspecified field of view to be held 300mm from the eye; the views, as presented, significantly reduce the scale of view and are considered unhelpful and possibly misleading in terms of illustrating the view context.

1.3.7 Similarly, whilst the Type 3 visualisations provided may be accurately produced their presentation results in the same issues as the annotated AVR1 views; namely, that the extent of development within the view appears to be less than would actually be experienced when standing at the viewpoint. This is particularly important when considering that the assessment stage where extent of the development in view effects the overall level of significance of effect. Whilst it may not be the case that the assessor has erred in using the AVR3 images to assess views (although when accurately scaled they can be an extremely helpful tool) the images are misleading for other readers of the ES (officers, consultees and the general public) for whom it is particularly important that presented images aid clear understanding of the view context; essentially, the views as presented, appear to significantly underestimate the extent of the proposed development within view.

1.3.8 It is typical for the temporal scope of major developments to be assessed in terms of effects experienced during construction, winter year 0 (worst case scenario) and summer year 15 to allow for mitigation planting to be considered at a reasonable level of maturity. However, whilst the LVIA provides an assessment at construction and year 15 it completely omits a separate assessment at year 0. This is a major flaw in the assessment as this would be the point at which the development results in maximum potential impacts upon the

identified sensitive receptors. The report states that, "It is assumed that the landscape and visual effects at Year 0 (at completion) will be the same as during construction, so these have not been separately assessed."

1.3.9 In the opinion of this reviewer this assumption cannot be not justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

This reviewer therefore has concerns that the methodology and presentation of AVRs have deficiencies in terms of how overall levels of significance are assessed and presented and in particular, that this has led to an under assessment of the worst-case scenario for both schemes.

1.4 Baseline Conditions

1.4.1 The LVIA provides an adequate description of the baseline conditions including a review of landscape character areas within the study area. The LVIA makes use of previously published landscape character assessments from a national and local level. These include discussion of the key characteristics, condition and sensitivity of the existing landscape context. This approach enables an understanding of the effect of the development on the existing landscape context within the study area and provides a suitable level of detail for the assessment of landscape effects.

1.4.2 Both the national (NCA110) and county (Hertfordshire Landscape Character Assessment Character Area 2 Heronsgate Heights) assessments describe the landscape as enclosed and visually contained due to the gently undulating topography, hedgerow enclosed fields and generally well wooded nature of the landscape. The Herts LCA assesses the landscape to be of the highest condition and strength of character for which the management strategy is to safeguard and manage.

1.4.3 With the exception of the golf course, the landscape to the west of Green street is similar in nature to that of the site and is relatively enclosed and of a somewhat rural and peaceful character. The Chilterns LCA (2011) covers the landscapes to the west of Green Street and describes the landscape (LCA 18.3 Little Chalfont Rolling Farmland) as of small to large sized pasture fields with hedgerows interspersed with woodland within a rolling landscape.

1.4.4 The land to the north extends to pasture fields and discrete residential and business developments of some former farm buildings. South of the site is identified as urban area which the LVIA describes as of low to medium density and single to two storey outside of the village high street. To the east are large detached properties in a wooded setting beyond which lies Chorleywood Common area of Open Access and Local Nature Reserve.

1.5 Assessment of Effects

1.5.1 The LVIA provides a value judgement of landscape receptors and of views in the form of Tables 13.16 and 13.17. The judgements with regards to landscape receptors are agreed to as they primarily respond to the LCA and designated landscape assessments. There are, however, inconsistencies with the value of views for the users of the 'private' footpath to the north of the site and of properties to the east and south of the site which have views into the AONB. A 'worst case' scenario should be taken in terms of properties which may have seasonal views from the property or its curtilage to within the AONB, which, as elsewhere in the assessment, should result in a high value of view and of sensitivity.

1.5.2 The judgements with regards to susceptibility are also questioned. GLVIA3 provides a useful categorisation of the scale over which effects may be experienced: the site; its immediate setting; the landscape character area within which the proposal lies; several LCAs. In the case of the proposed development the scale of effect is primarily the site and its immediate setting although the impact on the LCA is also important. The assertion that

the levels of susceptibility for the immediate site setting are lower than for the site itself are predicated on the overall visibility of the site. However, as per GLVIA3 para 5.40, the judgement should relate to the susceptibility of the receptor to the 'absorb' the changes to the landscape baseline. This reviewer would argue that, where these changes are perceived from within the immediate site setting, which includes parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths, the susceptibility and therefore overall sensitivity should remain high.

Construction

1.5.3 The assessments within the LVIA during the construction of the 800 unit scheme are generally agreed to, with the exceptions of the landscape impacts on the immediate site setting, for the reasons above, and for the effects on landform and the pasture field, which this reviewer would describe as major. The latter assessments are based on the significant scale of changes required by SuDS design as illustrated in the Flood Risk Assessment document and the total loss of pasture field.

1.5.4 The provision of an indicative phasing programme would have helped in the understanding of construction impacts on a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be major significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 800 unit scheme. Although 'temporary' in nature, this can be considered a medium to long-term significant adverse effect for the landscape and visual receptors effected.

1.5.5 The assessments of the 300 unit scheme have been substantially reduced for a number of receptors within the LVIA. This would appear to be on the basis of the reduced construction period (3 years) and in some part the reduced scale of the development (as per the revised AVR3 images). The reviewer is not in agreement that this would result in reduced judgements for all but a small number of visual receptors within Chorleywood (viewpoint 12).

1.5.6 Based on the assessment for the construction phase, the reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

Completed Development

1.5.7 It has been described in section 1.3.8 – 1.3.9 how the assessment is deficient in assessing the worst case completed development scenario. Neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed developments. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not reported within the current document.

1.5.8 These include landscape impacts on NCA10, LCA Area 2 Herongate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.5.9 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.

1.5.10 These effects would equate to considerable harm of the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance.

Cumulative Effects

1.5.11 Cumulative effects have been considered for the proposed recreational development to the west of Green Street which would include a golf driving range and protective netting, and a plateau for football pitches and floodlighting. The assessment for both submissions appears to minimise the suburbanising influence these two features would have together, positioned either side of Green Street on the entrance to the village of Chorleywood. This would particularly be the case during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

1.6 Design and Mitigation

1.6.1 The LVIA chapter includes a description of the landscape strategy in terms of section 13.5 Inherent Design Mitigation, which are intended to reduce landscape and visual impacts.

1.6.2 Both applications are considered a large-scale major development because the residential units to be constructed are in excess of 200 units. The vision and objectives should set out the design quality and expectations for the extension to Chorleywood and how its edge of settlement relationship with the AONB, Greenbelt and Conservation Areas will affect the future character and existing communities.

1.6.3 Although the illustrative layout and DAS attempt to achieve this it cannot be avoided that this is a major proposed development in a sensitive area. This includes the 300-property scheme for which the design element should be reassessed within its own right and not as a 'first phase' of a larger development, which is how it is currently presented.

1.6.4 The DAS which accompanies the ES should reflect the 10 characteristics set out in the National Design Guide to set the parameters for the design quality. These include context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. A review of the landscape strategy for both developments is provided below.

Application 20/0882/OUT 800	Application 20/0898/OUT 300
This is a major urban extension to Chorleywood in an edge of settlement, AONB and Green Belt location and is therefore not appropriate.	This layout appears to be 'cut-out' from the larger 800 property scheme with a few minor edge amendments; it essentially appears as a first phase of the bigger development whereas it should have been considered as a standalone scheme. It is still considered as large-scale major development and therefore not appropriate to the site.
<p>The layout sets the vision for the site at 35dph which appears to account for the whole site including open space (22.6ha). This should be separated into a developable area to give a realistic understanding of the densities in each character zone and how they interact with the surrounding densities. If this is calculated on the developable area the dph is broadly estimated to be in the region of 45dph. This is considered an overly high density in a sensitive edge of settlement location; an edge of village density within an AONB would be expected to be around 20dph. The expected developable area should be approximately 60%, however this development does not achieve this percentage.</p> <p>The proposal indicates movement and green infrastructure and the arrangement of buildings, streets and public realm and to some extent responds to the local vernacular. However, the DAS does not always reflect good quality design and vernacular examples.</p> <p>Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.</p>	

<p>The development edges do not sufficiently consider breaking up the urban form, access roads and parking facilities into smaller groups sensitive to the context. Instead the structural planting to the edges simply attempts to 'hide' the scheme but the development should better respond to its context with lower densities and greater green infrastructure.</p> <p>The eastern boundary is adjacent to large detached properties in large plots with substantial gardens. There has been no attempt to consider similar detached dwellings set in an informal manner to compliment the transition the vernacular and contribute to the local character.</p> <p>The habitat corridor and buffer planting to the eastern boundary attempt to compliment the neighbouring informal setting, but the undoubted high usage of such an area by residents would significantly effect wildlife and it is unclear how the existing sensitive wildlife will effectively be protected.</p>	
<p>The parameters plan erodes the potential for green infrastructure linking and breaking up the urban form of the development area, instead it appears to provide one surrounding buffer zone around the entire site and therefore not enhancing engagement with the context as the earlier design principals start to indicate.</p>	<p>The red line boundary and the parameters plan miss an opportunity to link the housing directly with the public right of way to the north. The design fails to demonstrate that other options have been explored for indicative access roads which have better responded to the edge of settlement vernacular.</p>

Indicative Form, Scale and Housing Mix

Application 20/0882/OUT 800	Application 20/0898/OUT 300
<p>The scale and extent of this scheme should be limited given its sensitivities with the landscape and designations. The application fails to demonstrate how appropriate 3 storey apartments blocks are within the setting of the AONB. The justification needs to respond to the Chilterns Building Design Guide to review the distinctive character that could be created.</p>	
<p>Potential Height of Buildings, Core Policy CP3 Housing Mix and Density states 'Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District'. At this outline planning stage, it is indicated how tall the proposed houses and apartment blocks are likely to be (2.5-3 storey) however the predominant scale of the area is 2 storey, again more variety could be introduced especially where there is proximity to established housing and the more rural edges of the AONB. I would like to see it suitably proportionate so as not to dominate the overall landscape character and urban context.</p>	
<p>The scheme comprises of residential use only and is lacking in social infrastructure except for the open space and play facility. This does not appear to be a well thought out and sustainable approach to development.</p>	
<p>House types appear limited with semi-detached, terraced, maisonettes and apartment properties proposed, more variety should be explored to reflect the evolution of settlement patterns and future needs of communities of all ages.</p>	

Materials and Detailing

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The DAS does not go far enough to demonstrate and ensure design quality, future adaptability and sustainability, it needs to be expanded to respond to the national design guidance and the Chilterns Building Design Guide.	
Explore materiality and how this will be developed in line with MMC (Modern methods of construction) especially carbon neutral targets.	
Hard landscape materials only refer to concrete paving and asphalt as option which does not demonstrate a high-quality scheme within an AONB.	

Movement

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The layout is of a dense suburban type when it should respond to a rural edge settlement vernacular within an AONB. The north south link from the park to the upper edge has missed an opportunity to extend the park inclusive of pedestrian and cycle links. The primary street should be wider to accommodate trees to both sides of the street; there is a conflict between the DAS which show trees to one side and the illustrative masterplan that shows a tree lined route to both sides.	Vehicular access options are not demonstrated in the design evolution of this area and therefore do not really respond to the context. The layout is of a dense suburban type when it should respond to a rural edge settlement vernacular within an AONB.
Pedestrian access and cycle paths only follow the eastern boundary, the park and the primary streets, the north and south links utilise existing PRow's. Again, extending the Park would expand the opportunities for internal circulation free from vehicles.	Pedestrian access and cycle paths are not shown within the site and do not internally link the existing PRow to the north and south of the development

Green Infrastructure and Open Space

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The open space appears low for the scale of the development considering it will have to combine SUDs, biodiversity, play facility and physical activity. This multifunctional space needs to demonstrate how all these aspirations will be co-ordinated; it is not sufficient to label areas as habitat/ecological areas when heavy recreational use is likely to preclude this. The proposed scheme fails to quantify these areas. The SUDs appears particularly problematic with large areas required for attenuation basins as set out in the FRA which would require significant earthworks within an existing archetypal dip-slope landform within the AONB. No sections are provided to illustrate how this could work and it is considered that the necessary earthworks would cause significant harm to the existing landscape resource of the site.	
Open space should extend in a linear form from the open space to the northern boundary to help break up the dense urban layout and reducing the impact of the development edge and introduce an uninterrupted green corridor. The design principals and rationale suggest this, but the illustrative masterplan does not develop this sufficiently.	
There is no indication as to how the scheme will achieve a biodiversity net gain. The SUDs park area is unlikely to be suitable as high value habitat given their primary function as dry attenuation basins (not suitable for great crested newts)	

The eastern edge of the site is likely to be heavily used for recreation therefore other areas will need to be developed to prioritise nature.	
The open space requirements of the site should be fully considered at this outline stage.	
The landscape strategy should put more emphasis on tree lined infrastructure to help address climate change, water management, reflect village character and respond to policy and design guidance.	
The current application shows 1 NEAP, 5 LAPS and a trim trail.	The current application shows 1 LEAP, 1 LAP and a trim trail. There is a contradiction in the DAS between figure 3.20 Play area locations and the text.
The LAPS do not demonstrate appropriate location and should be located within the urban blocks and not the wider landscape as they are aimed at very young children; informal play for all ages should be woven into the circulation around the whole site making elements of play integral to the scheme and the landscape strategy.	

1.6.5 To summarise, both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.6.6 This is aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links.

1.6.7 Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

1.7 Overall Conclusions

Scope & Guidance

1.7.1 The scope of the LVIA has been developed in conjunction with the LPA and is generally sufficient for the level of development; table 13.1 provides a useful reference to locate the applicant's responses to information requests. The planning policy and guidance is appropriate for the purposes of the assessment, however, a similar table would have been useful to provide a commentary as to how the proposed development was compliant with planning.

1.7.2 The LVIA is clear from the outset that the site is located within an NPPF designated valued landscape and that both of the developments constitute 'major development'. There is, therefore, an implicit requirement that the proposed developments demonstrate that they protect and enhance the landscape and visual resource of the valued landscapes.

1.7.3 Although Green Belt is not a landscape designation, a commentary on how the proposed development effected its key attributes would have been appropriate in this location. No such review is provided.

1.7.4 The author of the LVIA should be identified as a 'competent expert'. No such evidence is provided as part of the LVIA.

Methodology

1.7.5 There are a number of issues with the methodology which question the validity of the LVIA.

1.7.6 Overall, there appears to be a somewhat over reliance on matrices that steer judgements towards the lower end of significance. In the view of this reviewer, there is insufficient professional judgement applied to view the assessment 'in the round'.

1.7.7 The presentation of the photography and AVRs appears to fall well short of the standards expected within the latest LI guidance with the result that the images do not aid clear understanding of the view scale and context that would be experienced in the field. Images of the site and proposed development extents are therefore illustrated as misleadingly small.

1.7.8 Most notably, the assessments completely omit a separate worst-case assessment of effects of the operational development that should be made as of winter year 0. In the opinion of this reviewer this cannot be justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

Assessment of Effects

1.7.9 The reviewer finds that the judgements for a number of local visual receptors (parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths) with potential views into the AONB should be of high and not medium sensitivity.

1.7.10 The LVIA demonstrates that there would be a major significant adverse impact experienced at the level of the site and its setting for the eight year construction period for the 800 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.11 The reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.12 As described, neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed development. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not fully reported within the current document.

1.7.13 These include landscape impacts on NCA10, LCA Area 2 Heronsgate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.7.14 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.

1.7.15 Even so, the LVIA as they stand, find that there will be significant adverse long-term/permanent and irreversible landscape and visual impacts within the site and its setting. These effects would equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. In other words, the proposals do not demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

1.7.16 Cumulative effects have been considered for the proposed recreational development to the west of Green Street. The assessment appears to minimise the suburbanising influence these two features would have together, particularly during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

Design and Mitigation

1.7.17 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.7.18 This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links.

1.7.19 Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

Summary conclusions

1.7.20 The competence of the assessor must be stated.

1.7.21 The reviewer questions the application of the assessment methodology in terms of an assessment that is overly reliant on matrices and tables with insufficient room for professional judgement in the round.

1.7.22 The AVR1 and AVR3 images presented appear misleading and should be sized correctly.

1.7.23 The LVIA omits an assessment of the worst-case scenario (year 0 winter) which should be standard for a development of the scale proposed. The LVIA should not be considered as complete without this.

1.7.24 This reviewer considers that there will be significant adverse long-term/permanent and irreversible landscape and visual effects in addition to those reported to within the LVIA.

1.7.25 Cumulative impacts with regard to the proposed recreation development to the west of Green street appear under reported.

1.7.26 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location and it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

1.7.27 Even considering the level of effects reported to within the LVIA, these equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. The proposals do not, therefore, demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

9.1.27 Three Rivers District Council – Leisure Development Team: [Comment received]

Officers would require further details on the proposals for all outdoor leisure facilities and landscaped areas. In summary, Officers are happy with the outline plan, but would not be able to further support it in its current format, due to the lack of details. Officers would be keen to meet with and work together with the developer on this.

9.1.28 Three Rivers District Council – Local Plans Team: [Comment received]

The application proposes 800 residential dwellings at an overall density of 35 dwellings per hectare. The application site is located on the edge of the Key Centre of Chorleywood and is wholly within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB).

The National Planning Policy Framework (NPPF) (2019) states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The statutory status of AONBs is confirmed at Paragraph 172 of the NPPF, which states that AONBs have the highest status of protection in relation to issues of conserving and enhancing landscape and scenic beauty in AONBs. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in this landscape designation. The Chilterns AONB is therefore considered to have the highest status of protection in relation to the issue of conserving and enhancing landscape and scenic beauty. The NPPF goes on to state that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development*, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest (Paragraph 172). It is not considered that the existing proposal for up to 800 dwellings is likely to constitute a limited scale and extent of development and therefore exceptional circumstances and a demonstration that the development is in the public interest must be shown.

*[*For the purposes of paragraphs 172 (and 173), whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined]*

In addition to the above, Policy DM7 of the Development Management Policies LDD (2013) states that in considering proposals for development within or near the Chilterns AONB, the Council will support development unless the proposal would:

- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type of form of, development
- ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii. Detracts from the public enjoyment of the AONB landscape.

The NPPF states the requirement for an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (Paragraph 172).

The considerations set out above should be taken into full account in determining the exceptional circumstances necessary to justify major development in the AONB.

The application site is located in the Metropolitan Green Belt. The NPPF states that the construction of new buildings in the Green Belt is inappropriate. The exceptions to inappropriate development are not considered to apply to the proposal and therefore, the proposal is considered to propose inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. It is considered that a major development comprising of up to 800 dwellings would be likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Additionally, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). '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 considerations (Paragraph 144).

In light of the above exceptional circumstances and a demonstration that development would be in the public interest are necessary to justify approval for the major development proposed in the AONB (Paragraph 172). As well as this, it is important to consider that any full application would be required to assess the cost of and scope for developing land outside of the designated AONB area, which may accommodate a proportion of Three Rivers' housing need that is proposed on the application site. An assessment of the scope for meeting the housing need in some other way (e.g. through an alternative site) must be made in order to justify development within the designated AONB area (Paragraph 172). Additionally, unless the potential harm to the Green Belt is judged to clearly outweigh other considerations, very special circumstances must be shown to exist to justify inappropriate development in the Green Belt.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market and affordable sectors' dwelling size within Three Rivers as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

The table below sets out the proportion of dwellings in the proposal:

Market 50%			Affordable 50%		
1 & 2 bed flats	140 units	35%	1 bed flat	120 units	30%
			2 bed flat	140 units	35%
3 bed house	180 units	45%	3 bed house	120 units	30%
4 bed house	80 units	20%	4 bed house	20 units	5%

The proposal is not in accordance with Policy CP3 which seeks a lower proportion of 1 bedroom dwellings and a higher proportion of 3 and 4 bedroom dwellings. Whilst not complying with indicative targets, current market conditions need to be taken into consideration.

Policy CP4 of the Core Strategy states that the Council seeks a provision of 45% of all new housing as affordable housing. As a guide, the Council seeks 70% of all the affordable housing provided to be social rented and 30% to be intermediate. The development proposes 50% affordable housing, therefore complying with Policy CP4.

9.1.29 Three Rivers District Council – Housing: [Comment received]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

You are proposing a total of 800 dwellings with 50% Affordable Housing 400 units. The Affordable Housing also includes a good mix of different sized properties and family sized accommodation which is urgently needed in the district. We would welcome these general needs properties particularly if, as proposed there would be 70% available for Social rent.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

9.1.30 Thames Water: [No objection]

Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Wastewater - There is insufficient capacity within the existing public foul water sewer network to accommodate the proposed discharge. An impact study will be required to determine the extent of offsite reinforcement.

9.1.30.1 Thames Water: [January 2022 Comment – No objection]

Waste Comments

Thames Water are currently working with the developer of application 20/0882/OUT to identify and deliver the off-site FOUL WATER infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the foul water network to serve 60 dwellings but beyond that, upgrades to the waste water network will be required. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

"There shall be no occupation beyond the 60th dwelling until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. "

Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs

to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

9.1.31 Transport for London: [Comments received]

Thank you for consulting Transport for London (TfL). Due to the proximity to Chiltern Rail and Metropolitan Line services from Chorleywood station we have reviewed both of the above applications in terms of access to and capacity of public transport. We have also identified opportunities for mitigation where impacts are expected

Access

The route to the station from the site for pedestrians and cyclists is undulating and indirect and there is no frequent bus connection. There is likely to be a need for improvements to existing walking / cycling infrastructure in and around Chorleywood to accommodate increased trips. This could include improved all weather surfacing, lighting and crossing facilities, removal of vegetation and improved personal safety or security measures. Additional cycle parking in and around the station should also be provided. A lack of alternatives to access the station may lead to an increase in car use which we would not want to encourage. The existing station car park is regularly full to capacity on weekdays so further restrictions to prevent parking on streets in a wider area around the station may be required.

Capacity

The Transport Assessment quotes Metropolitan line additional capacity of 33% by 2023. This may be true in aggregate, but not at Chorleywood, where frequency in Chiltern Railways and Metropolitan line trains taken together will increase from 11.25 tph to 12 tph in the peak, an increase of 7%. Pre-covid, all Metropolitan line fast trains between 07:15 and 08:19 left Chorleywood station full and standing. TfL would expect an application of this size to have carried out an assessment of line loading and station capacity which is restricted by the entrance gates. The transport consultants should be making use of station planning standards to ascertain the capacity utilisation parts of the station and of line loading now and after the addition of the expected demand from this development. This is a straightforward exercise which will be needed to determine whether the development raises any concerns for rail operations or station management that may require mitigation.

9.1.31.1 Transport for London (April 2022): [No objections]

Thank you for consulting Transport for London on the additional documents submitted in support of the application, including the transport technical notes. In our initial response TfL expressed concerns about the impact of trips generated by the development on the gate capacity at Chorleywood station. We provided evidence on these impacts and the resulting need to fund an additional entrance gate to the applicant's consultants.

We welcome confirmation that the applicant has accepted the need to provide funding to enable an additional gate to be installed. We supplied initial estimated costs of £500,000 although the exact costs will need to be confirmed through feasibility and design work, for which we will need to be provided with a cost indemnity letter or other form of funding agreement.

We also welcome improved provision for cycle parking at Chorleywood station and improved access routes from the development site to the station.

Subject to the full costs of installing the entrance gate including feasibility work being included in the section 106 agreement, I can confirm that TfL has no outstanding objections to the proposed development.

10 Appendix 2: Comments by local organisations/groups

10.1 Chorleywood Golf Club [Supports]

- Golf club is long established used regularly by 300 players, many are local residents.
- Recognised as a Community Association Sports Club
- Whilst located on the Common since 1890, nature of the Common has changed, with more non-golf use of the common which causes difficulties and incidents.
- If housing is approved, owners have committed to providing substantial new assets to community including new football facilities for Chorleywood Common Youth Football Club and a new golf course for Chorleywood Golf Club, which would be provided on a long lease at a peppercorn rent which would provide golf facilities in an environment far more suitable than the common, particularly in terms of safety, security and sustainability, with space for practice facilities to support younger and newer players.
- With this, the Common would be freed up for walkers and other recreational users.

10.2 Chenies Parish Council [Objects]:

- Chenies Parish directly faces the application sites along its boundary with Green Street. The land on both sides of Green Street (including the entirety of both application sites) is within the Green Belt and within the Chilterns Area of Outstanding Natural Beauty. These facts alone must result in a refusal.
- Strongly object on the basis of a lack of sufficiently robust infrastructure to serve a community of the size proposed. The A404 is already at full capacity along with J18 of the M25, which results in unsuitable use of narrow lanes as cut-throughs.
- Water resources are under stress and local sewage treatment works are already at full capacity.
- Local schools are oversubscribed.
- Residents of Chenies Parish typically use the amenities of Chorleywood and parking spaces are already at a premium and the station car park is often full.
- The land on the west side of Green Street is currently subject of an application for comprehensive redevelopment as a golf driving range and for football pitches. Chenies Parish Council have objected to this application due to the increased traffic it will generate and the pressure it will place upon the dangerous junction with the A404.
- Development of the scale proposed would significantly change the entire character of the local area and the relationship between nearby settlements.
- The main purposes of the Greenbelt are for the preservation of the openness of the countryside and for the separation of settlements from each other. There is nothing in either application which would justify removing the sites from the Green Belt..

10.3 Campaign to Protect Rural England Hertfordshire: [Object]

We are responding to both applications together as, apart from the quantum of housing, the support documentation for both applications is essentially the same and the justifications for the developments are identical. The layout of 20/0898/OUT has been extracted from the masterplan of 20/0882/OUT with minor adjustments to the eastern boundary (this is demonstrated in figures 3.2 and 3.3 of the Design and Access Statement accompanying 20/0898/OUT) and will facilitate future development of the 800 dwellings should the 300 be approved.

This site is currently open farmland on the eastern side of Green Street, outside the Chorleywood settlement boundary and not included in the current Three Rivers Site Allocation LDD. It lies entirely within the Green Belt and the Area of Outstanding Natural Beauty. As such, under the provisions of the NPPF and the Three Rivers Development Plan, the applicant has to demonstrate very special circumstances sufficient to overcome the resulting harm of development to the Green Belt and exceptional circumstances and national interest in the case of the AONB.

To get the location of this site in context, in the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that “In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn’t just accept this as sadly unavoidable.”...“The ‘exceptional circumstances’ provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation.”(pages 102 and 107). These applications fall into this description.

The documentation accompanying both applications is voluminous, but essentially the planning balance rests on NPPF para. 11(d) (Presumption in favour of sustainable development) and NPPF Sections 13 (Protecting Green Belt Land) and 15 (Conserving and Enhancing the Natural Environment).

NPPF Para. 11(d) Presumption in favour of sustainable development

The interpretation of NPPF para. 11(d) has been clarified in a comprehensive and lucid way following the judgement in *Monkhill Ltd v SoSCLG* [2019] EWHC 1993 (Admin):

(a) Where the relevant development plan policies for determining the application are out-of-date planning permission should be granted, unless either sub-section 11(d)(i) or 11(d)(ii) is satisfied. Footnote 7 makes it clear that policies are to be treated as out of date where a local authority cannot demonstrate a 5 year housing land supply or meet the Housing Delivery Test.

Three Rivers cannot currently demonstrate a 5 year supply. However, it should be noted that the most recent 2018-based household projections for Three Rivers, issued by The Government’s Office for National Statistics on 29 June 2020, indicate a highly significant 13% reduction when compared to the 2014-based projections on which the Council’s current assessments are based. This will substantially impact on the Council’s 5 year housing land supply, which needs to be taken into account in determining this application.

(b) Sub-section (i) takes precedence over (ii).

(c) If either (i) or (ii) is satisfied, the presumption in favour of sustainable development ceases to apply.

(d) Sub-section (i) refers to policies within the Framework that protect areas or assets of particular importance which, if satisfied will exclude the application from a presumption in favour of sustainable development. (Footnote 6 lists the areas covered by the relevant policies. These include both Green Belts and AONBs).

Sub-section (ii) requires any adverse impacts of the application to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

(e) Where more than one “footnote 6” policy is engaged, sub-section (i) is satisfied, and the presumption in favour of sustainable development overcome, where the individual or cumulative application of those policies produces a clear reason for refusal.

(f) In applying (i) only the policies in footnote 6 can be taken into account.(NPPF 172 on the AONB can fall within (i), even if the application is not for major development)

(g) The application of the policies requires all relevant planning considerations to be weighed in the balance.

The Applicant argues that neither Sub-sections (i) or (ii) are satisfied and consequently the presumption in favour of sustainable development applies and the applications should be approved. We do not agree.

If we return to NPPF footnote 7 regarding out of date policies, the judgement in *Wavendon Properties* [2019] EWHC 1524 (Admin) requires the Local Planning Authority to take a global view of the most important policies. It is not enough simply to say that one of the policies is out of date (as the applicant does here). The decision-maker must consider which are the most important policies and determine which of them are out of date. In our view the most important policies applying here are those for housing supply, those relating to the Green Belt and those relating to the AONB.

It is not the case that in the absence of a 5-year housing land supply all Development Plan Policies are superseded. The Supreme Court (in the case of *Suffolk Coastal DC v Hopkins Homes Ltd.* [2017] UKSC 37) held that Local Plan policies to protect the countryside from development (such as those relating to the Green Belt and the AONB) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight. In other words the presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission. Similarly NPPF para. 213 says that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

We need, therefore, to discuss the applications against NPPF Sections 13 and 15.

NPPF Section 13 Protecting Green Belt Land

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 states that, apart from a limited number of exceptions, which these applications do not meet, the construction of new buildings should be regarded as inappropriate in the Green Belt.

It is the view of the Applicant that the policies which protect Green Belt land “do not provide a clear reason for refusing the developments proposed”. (Planning Statement para 7.10) and yet in para. 7.5 they say that “this [Planning] Statement demonstrates that whilst development of the site would by its nature result in harm to the Green Belt, this harm would be localised and limited given the individual site circumstances.” This is tacit agreement that as the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the developments would cause harm through inappropriateness and damage to the openness of the Green Belt.

In para. 6.11 the Applicant acknowledges that the proposal does not meet any of the criteria in NPPF para. 145 and consequently would be inappropriate development. However, in their view, as the site is adjacent to the built up area of Chorleywood “the harm arising from the development would be limited and have no significant adverse effect on the wider rural character.” (para. 6.15) Harm to openness has both a spatial and a visual aspect, a point specifically made in para 001(2) of the National Planning Practice Guidance. *Timmins v. Gedling Borough Council* [2014]EWHC 654 and *Lee Valley Regional Park Authority v Epping Forest District Council* [2016]EWCA Civ 404 held that: “[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.” That point was endorsed by the Supreme Court in *Samuel Smith*

Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKSC 3. The Supreme Court also accepted the judgement in Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466 that “The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs.” At the present time this part of the Green Belt is free of any development. Should the proposal for 800 dwellings go ahead it will be almost entirely covered. Should the 300 dwelling scheme proceed, the encroachment of open countryside, as perceived from Green Street, would be comparable to the 800 dwelling scheme.

NPPF para. 134 sets out the purposes of the Green Belt:

(i) to check the unrestricted sprawl of large built-up areas;

The Applicant argues that being on the urban fringe of Chorleywood and protected by strong defensible boundaries, the site’s development would not result in the unrestricted sprawl of Chorleywood. (Planning Statement Table 7) The NPPF does not define sprawl, but it is generally taken as the contiguous expansion of an existing settlement into the surrounding countryside. These developments would do precisely that.

b) to prevent neighbouring towns merging into one another;

The Applicant does not consider Chorleywood to be a town and so this purpose does not apply. This depends on how strictly you define ‘town’. As even the most cursory glance at a map will illustrate, Chorleywood is part of a conurbation which includes Rickmansworth and Croxley Green. The Green Belt separates that conurbation from those consisting of Amersham and Little Chalfont and the coalesced settlements along the A413.

c) to assist in safeguarding the countryside from encroachment;

“Development of the site would ... result in minimal and constrained encroachment into the countryside.” We are not sure how any encroachment into the countryside, however minimal and constrained, safeguards the countryside from encroachment. We do not accept that an encroachment of 300m as viewed from the public highway of Green Street frontage could be in any way be viewed as ‘minimal’.

d) to preserve the setting and special character of historic towns;

and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

“The clear and significant need to deliver more housing in Three Rivers demonstrates that sufficient land within the urban area is not available to meet current housing need in the District. Development of the site would therefore not discourage urban regeneration.” This is a somewhat convoluted argument which doesn’t actually address the Green Belt purpose. The development of the site would not assist in urban regeneration.

The Applicant considers that the site is poorly performing Green Belt which does not contribute to the landscape. (Planning Statement para.7.2). However it is not the quality of Green Belt land which is protected but the function it fulfils. The land is currently used for grazing, which is not an inappropriate use in the Green Belt. The Applicant considers the present use is not ‘optimal’. We assume that this is intended to mean not the ‘best’ or ‘most favourable’ use, which begs the question ‘for whom?’. Residential development, which is

inappropriate, would certainly not be the optimal use for either the purposes of the Green Belt or the AONB., but would give a financial return to the Applicant. The Applicant's intention is to "Make most efficient use of poorly performing Green Belt and land which does not contribute to the landscape and scenic beauty of the AONB." However the site fully performs its Green Belt purposes and the quality of the landscape of an area should not be a consideration when assessing the contribution of Green Belt to the fulfilment of those Green Belt purposes. The arguments used by the applicant are frequently applied by developers to urban edge sites in the Green Belt; if accepted they form a circular argument. The site is released from the Green Belt and the next site up then becomes the urban edge and the same argument is then applied to that and the Green Belt is gradually eroded.

In terms of the visual impact on openness, the Applicant considers that this will be extremely limited, but then acknowledges that "there will be some significant changes to the views of adjacent residents and recreational users of the Common. Similarly, views will significantly change from the public footpath immediately to the south of the site and Orchard Drive beyond as well as the two footpaths around the field to the north of the site." In other words, there will be significant impact when viewed from three of the four sides of the site, including from Public Rights of Way (Prows 11 and 014) and longer distance impact from other parts of the Green Belt. This is borne out by the photographs of receptor sites included in the documentation. Apart from the receptors mentioned above, the development would also be clearly visible from a number of other sites. e.g. View 5 Amersham Road where it is claimed that "the site is screened by hedgerow vegetation even during the late winter", (except, unfortunately, in this photograph.)

The Planning Statement says that the focus of these planning applications is not the removal of the land from Green Belt (para 6.28) but that is precisely what they will do. NPPF Paragraph 136, states that Green Belt boundaries should only be altered where exceptional circumstances are "fully evidenced and justified" and such alterations should be carried out through the Local Plan process. We agree, fundamental strategic planning should be undertaken through the local plan process, not ad hoc speculative applications.

At the present time the Council is developing its emerging Local Plan. Given the recent dramatic reductions in future household projection for Three Rivers, the impact that the proposals will have on the Green Belt and the national status of the AONB, approval would have a significant effect on the Local Plan process by predetermining decisions about the scale, location and phasing of new development that are central to an emerging plan, and NPPF para. 49 on prematurity may be engaged.

NPPF Section 15 Conserving and Enhancing the Natural Environment.

This section of the NPPF includes the protection of the AONB. Much of the argument put forward by the applicant for developing on it is the same as that discussed above under Green Belt and we will not repeat those points here. There are additional points, however.

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance.

Section 84 of the Act states that a Local Planning Authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of that area. That includes prohibiting inappropriate development.

Section 85 of the Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to or affecting land within these areas. This is known as the 'duty of regard'. It is the responsibility of the Local Planning Authority to fully justify its recommendations for

approval of development proposals by referring to the criteria for the AONB's special qualities.

NPPF para. 172 limits the scale and extent of development within AONBs. There is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it. Major development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. 'Exceptional' circumstances are more onerous than 'very special' circumstances. (As so often, the NPPF does not define 'Major' development but footnote 55 states that it is to be assessed by reference to the nature, scale, setting and effect of a given proposal and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.) Clearly an estate of 300 houses, far less 800 houses, is major development.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:

(a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

The Applicant, rightly, draws attention to the national pressure for more houses and the deficiencies in the Council's supply of housing. The Government's focus on increasing housing supply often seems to dominate Local Planning Authorities' thinking (and that of Applicants) and results in an assumption that objectively assessed housing needs must be met, or exceeded, at all costs. National planning policy does not require development that causes harm to nationally designated landscapes to be automatically approved. Planning Practice Guidance, as revised in July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas [AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas". Paragraph: 041 Reference ID: 8- 041-20190721.

While there is reference in the documentation to the potential positive impact on the local economy should the developments be permitted, there is little on the impact if it is refused, or analysis of any negative impacts. In assessing the planning balance the Local Planning Authority need to take into account the negative impacts of the proposed developments on the 13 benefits of the AONB listed in pages 15-18 inc. of Natural England document 'NCA 110 Chilterns'. The assessment of public interest must also take into account the value that people place on nationally important landscapes and the impact on them of its loss.

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

The Final Report of the Landscapes Review National Parks and AONBs says that "AONBs should not be the place for major intrusive developments unless, as is stated in the NPPF, they are truly in the national interest without any possible alternative locations being available".

Regulation 18 (3)d of the Environmental Impact Assessment Regulations 2017 requires a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way.

In considering alternative site options, the Environmental Statement Non-Technical Summary says : “The 2017 Regulations do not require the full assessment of all potential alternatives, only a reasonable account of those actually considered by a developer prior to the submission of the planning application. For this Site there are two realistic types of alternatives, the ‘do nothing’, where the existing site remains in its current state, or alternative layouts to the Proposed Development submitted for planning approval. Under the ‘do nothing’ scenario, there would not be development and the Site would remain underused in terms of its economic and social potential. The Site would not contribute to the local and regional housing needs of both private and affordable tenure and there would be no socio-economic benefit from the Site. This is not an alternative option that has been considered further.” (paras 1.81 - 1.83). This is inadequate and self-serving. There are references in the Planning Statement to other sites which were brought forward in the Council’s call for sites consultation, but no objective, rigorous analysis as required by both the Regulation and the AONB Management Plan.

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The Applicant’s response to this is essentially the same as those outlined under ‘Green Belt’ above. It is considered that “the land does not contribute to the landscape and scenic beauty of the AONB” (Planning Statement para. 7.2); “harm to the AONB would be localised and limited”. (para. 7.5) The Design and Access Statement says that the site “does not have a remote feel or many characteristics typical of the Chilterns [AONB].”(para. 1.10.79). There are many different characteristics in different parts of the AONB and we fail to see the relevance of whether a part of it has a remote feel or not. Again, none of these comments is supported with rigorous, objective evidence.

The applicant puts forward a series of points which they consider to be either ‘very special’ or ‘exceptional’ circumstances to meet the requirements of the NPPF policies. These distil into the following headings.

(a) the amount of housing which will go towards national and local need.

This is considered to be an exceptional circumstance and is rightly a material consideration of significant weight, but, as we have pointed out, Planning Practice Guidance says policies for protecting the AONB may mean that it is not possible to meet objectively assessed need for development in full and the AONB is unlikely to be a suitable area for accommodating unmet needs and the extent of public interest in the need for housing has to be balanced against that in the Green Belt and the AONB.

(b) the amount of affordable housing;

This too is a material consideration, but what is being proposed is no greater than the requirement in the Council’s Development Plan.

(c) the proposal is sustainable;

In most respects this is true, but there are areas of concern, such as the fact that within a 2 km walkable catchment from the Site there are four primary schools which were assessed

to have no spare capacity. It is estimated that this will have a negative impact on the primary school pupils in the Walkable Impact Area resulting in a major adverse effect over the long term.(Design and Access Statement para. 1.10.4) and similarly the proposed development is estimated to have a negative impact on secondary school pupils resulting in a moderate adverse effect over the long term. (para 1.10.9). It is proposed that this will be mitigated by a suitable financial contribution to allow the local planning authority to fund places elsewhere. In other words pupils will have to go out of the area for education, which is not satisfactory for them and will exacerbate car use.

(d) the land doesn't contribute to the scenic beauty of the AONB;

This is covered above. There is no justification for this opinion and it cannot be considered as a very special circumstance. Rather the proposals detract from the setting of the AONB and have an adverse impact on views into and out of the area.

It is interesting that the Applicant holds this view. Recently they submitted a planning application for the golf course on the other side of Green Street, directly opposite this site, which is also in their ownership. (Application no. PL/20/0429/FA to Buckinghamshire Council Chiltern Area) The Landscape and Visual Impact Assessment accompanying that application says that that site “enjoys many of the special qualities of the Chilterns AONB”, “ has unique landscape characteristics defining the region” and “many attractive elements relating to the landscape context”. It seems strange that those special, unique and attractive landscape qualities evaporate when you cross the road.

(e) peppercorn rents for the Chorleywood Common Youth football club and Chorleywood golf club to use land on Chiltern Hills Golf Club and the construction of a clubhouse for the football club.

These are acceptable benefits to the local community, but raise other issues.

The application to Buckinghamshire Council Chiltern Area includes the erection of a temporary clubhouse and a ‘Green plateau’ for use as football playing pitches. That application is as yet undecided. Consequently the offer is speculative and cannot at this stage be considered as a genuine ‘very special circumstance’

As mentioned Chiltern Hills Golf Club is also the Applicant for the current applications under discussion here. They have a vision for the future development of the Golf Club site into a community sports hub. The development proposes a new golf driving range, a public running track and completion of the previously approved 9-hole golf course as well as the football pitches and clubhouse. It already has permission for a new golf clubhouse and parking. The Council will have to satisfy itself that the current applications are not intended to be enabling development to facilitate the expansion of the golf course into a community sports hub. If so, then other factors come into play in determining the planning balance.

(f) new open space for young people.

There is a recognised need for such a facility in Chorleywood. The Council will have to decided how much weight can be given to this circumstance and whether it is ‘very special’

We note that on page 4 of the Statement of Community Involvement the applicant has given an undertaking to withdraw the application for 800 units should the Council resolve to grant planning permission to the 300 unit scheme. These applications are not a binary choice. Each must be considered on its own merits and the council could (and should) refuse them both. It also begs the question of what happens to the residual farm land in the case of the approval of the 300 unit scheme. That would leave the bulk of the existing field unused for development. Will it continued to be farmed or will it be used for some other purpose? That

point is not addressed in the documentation. Either way, it leaves the possibility for further development in the future, which would negate the offer made in the Statement.

In our view, contrary to the Applicant's assertion, the individual and cumulative application of the policies in NPPF foot note 6 produce clear reasons for refusal and we urge the Council to reject these applications.

10.4 The Chiltern Society [Object]:

The Chiltern Society have considered the above planning applications and strongly object to these developments at the 300 homes and 800 homes level. Our comments are grouped under three main headings.

- 1) The relationship with overall planning documents – namely the National Planning Policy Framework (NPPF); the Chilterns AONB Management Plan and the Chorleywood Neighbourhood Development Plan (NDP).
- 2) The impact on transport and local infrastructure
- 3) The Applicant's Overall Planning Statement

Even at the 300 homes level, this application constitutes a major development considerably adding to the size and population of Chorleywood adversely impacting the local environment and as such requires detailed scrutiny. The 300 homes level will ultimately lead to the 800 homes level; thus this objection covers both applications - 20/0898/OUT and 20/0882/OUT.

1. Green Belt and AONB Issues

The land in question is designated both Green Belt and Chilterns AONB land. These designations are there for a purpose – to protect outstanding areas of the UK countryside and to prevent urban sprawl maintaining an environment vital to public enjoyment and health. The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The key characteristics of the Green Belt are its openness and permanence. In our view, both of these characteristics would be adversely affected by the development. In particular, the sheer scale of the development would have a significant impact on the Green Belt.

The Town Planning and Affordable Housing Statement accompanying the application seeks to address issues in relation to the Green Belt and to justify why the applicant considers that very special circumstances exist.

Firstly, it is necessary to determine whether the proposal would be considered to be 'inappropriate development' in the Green Belt under paragraphs 143-146 of the National Planning Policy Framework (NPPF). The applicant does not dispute that the development would be inappropriate in the Green Belt under paragraph 146.

Secondly, the applicant is required to demonstrate that 'very special circumstances' exist, demonstrating that the benefits of the proposal 'clearly outweigh' the harm to the Green Belt. The key aspects of the Green Belt that need to be assessed are their openness and permanence. We do not understand how it can be considered that the development of 300/800 homes on a greenfield site can be considered not to impact significantly on openness. Openness should be interpreted as land free from development. As there is currently no development on site, the development must impact negatively and substantially on openness. The Green Belt designation is considered to be permanent, unless it is altered through the preparation of a Local Plan.

Also, the development would clearly conflict with the purpose of the Green Belt that relates to safeguarding the countryside from encroachment. The site is a green field that forms part

of the edge of the Chilterns and is therefore of local landscape importance. The proposed development would give the site a more urban appearance. The proposed development, particularly at the 800 homes level, will be visible from the Chorleywood Conservation area.

Therefore, we conclude that the development must be considered to be 'inappropriate development' and that the onus is on the applicant to demonstrate why very special circumstances exist. The harm in this case is substantial due to the current open appearance. The landscape impacts, as identified in the Landscape and Visual Impact Issues Chapter of the EIA, are largely negative and will need to be given considerable weight against the development.

The applicant has tried to argue that very special circumstances exist based mainly on the need for housing across Three Rivers District. Whilst these are valid arguments that have to be given some weight in favour of the application, they do not, in our view, clearly outweigh the significant harm to the Green Belt that would be caused by this development.

The NPPF, paragraph 172, recognises the importance of AONBs and major development should only be considered in exceptional circumstances and where the area can be enhanced and improved. "Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty". This exceptional situation is not presented, and no case is made for this development.

In relation to the Chilterns AONB, this proposal has to be considered to be a major development under paragraph 172 of the NPPF. The onus is on the developer to demonstrate that the requirements of the NPPF in relation to major developments have been complied with and they must demonstrate why exceptional circumstances exist for allowing the development, and why it is in the public interest.

Again, the applicant is relying on the need for additional housing in the District, and Chorleywood in particular, being the main reason that they consider exceptional circumstances exist and that the development is in the public interest. In our view, this reason alone is not sufficient to justify a significant loss of open land within the AONB. Whilst the applicant suggests that the impacts would be limited by landscaping, there is no doubt that this part of a nationally important landscape would be severely harmed.

Should the Council be minded to approve this application in the Green Belt and AONB against our advice, we would wish the development to be an environment-led scheme, which takes full account of environmental impacts and includes a comprehensive structural landscaping scheme and habitat creation works that would lead to a net gain in biodiversity. The use of features such as green roofs, permeable surfaces and sustainable drainage systems should be a key part of the design of the development. Key views should be identified and both on-site and off-site mitigation measures incorporated to minimise the impacts. Lighting schemes would also need to be carefully designed to minimise light spillage.

The Chorleywood Neighbourhood Development Plan (NDP), part of the Government's determination to ensure that local communities are closely involved in the decisions which affect them, has been widely consulted across the community. This plan is to "protect the Parish from uncontrolled, large scale, or poorly placed development;

- ensure development is sympathetic to, and improves, the look and feel of the Parish;
- minimise the loss of greenfield sites by, where possible, using previously developed sites;
- give the Parish the potential to access Community Infrastructure Levy funding to improve facilities; and
- identify additional actions to improve Chorleywood's facilities, services and local environment".

The NDP concludes that the Parish's key feature is its 'rural feel' which makes Chorleywood distinct and provides environmental, leisure and aesthetic benefits to the Parish and its community.

Loss of AONB and Green Belt land to this proposed development, the extent of the development itself and the negative impacts on infrastructure as outlined below, are in direct conflict with the NDP and clear reasons for objection.

2. Local Infrastructure

The scale of this development, even at the 300 homes level, will have a considerable adverse impact on local infrastructure.

Roads

The Chorleywood area is characterised by narrow single carriageway lanes and only a few minor A-Roads. The A404, a narrow single two-way carriageway road, is already saturated particularly in peak hours. The road links towns to the west (the Chalfonts' and Amersham area) with access to the M25 at J18 and will be the road most affected by this development. Proposed development in the Chalfont's and Amersham will add further (as yet unconsidered) congestion. The M25 itself is currently overloaded in the sector M1 to M4 junctions. There is little scope at J18 or J17 for greater traffic capacity.

There will inevitably be traffic spill-over into the network of narrow lanes around Chorleywood which today are often severely grid-locked. Examples are Long Lane connecting to M25 J17 and Berry Lane/Stag Lane/Dog Kennel Lane connecting to Rickmansworth, all of which are narrow and with only occasional and ad-hoc passing places restricting two-way traffic.

Traffic is more than just from the inhabitants of the development but will include service and delivery vehicles, etc which are a rapidly increasing component of road transport.

In addition to narrow country lanes, there are limited and narrow crossings over or under the rail line. This constricts traffic further and adds to the problem of grid-locked roads.

The traffic analysis appears to have been conducted declaring 'peak travel' between 07:15 to 08:15 and 16:15 to 17:15. What evidence supports the selection of these time periods? We do not believe these times represents the true peak of local travel and therefore the basis of the analysis is likely to be flawed.

Rail Transport

Peak hours rail travel to London is now on over-congested trains with 'standing all the way'. London bound trains arrive already full and situation which will get worse given proposed housing development further up the line towards Amersham and Aylesbury. The local rail network cannot sustain further commuters. The proposed direct connection to Watford appears dead. Chorleywood station parking is already full with no obvious solution and to say everyone will walk or cycle to the station is an unrealistic assumption.

Village Parking

Despite recent steps to improve parking in Chorleywood village, there is little space with no easy solution. This housing development will overwhelm the current parking arrangements. Again, assuming people will always walk is unrealistic.

Schools & Nurseries

Schools in the area are currently saturated with Primary schools full and Secondary near full capacity. While St Clement Danes is within close walking distance of the proposed housing development, this school has been expanding over the years and there is little scope for further expansion. This housing development will dramatically impact the catchment area, resulting in displacement of many local pupils to other distant schools

causing further road congestion particularly in the 'lanes' around Chorleywood. A point not addressed in the application. No mention of nursery facilities.

Health Facilities

Primary healthcare facilities are already close to being overloaded and will be unable to meet the increased demand caused by the scale of this housing development. The assessment is shown to be flawed with an incorrect analysis of the Gade Surgery capacity.

Leisure Facilities

The submission states that new golf and football facilities will be aided by this development. But Chorleywood already has these facilities (which are underused if anything), so this 'additional benefit' is overstated.

Wastewater and Flooding

It is understood that the local wastewater treatment site cannot cope with this development (ref Thames Water statement) and no solution is proposed. Chorleywood has had a history of surface water flooding with recent measures seemingly managing the situation. However, with the proposed development site sloping towards the centre of Chorleywood, this development will pose a new risk and any mitigation measures will need to be independently assessed to ensure no incident of future flooding can arise.

3. Applicant's Planning Statement

The applicant's overall planning statement is a list of carefully selected assertions without clear evidence intended to show the benefits of the development. In many cases the information submitted is misleading, highly selective, or poorly researched (e.g., health and transport).

Given the major nature of this development(s) and in the absence of a relevant Local Plan, we believe it is impossible to assess the impact and benefits of these applications fairly and fully. The applications are therefore premature at this time.

Sustainability is a frequent word used in the applicant's submission. Sustainability is not just a having a housing development at any cost, but a consideration and mitigation/enhancement of other issues that affect normal life – the need for open space, good transport and roads, good access to schools and health facilities, etc. This application fails to adequately address the adverse impact on these other important aspects.

Summary

In summary, this major and high density development, uncharacteristic for the area, does not respect the Green Belt and AONB designations and will adversely affect the already creaking infrastructure around Chorleywood detracting from the rural character, the quality of life and sustainability of the area.

No convincing case is made for this development and balancing arguments on sustainability are not considered. Analyses presented is often flawed and insufficient.

The application is made in advance of a relevant Local Plan and because of the large extent of this proposed development this would appear a to be a major issue as there is no proper framework to consider and balance the conflicting issues raised.

On the grounds presented in this letter, the Chiltern Society strongly object this this application.

Little Chalfont Parish Council, although not a standard consultee, objects strongly to both the above applications and requests Three Rivers District Council to take the following reasons into account.

Residents in Little Chalfont already suffer unacceptable congestion and pollution from the A404 which passes directly through the village centre and shopping area. This harm would be increased if a large housing development is permitted near the A404 in Chorleywood, as residents there would use the road to travel to points west including the M40. Increased congestion in Chorleywood, especially at the Dog Kennel Lane junction and at the M25 Junction, would also materially harm the amenity of Little Chalfont residents.

Little Chalfont Parish Council strongly supports the case made by the Chiltern Society in their objection, and objects particularly to the proposed destruction of green belt and AONB.

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PART I - DELEGATED

6. 20/0898/OUT: Outline Application: Comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at Land East Of Green Street And North Of Orchard Drive Chorleywood (DCES)

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 25 September 2020

Case Officer: Adam Ralton

Extension agreed to: 31 March 2023

Recommendation: That outline planning permission be refused.

Reason for consideration by the Committee: The application has been called in to committee by three Members of the Planning Committee and by Chorleywood Parish Council. In addition, the proposal represents a departure from the Development Plan.

Update

A preliminary report was brought to the Planning Committee meeting in August 2022 where the application was discussed and clarification was sought by Members on a number of aspects. The report and analysis of the proposed development has accordingly been updated. Since that meeting, additional information has been received from the applicant relating to impacts on car traffic on the M25 J18, on drainage matters, biodiversity and in respect of a recent planning appeal decision the applicant considers relevant. All documents are available to view online and are considered in the analysis below.

Point Raised	Response
Chorleywood Parish Council made reference during the meeting to a traffic report which was produced for the Parish Council but had not been submitted to the LPA.	That report has been submitted to the LPA and is available to view on the planning application file (online date 22 September 2022). HCC highways have had sight of the report and made no further comment.
Ensure consideration is given to buffer zones around footpaths.	This matter would be considered when the reserved matter of Layout is considered, should outline planning permission be granted.
Ensure housing mix is suitable.	Section Error! Reference source not found. of this report details affordable housing and the housing mix. Details of the final mix can be secured by planning condition.
Thames Water do not have capacity but have not objected.	This matter is dealt with at Error! Reference source not found.

1 Relevant Planning History

- 1.1 20/0002/EIAS: Environmental Impact Assessment Scoping Opinion Request - Development of up to 800 No. Residential Dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 1.2 20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). Under consideration.

- 1.3 The following planning application has been submitted to Buckinghamshire Council for its determination. The site falls outside of Three Rivers District, but is considered relevant to the current application given its proximity to the application site, the ownership of the site, and the references to this adjacent site within the supporting documents submitted with and forming part of the current application 20/0898/OUT:

PL/20/0429/FA: Amendments to extant planning permissions CH/2010/0133/VRC and CH/2003/1758/FA as allowed on appeal, Inspectorate's reference APP/X0415/A/03/1133807 and CH/2017/2292/FA to allow for the recontouring of part of the original application site to include a golf driving range/practice area and green plateau for use as football playing pitches, including one full size football pitch with eight 15m high flood lighting columns. Erection of a temporary clubhouse to serve football club for a period of 5 years (pending implementation of the main clubhouse) and associated access, landscaping and parking. Application registered 10 March 2020. Pending consideration.

2 Description of Application Site

- 2.1 The application site comprises the southern and western parts of undeveloped greenfield land in countryside to the north of Chorleywood. It has an area of approximately 10.4ha and is currently used as grazing land. The wider field contains a barn in the north eastern corner. The application site generally slopes downward toward the south-east and includes a localised dry valley within the centre of its slope. Both the site and the wider field are within the applicant's control/ownership and have a total area of approximately 23ha.
- 2.2 The west, south and eastern boundaries of the wider field are marked by vegetation (including a mixture of trees and hedgerows). The northern boundary of the application site runs across the field and has no physical demarcation on the land. The northern boundary of the field is, to a greater extent than the other boundaries, marked by low fencing which encloses a private footpath. The site is openly visible from the private footpath, and in glimpsed views through the vegetation alongside Green Street and from a public footpath to the rear of properties which front Orchard Drive, as well as from rear facing windows in houses fronting Orchard Drive. The site is also visible from houses fronting Darvells Yard and Woodlands Lane, and in longer range views from Chorleywood Common.
- 2.3 The northern boundary of the field is adjacent to a private footpath, which provides pedestrian access from Green Street to St Clement Danes School (which is beyond the north eastern boundary of the site). The land to the north of the footpath is open grassland, with a flatter topography than the application site. Public footpath Chorleywood 011 runs around the school site, touching the north eastern corner of the field. The western boundary of the application site is alongside Green Street. Green Street links Chorleywood to the south with the A404 to the north. The southern boundary of the site is adjacent to public footpath Chorleywood 014, with the gardens to houses fronting Orchard Drive beyond. The eastern boundary of the site follows the boundaries of the rear gardens of dwellinghouses at Darvells Yard.
- 2.4 The development site would be accessed via Green Street, which links the A404 to the junctions of Station Approach and Shire Lane in Chorleywood. Green Street has the characteristics of a rural lane, with the northern part of the road containing a limited number of buildings set back from the road including three clusters of converted agricultural buildings. Beyond these clusters of houses, there is open land to either side of Green Street with the application site to the east and open land forming the Chiltern Hills Golf Course to the west. The street is generally lined by trees or hedgerows until the junction with Orchard Drive, after which Green Street has the appearance of a suburban residential street, with detached and semi-detached two storey dwellinghouses on either side of the street, wide grass verges and footways on either side of the carriageway. This character remains as Green Street continues to drop down to the junction with Station Approach and Shire Lane beyond which is the Chorleywood Key Centre.

- 2.5 Both Orchard Drive and Orchard Close are residential roads, characterised primarily by two storey detached houses and bungalows. Orchard Drive slopes down toward the south away from Green Street.
- 2.6 Woodland Lane to the east of the site is a Private Road which provides access to several substantial detached dwellinghouses, set in large plots. Many directly face and have views over the wider field but not in every case views of the red line application site. Darvells Yard is located to the south of Woodland Lane, accessed via Common Road, and comprises a series of dwellings built on a site that was formerly a complex of industrial units. Common Road also features large detached houses set in substantial grounds. These three areas have a rural character being houses in countryside which changes further south beyond Darvells Yard where the built form becomes detached dwellings set closer to each other, in more modest plots, followed by rows of terraced dwellings fronting The Common.
- 2.7 The Chorleywood Common Conservation Area is adjacent to the south-eastern part of the application site. The Common was designated a Conservation Area in 1976, with a boundary amendment in 1991. The Conservation Area is of both historic and architectural interest. The application site adjoins Character Zone D of the conservation area and is visible from Zone E (the Common).
- 2.8 The application site is located north of the Chorleywood Key Centre (approximately 10 minute walk/0.5 mile distance, downhill from the site and accessed via lit pavements) and is a similar distance to Lower Road and the lower part of Whitelands Avenue (the main shopping area) and to Chorleywood Railway Station.
- 2.9 In relation to planning policy related constraints, the application site is located within the Chilterns Area of Outstanding Natural Beauty and the Chilterns Landscape Area, and the Metropolitan Green Belt. The site is located to the east side of Green Street. Land to the west side of Green Street is located within the administrative area of Buckinghamshire Council. A parcel of land to the immediate south east of the south eastern corner of the application site is designated as a Local Wildlife Site. As noted, the south eastern corner of the site is also directly adjacent to the Chorleywood Common Conservation Area boundary.

3 Description of Proposed Development

- 3.1 This application seeks outline planning permission for the comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.
- 3.3 The detailed application drawings show the position of the proposed points of vehicular access to the site. The first point of access would be approximately 100m to the south of the existing cattle barn and footpath which provides pedestrian access from Green Street to St Clement Danes School. This access would be primarily for pedestrians and cycles, with lockable bollards restricting vehicular access but enabling emergency access if necessary. The second would be approximately 120m north of the junction of Orchard Drive and Green Street. This would provide full vehicular and pedestrian access into the site. There would also be points of access into the site from the public footpath to the south-east of the site.

- 3.4 The submitted illustrative masterplan sets out the provision of roads and walking/cycling routes within the site, including circulatory roads and footpaths. The illustrative masterplan also provides details of the potential position of an area of open space to the south of the site which would include soft landscaping and drainage features.
- 3.5 The application sets out that as well as delivering the residential development, it would deliver the following ‘benefits’ (which are summarised here and considered in detail within this report below):
- Delivery of housing including affordable housing,
 - Delivery of new sporting and community facilities for Chorleywood Common Youth Football Club,
 - New location for Chorleywood Golf Club with peppercorn rent,
 - Over-provision of play space.
- 3.6 This application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance explains that “the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process”. The regulations set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The guidance also confirms that “the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development”.
- 3.7 The application is supported by the following documents which have been taken into account as part of this reported assessment of the planning merits of the application.:
- Environmental Statement
 - Volume 1 comprising main text with chapters covering the Introduction, Site and Designations, Proposed Development, Consultation and Alternatives, EIA Approach, Socio Economics, Air Quality, Traffic and Transport, Cultural Heritage, Ecology, Water Environment, Noise and Vibration, Landscape and Visual, Human Health, and Assessment Mitigation and Implementation Summary.
 - Volume 2 - technical appendices.
 - Volume 3 - non-technical summary.
 - Covering Letter (4 May 2020)
 - Draft S106 Agreement template
 - Town Planning and Affordable Housing Statement (May 2020)
 - Design and Access Statement (May 2020)
 - Transport Assessment (April 2020)
 - Travel Plan (April 2020)
 - Construction Management Plan (April 2020)
 - Statement of Community Involvement (April 2020)
 - Flood Risk Assessment (April 2020)
 - Preliminary Contamination Risk Assessment (November 2019)
 - Ground Investigation Report (April 2020)
 - Energy and Sustainability Statement (April 2020)
 - Outline Solid Waste Management Strategy (May 2020)
 - Utilities Assessment (April 2020)
 - Biodiversity Checklist
 - Site Location Plan (GSE300 - Drawing 001)
 - Land Use and Parameter Plan (GSE300-PA-01-02)

- Building Heights Parameter Plan (GSE300-PA-02-03)
- Green Infrastructure Parameter Plan (GSE300-PA-03-02)
- Landscape Strategy Drawing (SK01)
- Access and Extended Footway Drawing (SK24)
- Footway and Cycleway Connections (SK27)

3.8 In late 2021 and early 2022, additional information was submitted by the applicant, to respond to the comments received from the public and statutory consultees following the LPA issuing a request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The following additional documents were received for consideration and have been taken into account in this report:

- Environmental Statement Addendum (November 2021)
 - Replacement Chapter 8 – Traffic and Transport, and additional junction modelling data
 - Updated Flood Risk Assessment
 - Response to Lead Local Flood Authority
 - Response to Ecology comments including amended mitigation details, arboricultural report, bat survey technical note, Great Crested Newt survey technical note, Biodiversity Net Gain technical note.
 - Gradiometer survey report,
 - Replacement layout drawings
 - Non-Technical Summary
- Addendum to Town Planning and Affordable Housing Statement with appendices including response to ecology consultee responses and landscape consultee responses (November 2021)
- Amended illustrative masterplan.
- Transport Assessment Addendum (May 2021)
- Site Access Visibility Splays (Technical Note 5 v2 May 2021)
- Additional Supporting Highways Information
 - Covering Note Proposed Residential Development of up to 300 Dwellings.
 - Appendix A1 and A2 – Transport Assessment from April 2020
 - Appendix B – Technical Note 1: M25 Junction 18 LinSig Validation Report V2.
 - Appendix C – Technical Note 7 V1 – Site Access Visibility Splays.
 - Appendix D – Technical Note 6 V2 – Sustainable Travel.
 - Appendix E – Technical note 9 – Residual Matters V1.
 - Appendix F - Additional Drawings SK41 Footway, Cycleway and Emergency Access, SK42 Vehicle, Footway and Cycleway Access, SK43 Footway and Cycleway Improvements, Sk44 Orchard Drive Junction Improvements, SK45 Green Street (South) Improvements, SK46 Zebra Crossing Improvements, SK47 Tactile Paving Gilliat's Green, SK48 Improvements Location Plan.

3.9 In late 2022, the following additional information was submitted by the applicant:

- Transport Assessment Technical Note 13: M25 Jct 18, Future year modelling impact on HCC network, dated November 2022
- Rebuttal notice dated November 2022 from Cole Easdon consultants relating to drainage matters.
- Planning Note from agent summarising details of a planning appeal in Cheltenham.
- Updated biodiversity net gain metric.

4 Consultation

4.1 Summary of Consultation Responses:

Affinity Water	9.1.1	No objection
Buckinghamshire Council	9.1.2	No objection
Chilterns Conservation Board	9.1.3	Object
Chorleywood Parish Council	9.1.4	Object
Chorleywood Residents Association	9.1.5	Comment received
Environment Agency	9.1.6	No comment
Friends of Chorleywood Common	9.1.7	Object
Hertfordshire County Council – Archaeology	9.1.8	Insufficient information
Hertfordshire County Council – Fire and Rescue	9.1.9	No objection
Hertfordshire County Council – Highway Authority	9.1.10	No objection
Hertfordshire County Council – Lead Local Flood Authority and TRDC’s appointed Drainage Consultant	9.1.11	Object
Hertfordshire County Council – Minerals and Waste	9.1.12	No objection
Hertfordshire County Council – Growth and Infrastructure	9.1.13	No objection
Hertfordshire County Council – Public Health	9.1.14	Comment received
Hertfordshire Constabulary	9.1.15	Comment received
Herts and Middlesex Wildlife Trust	9.1.16	Insufficient information
Herts Ecology	9.1.17	Insufficient information
National Highways	9.1.18	No objection
Historic England	9.1.19	No comment
National Grid	9.1.20	No comment received
Natural England	9.1.21	Object
NHS Herts Valleys CCG	9.1.22	Comment received
Three Rivers District Council - Conservation Officer	9.1.23	Object
Three Rivers District Council - Environmental Health	9.1.24	No objection
Three Rivers District Council - Landscape Officer	9.1.25	No objection
Three Rivers District Council – Landscape Consultant	9.1.26	Comment received
Three Rivers District Council - Leisure Development Team	9.1.27	Comment received
Three Rivers District Council - Local Plans Team	9.1.28	Comment received
Three Rivers District Council – Housing Team	9.1.29	Comment received
Thames Water	9.1.30	No objection
Transport For London	9.1.31	No objection

4.1.1 All consultation responses are provided at Appendix 1 of this report.

4.2 Public/Neighbour Consultation Responses

4.2.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Site notices have been displayed in various locations around the site, including at the existing entrance to the site serving the agricultural building and the footpath to St Clement Danes School, on posts at either end of the public footpath to the south of the site (Chorleywood 014), on Chenies Road at the entrance to footpath Chorleywood 011, and at the junction of Green Street/Shire Lane/Station Approach. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 407 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.2.2 Approximately 859 responses have been received, comprising 847 objections, 4 representations and 8 letter of support.

- 4.2.3 Site Notice: Original site notices displayed 18 June 2020 (expired 18 July 2020). Amended site notices displayed 21 January 2022 (expired 20 February 2022)
- 4.2.4 Press Notice: Original notices published 19 June 2020 (expired 19 July 2020). Amended notice published 14 January 2022 (expired 20 February 2022)
- 4.2.5 Summary of letters of support:
- People need new homes, we should welcome more people here.
 - Chorleywood has the space.
 - Pressure on public services can and should be managed.
 - With a limited supply of smaller, more affordable housing in the village, there is little chance of children being able to remain in the area once they are ready to leave the family home.
 - Important for prosperity of the village for young people to live here
 - Development would boost community, more customers for shops.
 - Loss of the field will have little impact as its adjoined by a larger green area on the other side of Green Street.
 - Local schools can expand.
 - Most residents would walk to the station rather than drive.
 - Chorleywood needs to take its share of new housing which is desperately needed by younger generations.
 - The site has numerous advantages over other proposed locations and is likely to include financial contributions toward health and education.
 - The new golf course is an added benefit.
 - 50% affordable housing is over the 45% policy requirement.
 - Developer has consulted with local community and housebuilders and are committed to the project.
 - Site appears as a series of ordinary fields, not AONB.
 - Some concern regarding increase in traffic but close to town centre facilities reduces driving.
- 4.2.6 Summary of Representations:
- Recognise the need for new houses with the least impact possible on the environment.
 - Request regard is had to the plight of the Swift, with Swift Bricks incorporated.
 - Dangerous area due to sink holes.
 - Unclear how sewage works would cope.
 - A404 has bad traffic.
 - Schools, doctors, parking are all full.
 - Chorleywood is an excellent place to live and lack of development of smaller properties means that younger people are unable to move into the area, leading to an aging demographic.
 - Cost of properties means those who grow up in Chorleywood cannot afford to buy in Chorleywood – so judicious development is necessary to enable young people to buy in Chorleywood and reduce the age profile.
 - Only in favour of development which enables young people to buy in Chorleywood – one and two bedroom flats, maisonettes, some family housing and little or no executive style housing.
 - Would want affordable housing built first.
 - Request developer make contribution toward community development which accords with local demand – play park.
 - Request weight is given to consideration of the strain that such large developments would place on all surrounding infrastructure and amenities.

4.2.7 Summary of Objections:

IMPACT ON GREEN BELT AND AONB

- Development is proposed on Green Belt land and is in an AONB and will hugely adversely affect the local environment.
- Proposed density is out of character and in contrast to the existing homes in Chorleywood.
- Views from the common currently of farmland would be ruined.
- Green Belt should not be destroyed.

HIGHWAYS IMPACTS

- Most roads into Chorleywood are single track and could not cope with the extra traffic.
- Parking in Chorleywood is already very difficult at times.
- The underground station car park already cannot cope with demand.
- During construction, this route for hundreds of children will be made more dangerous by the construction vehicles and new residents.
- The bottom of Green Street is a pinch point at the three way junction and safety here would be compromised.

INFRASTRUCTURE

- Maple Cross Sewage Works is already under pressure and cannot take the additional sewage.
- Additional water demands will all pressure to already stretched systems.
- The existing schools cannot cope with the influx of so many children
- Doctors' surgeries are already struggling to cope with the patients they have.
- Trains would be full to the brim as they are already very busy.

IMPACT ON NEIGHBOURS

- Adverse effect on local neighbours
- Loss of existing views from neighbouring properties.
- Increase of noise and light pollution.

ENVIRONMENTAL IMPACTS

- Disproportionate to bolt houses onto the edge of Chorleywood in a location of outstanding natural beauty packed with wildlife like deer, birds of prey and protected newts.
- Proposal would result in a loss of wildlife habitat, flora and fauna.
- Unclear how flooding would be dealt with.

OTHER

- Residents have chosen to live in Chorleywood because it is beautiful and semi-rural.
- Proposal does not fit with the look and feel of the area, which includes several conservation areas.
- Development is too big, will overshadow the existing community.
- Mix of housing types does not fit in with Chorleywood's general housing type.
- Proposal would lower local existing property values.
- Proposal will bring zero benefit to the existing community.
- Chorleywood is a classic Metroland village. The development would change the fabric and nature of the village.
- Brownfield sites must be given priority.
- Proposal would have an excessive carbon footprint.
- No additional social amenities are included in the plans.

4.2.8 Responses were also received from the following local organisations/groups. The summarised responses are provided at Appendix 2 of this report.

Chorleywood Golf Club	10.1	Support
Chenies Parish Council	10.2	Object
Campaign to Protect Rural England, Hertfordshire	10.3	Object
The Chiltern Society	10.4	Object
Little Chalfont Parish Council	10.5	Object

5 Reason for Delay

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised technical objections, and to address and resolve their objections as far as they are able.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

- 6.1.1 Planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise as required by S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

- 6.1.2 S72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed buildings or its their settings or any features of special architectural or historic interest which they may possess when considering the determination of planning applications.

- 6.1.4 The Countryside and Rights of Way Act 2020: S.85 'General duty of public bodies etc.'

'(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'

- 6.1.5 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

- 6.1.6 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 are of relevance.

- 6.1.7 The Community Infrastructure Levy Regulations 2010

6.2 Three Rivers District Council's statutory Development Plan

- 6.2.1 The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

- 6.2.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

6.2.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM13 (Parking), Appendix 2 (Design Criteria) and Appendix 5 (Parking Standards).

6.2.4 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). The following policies are relevant to the current proposal: 1, 2, 4, 5, 8, 9, 10, 13, 15.

6.3 Other Considerations

6.3.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF⁴⁷, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF also states that "existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework" (NPPF Annex 1: 219).

Sections of the NPPF relevant to the consideration of this application include:

2 – Achieving sustainable development

5 – Delivering a sufficient supply of homes

9 – Promoting sustainable transport

13 – Protecting Green Belt land

15 – Conserving and enhancing the natural environment

16 – Conserving and enhancing the historic environment

6.3.2 Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024.

6.3.3 Chilterns Building Design Guide 2010.

6.3.4 Chorleywood Common Conservation Area Appraisal (2010).

6.3.5 The Three Rivers District Council Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 **Planning Analysis**

7.1 Principle of Development – Impact on the Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Development Management Policy DM2 notes that "as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below". Relevant to this current application is a) New Buildings, which states "Within the Green Belt, except in very

special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight.

- 7.1.2 The NPPF at para 137 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Para 138 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.3 Para 140 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. While this application does not seek to alter Green Belt boundaries, it proposes housing development within the Metropolitan Green Belt.
- 7.1.4 Paragraph 147 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Para 148 states “When considering any planning application, local planning authorities should ensure that substantial weight is 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 the proposal, is clearly outweighed by other considerations”.
- 7.1.5 Para 149 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.
- 7.1.6 Paragraph 150 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.7 This application, submitted in outline form, proposes the construction of a residential development, involving the construction of a substantial number of new buildings, car parking areas, roadways, lighting and hard and soft landscaping works including tree removals. These works are not considered to fall within any of the exceptions to inappropriate development listed at NPPF Para 149a-g.

7.1.8 In respect of paragraph 150, the proposed development does not fall into any of categories a, c, d or f. As regards categories b and e, whilst the proposed development involves considerable engineering operations and a material change of use, these are directly associated with and contingent upon the construction of buildings and roads to form the development and are not to be undertaken for any other purpose. In any event, the proposed 300 houses and associated resultant land levels, and built form consequent upon the engineering works on the site and its proposed use, would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 150.

Impact on the openness and visual amenities of the Green Belt

7.1.9 In *R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 the court held that the concept of openness referred to “the underlying aim of Green Belt policy...“to prevent urban sprawl by keeping land permanently open...and is also linked to the purposes to be served by the Green Belt...it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept.”

7.1.10 Whilst the application is submitted in outline, with all matters other than access reserved, it is clear that the 300 house development proposed would occupy part of a field which, other than an agricultural barn, is open agricultural land in countryside. Very limited information has been submitted relating to the potential design and appearance of a development on the site but having regard to the quantum of development that would be involved in 300 houses and associated infrastructure, it is evident that the development would not preserve the openness of the application site but would have an adverse impact on the openness of the Green Belt and on the spatial openness of the Green Belt caused by the built form and associated development proposed and its encroachment on countryside and the harm it would cause to the visual amenities of the Green Belt.

7.1.11 As part of its Evidence Base for the new Local Plan, Three Rivers District Council commissioned (jointly with Watford Borough Council) a Green Belt Review – Strategic Analysis (Amec Foster Wheeler, August 2017). The site subject of this application falls within land parcel NW2. When assessing the contribution of the parcel of land to the NPPF 138 purposes of the Green Belt, the review concluded that the parcel contributed in terms of checking unrestricted sprawl of built up areas, assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. Overall, the land parcel is considered by the review to make a significant contribution to the Green Belt by reason of its function in helping to contain the northerly extent of Chorleywood and complementing land to the east which separates Chorleywood and Rickmansworth. A Stage 2 Green Belt assessment was prepared in October 2019, considering the extent to

which the release of different areas of land might affect their contribution to Green Belt purposes and assessing any consequential harm to openness. The land parcel containing the application site is identified as plot CW1 where release was considered to cause moderate to high harm.

- 7.1.12 Having regard to the above, it is considered that the proposed development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any of the exceptions in paragraph 149 or 150 of the NPPF. Furthermore, it would not fit within any exception set out in the statutory development plan. It would constitute inappropriate development contributing to urban sprawl and failing to safeguard the countryside from encroachment, in conflict with the purposes of Green Belt set out in NPPF 138. In addition to harm to Green Belt caused by virtue of its inappropriateness, the proposed development would also harm the spatial quality of the openness of the Green Belt and the visual amenities of this part of the Green Belt. The NPPF 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.13 As noted above, paragraph 148 of the NPPF 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 considerations”. Accordingly, before establishing whether a case for very special circumstances exists or not, it is necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.

7.2 Principle of Development - Impact on the Chilterns Area of Outstanding Natural Beauty and the surrounding landscape

- 7.2.1 The application site is located wholly within the Chilterns Area of Outstanding Natural Beauty. Policy DM7 of the Development Management Policies LDD states:

“In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii. Detracts from the public enjoyment of the AONB landscape.

- 7.2.2 The Chorleywood Neighbourhood Development Plan policy 8 sets out that development on land adjoining the Chilterns AONB must ensure that it is not intrusive on the landscape and protect views and access to the AONB asset.

- 7.2.3 At paragraph 176 the NPPF states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”

- 7.2.4 At paragraph 177 the NPPF states:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

- 7.2.5 Footnote 60 notes that in respect of paragraph 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 7.2.6 Therefore, it is necessary to establish whether the development subject of this application is major development having regard to footnote 60. This application proposes development on a previously undeveloped green field and Green Belt site; and whilst access is the only matter for consideration, the development would of necessity include buildings, access roads, formal and informal amenity spaces and other infrastructure to support the 300 houses. On this understanding, it is considered as a matter of planning judgement that the nature and scale of this development, in addition to its location on an undeveloped site in countryside in the AONB, is a major development. Therefore the requirements of Paragraph 177 of the NPPF are required to be met in full.
- 7.2.7 Whilst submitted in outline, the quantum of the development (ie 300 houses with necessary infrastructure) is clear and indicative layout drawings have been provided to show how the development might be laid out.
- 7.2.8 Chapter 13 of the ES refers to Landscape and Visual impacts. It contends that during construction, the only significant effects on landscape character will relate to the site itself and its immediate setting, with construction having a major adverse effect on the character of the area, and a significant moderate adverse effect on the landform of the site due to localised cut and fill to accommodate the new roads and houses. It suggests that at 15 years after completion, when proposed planting would have matured, the only significant direct landscape effects would be within the site. The change from improved grassland to an area of housing and associated open space is considered to have a moderate adverse effect on the current rural landscape character of the area. The claimed benefits are also explained, including the introduction of 3.61ha of open space including new hedgerows and woodland species around all of the site boundaries resulting in a moderate beneficial effect on woodland and hedgerow vegetation within the site. The proposals would also result in moderate beneficial effect on pedestrian movement and access through an area currently inaccessible to the public.
- 7.2.9 The Chilterns Conservation Board (CCB) have been consulted in respect of the impacts on the AONB and their response is summarised at paragraph 9.1.3 below. They raise objections to the proposal on the basis that they consider the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB. Natural England have also provided comments on the proposal and in respect of the submitted LVIA at 9.1.21 and raise objection on the basis that the proposal will have a significant impact on the purposes of designation of the Chilterns AONB. They also consider that the submitted LVIA has not assessed the special qualities of the AONB. The LPA has also sought independent advice from a consultant in respect of the applicant’s Landscape and Visual Impact Assessment and the site layout within the illustrative masterplan, and their comments are at paragraph 9.1.26. They raise a number of concerns in respect of the methodology for undertaking the

LVIA and consider there would be significant adverse long-term permanent landscape and visual effects.

- 7.2.10 From the above, it is clear that there are a number of concerns regarding the adverse impacts of the proposed development on countryside in the Chilterns AONB. Whilst acknowledging that the site is on the outer edge of the AONB, and also acknowledging the smaller land parcel this site occupies when compared to the application site (20/0882/OUT), it is nevertheless a matter of fact that the site is within the AONB, and the parcel of land exhibits characteristics of the AONB, specifically the rolling dipslope landscape character. In 2019 Three Rivers District Council commissioned Place Services to undertake a landscape sensitivity assessment for sites that had been proposed at that time for inclusion within the new local plan. The larger site, of which the current application site forms a part of, was assessed as site PCS4 and considered to have a High landscape sensitivity. The assessment states “Although the site has little complexity and historic character, the location of the site within the Chiltern Hills AONB increases the sensitivity of the site. The rolling grassland hills and pasture land are characteristic of both the Heronsgate Heights LCA and Chiltern Hills AONB and this is in addition to open private views from the residential houses and school. For this reason, East of Green Street has been classed as having “High sensitivity to built development”. The proposed development would introduce intrusive major development into the AONB. The built form, along with infrastructure, planting, and access, would fundamentally change the character and appearance of the site and how it is perceived from part of a rolling field to an urban extension to Chorleywood, and it is considered that this would fail to conserve and enhance the special landscape character and distinctiveness of the AONB. The proposed development would be visible from within the AONB and from outside the AONB, and it would detract from the setting of the AONB and have an adverse impact on views into and out of the area. Having regard to the public visibility of the application site including from public footpaths in the area, and the change to the landscape that would result from the proposal, it is considered that the development would seriously detract from the public enjoyment of the AONB landscape. For these reasons the proposed development is not considered to accord with Policy DM7 of the local plan, or Policy 8 of the Chorleywood Neighbourhood Plan.
- 7.2.11 It is acknowledged that the NPPF 177 states that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest; and sets out criteria against which applications should be assessed.
- 7.2.12 In respect of the need for the development, in terms of national considerations and economic impacts, it is acknowledged that the delivery of houses in the District is a material consideration to which significant weight must attach. The LPA currently is not able to demonstrate a 5 year supply of deliverable housing sites and the proposed development would provide housing which would go towards meeting the need for housing. The construction phase of the development would bring about economic benefits in respect of the employment of those people and businesses involved in construction, and the occupation phase would mean an increased local population able to make use of the services and facilities in Chorleywood. These considerations together carry weight and would not be delivered were planning permission to be refused. However, there is no substantial evidence of net detriment to the local economy in that event.
- 7.2.13 In respect of the cost of, and scope for, developing outside the designated area or meeting the need for it in some other way, the applicant has addressed this matter within their planning statement and highlights that 77% of the District is Green Belt and, 6% AONB. The applicant suggests that for development to meet the housing needs of Chorleywood, it needs to be delivered in/at the settlement edge as it cannot be delivered elsewhere. The applicant makes reference to the call-for-sites exercise and subsequent consultation in 2018 which included, in terms of larger sites, one brownfield site at Chorleywood Station Car Park capable of providing 115-185 dwellings. The 2023 regulation 18 consultation includes one larger site in Chorleywood at Hill Farm, Stag Lane which may be capable of

delivering 228 dwellings. However other large sites are put forward in the local plan, as evidenced in Regulation 18 consultation documents, including sites with an indicative capacity of 780 houses on land south of M25 and Shepherds Lane, 618 houses on land at Batchworth Park golf course and 1500 houses on land to the west and south of Maple Cross. These promoted sites are some evidence that there is scope for developing housing in the District outside the AONB.

- 7.2.14 In respect of any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated, the introduction of built form relating to 300 houses and all the necessary infrastructure would result in irreversible change to the landscape of the application site and its immediate surroundings. Whilst it is noted from the illustrative masterplan that soft landscaping may be used to screen or filter views of the development site from Green Street and the immediate surroundings, and that a large open rural field would remain to the north of the site, these features would be of limited ameliorative effect given the size and topography of the site and that the development could not be wholly screened from views. Even if it were possible to hide the site, this would not negate the adverse impact of the development on the landscape. The landscaping proposed to act as a screen in itself would not reflect the character of the landscape in this area or the wider the AONB. Thus, it is not considered that the detrimental effect on the AONB landscape could be sufficiently moderated given that the site has a high sensitivity to built development. In respect of the environment, the proposed development seeks to achieve biodiversity net gain and an energy efficient form of development but these benefits associated with the development itself are not considered to outweigh its likely adverse landscape impacts. Recreational opportunities would be provided within the site which do not currently exist, in terms of connectivity through the site, new play areas, and the provision of open space around the SUDS features. However these only exist as a result of the proposed development and are not considered to mitigate its adverse landscape impacts. Furthermore the site is very close to Chorleywood Common which is a large open space available for recreational purposes. Views from existing public rights of way would be materially changed from views of countryside to views of an artificial landscaped housing estate as a result of the development. There are also concerns that should the development of this smaller land parcel proceed, it would result in an erosion of the qualities of the landscape, resulting in the potential for piecemeal additional development to take place over time which would cumulatively result in further damage to the landscape of the AONB.
- 7.2.15 In summary, the NPPF 176 is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, and that permission should be refused for major development other than in exception circumstances and where it can be demonstrated that the development is in the public interest. From the analysis above, and having regard to the consultation responses as referenced above and summarised at Appendix 1, it is not considered that there are exceptional circumstances that would justify the proposed development being appropriate. Furthermore, whilst the importance of delivering housing is acknowledged, it is not considered that doing so on an undeveloped AONB site, particularly having regard to the site's other constraints, would be in the public interest.
- 7.2.16 On this basis, the proposed development is considered contrary to Policy DM7 of the Development Management Policies LDD, Policy 8 of the Chorleywood Neighbourhood Development Plan, and paragraphs 176 and 177 of the NPPF.

7.3 Impact on the character and appearance of the locality

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness

of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.3.2 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character' Chorleywood has".
- 7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative parameter plan has been submitted which indicates a maximum building height of 12.5m (ie 3 storeys) for buildings running parallel to Green Street, and through the centre of the site, either side of the existing dip in the landscape which is to be used to contain SUDS, Green Infrastructure and Open Space. All other buildings would be up to 10m (ie 2.5 storeys).
- 7.3.4 The provision of a new vehicular access would detract from the character and appearance of Green Street, introducing an urbanising feature in the road that currently has the characteristics of a rural lane. Formation of access points would result in the loss of some vegetation. However, it is noted that replacement planting and enhancements to existing landscaping could be sought at the reserved matters stage. The development would include the introduction of new bus stops with flag and shelter.
- 7.3.5 As noted within 7.2 above, the final design of the proposed development would be an essential consideration, with the LPA placing great importance on any development having regard to the important characteristics, features and design context of the Chilterns AONB. This application does not consider Appearance or Layout (which are reserved for consideration at a later date). However it is clear from the council's Landscape consultant (para 9.1.26) that there are concerns in respect of the illustrative layout submitted with the application and with the quality of the development in design terms. For example, they identify that this scheme clearly appears as a cut out/first phase of a larger development and misses opportunities to link with public footpaths to the north. The layout is a dense suburban type whereas it should respond to the rural edge vernacular. These concerns would need to be addressed as part of any future application to demonstrate the potential for a development that does respect the surrounding area.

7.4 Affordable Housing and Housing mix

- 7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.
- 7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.
- 7.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC has set out a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and have a restriction to ensure this. Given the First Homes

guidance, TRDC will now require 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate.

- 7.4.4 Therefore, the development of 300 houses would be expected to make an affordable housing contribution of 135 houses, of which 34 would be First Homes, 95 would be Social Rent and 6 intermediate. The affordable housing provision must be secured at the outline stage.
- 7.4.5 The submitted Planning Statement sets out that the development would seek to deliver 45% of the development (i.e. up to 135 houses) as affordable housing, meeting the 25%/70%/5% tenure split set out above.
- 7.4.6 In respect of housing mix, the 2020 Local Housing Needs Assessment suggests the highest need for three bedroom market houses, two bedroom affordable home ownership houses and 1 bedroom social/affordable rented houses. The indicative housing mix at table 4 of the 2021 Town Planning and Affordable Housing Statement Addendum suggests 45% of market housing would be three bedroom, with a fairly even split of 30%-35% of one/two/three bed units for affordable housing. The final details of this can be secured by planning condition for future agreement, to ensure the council's needs are met. Regard must also be had to Policy 4 of the Chorleywood Neighbourhood Development Plan which requires dwellings suitable for elderly/disabled persons or smaller dwellings suitable for first time buyers/downsizers to be provided.
- 7.4.7 The affordable housing contribution has not been secured by planning obligation. Accordingly, the proposed development fails to comply with Core Strategy Policy CP4.

7.5 Impact of proposal on heritage assets

- 7.5.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets".
- 7.5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 7.5.4 Paragraph 195 of the NPPF advises that:
"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

7.5.5 Paragraphs 199 and 200 of the NPPF state that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

7.5.6 Paragraph 202 of the NPPF advises that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

7.5.7 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits; for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

7.5.8 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

7.5.9 Chorleywood Neighbourhood Development Plan policy 1 states that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.

7.5.10 The Environmental Statement includes a chapter on Cultural Heritage (Chapter 9) which assesses the potential effects of the proposed development on the historic environment.

7.5.11 Impact on the setting of the Chorleywood Common Conservation Area

7.5.12 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes “The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area”. The appraisal sets out that “the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common”. It states that “To the west of the Common again the variations in land levels create an interesting feature within the Conservation Area. The layout of the dwellings, by Old Common Road and their varying heights relate to the topography of the land level creating an interesting landscape as viewed from the common”. The appraisal states “views within, into and out of the Common and surrounding areas can add to the character and appearance of the conservation area. It is important that these views are maintained and not disturbed by inappropriate forms of development”.

- 7.5.13 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.5.14 The Cultural Heritage chapter of the submitted ES suggests that the proposed development is located away from the historic core of the conservation area and is separated from the core of the western section of the conservation area by intervening built form and a border of dense mature hedgerows and trees. It explains that the immediate setting of the conservation area contributes to its significance by reinforcing its status as an area of rural, industrial and agricultural related buildings. It states that the site as existing makes a low to moderate contribution to the significance of the conservation area, and makes reference to the proposed use of landscaping to mitigate the potential impacts on the conservation area. It states that the proposed development of modestly scaled and appropriately designed buildings on the site will have a minor impact upon the setting of the conservation area. Taking this into account, it states the sensitivity of the conservation area is high, and the magnitude of change would be medium, meaning there is likely to be a permanent, long term effect on the conservation area which is of minor significance and adverse nature, equivalent to a low degree of less than substantial harm to the heritage asset.
- 7.5.15 The LPA’s conservation officer (comments at 9.1.23) has commented that the proposal would result in less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of its open, agrarian landscape setting. They also identify an adverse impact on views from the eastern side of the Common in the Conservation Area looking north-west toward the site. Whilst the application site does not occupy the entire area of the field, when viewed from the conservation area the existing glimpsed views would be generally toward parts of the field that do form part of the application site, and would therefore be of housing development. Whilst the viewing distance is acknowledged as being some 300 metres, the application site nevertheless currently provides an attractive, characteristic backdrop to the views from the conservation area and the views provide an appreciation of the historic landscape setting of the conservation area. View 10 (figure 13.21 and 13.22 of the ES) demonstrates how open views of the landscape would be lost and this, along with the urbanising effect to the setting from the development of housing, the change of use, the light spill and movement of people will all detract from the setting of the conservation area. It is considered that the proposal would result in less than substantial harm to the conservation area and the conservation officer qualifies this as being a low to medium level. On this basis, the proposal would conflict with Policy DM3 of the Development Management Policies LDD and Policy 1 of the Chorleywood Neighbourhood Development Plan.
- 7.5.16 Impact on the setting of the adjacent Listed Buildings
- 7.5.17 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. To the north of the site fronting Green Street are the Grade II listed Great Greenstreet Farmhouse and two Grade II listed barns.
- 7.5.18 The Cultural Heritage chapter of the submitted ES suggests that the site’s current contribution to the significance of these listed buildings is low. It suggests that there is likely to be a permanent long term effect on the Great Greenstreet Farmhouse and barns of minor significance and suggests the design of the proposed development would provide mitigation. The Conservation Officer considers the proposal would not harm the significance of the adjacent listed buildings, given the immediate setting of the listed buildings would be unchanged, their distance from the site and the intervening open land south of Stubbs Farm. On the strength of this advice the impact of the development on listed buildings is not considered a material consideration warranting refusal of the application.
- 7.5.19 Impact on Archaeology

- 7.5.20 In respect of Archaeology the submitted Cultural Heritage chapter suggests that archaeological survival across the site is anticipated to be low to moderate, with localised survival likely to be confined to features cut into the underlying natural geology. The submitted Historic Environment assessment confirms construction impacts would entirely remove any surviving archaeological remains. Archaeological mitigation would be in the form of a programme of intrusive archaeological investigation, following an agreed Written Scheme of Investigation.
- 7.5.21 The County Archaeological advisor comments on this point within their consultation response (9.1.8) and requests trial trenching be undertaken prior to any decision being taken, given that the geophysical survey report notes anomalies which may represent heritage assets. Trenching would enable them to assess the significance of any assets and also review other areas that are blank. This information would also allow an informed design for the masterplan which appropriately considers the historic environment.
- 7.5.22 The applicant's position, as set out in the submitted Town Planning and Affordable Housing Addendum, is that following the detailed gradiometer survey it is unlikely that any archaeological remains would be of high significance and therefore any archaeological works should take place prior to development commencing and not prior to a decision being issued on the application. This would work include a programme of trial trenching to identify the nature and extent of archaeological material within the area.
- 7.5.23 It is concluded on the strength of the available evidence that archaeological interests likely to be affected by the carrying out and use of the development can be satisfactorily protected by a pre-commencement planning condition.
- 7.5.24 Heritage Conclusions and public benefits
- 7.5.25 The NPPF 199 says that 'great weight' should be given to the conservation of heritage assets and that: 'This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' The assessment above has identified that less than substantial harm would result to the setting of the Chorleywood Common Conservation Area. It follows that great weight should be given to the less than substantial harm caused to the Conservation Area. The NPPF says that this harm should be weighed against the public benefits of the proposed development. The public benefits put forward by the applicant are noted above and include housing supply, provision of public open space and the use of the development to fund sporting and community facilities. The proposal would result in irreversible harm to the conservation area's setting.
- 7.5.26 In conclusion, it is not considered that public benefits exist to outweigh the less than substantial harm that has been identified to the conservation area. The proposed development, accordingly, is considered to be contrary to Policy DM3 of the Development Management Policies LDD (2013) and the 2021 NPPF (Chapter 16).
- 7.6 Highways Impacts
- 7.6.1 Core Strategy Policy CP10 'Transport and Travel' states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.
- 7.6.2 CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

- 7.6.3 The NPPF at para 110 sets out that in assessing specific applications for development it should be ensured that
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 7.6.4 Paragraph 111 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 7.6.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.6.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
 - j) It is appropriate in scale to the existing infrastructure...*
 - k) It is integrated with the wider network of transport routes...*
 - l) It makes adequate provision for all users...*
 - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
 - n) The impact of the proposal on transport has been fully assessed...*
 - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.6.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.
- 7.6.8 This application includes a number of proposed highways works and as explained above, whilst the application is submitted in Outline form, matters of access are for full consideration as part of the application. The impact of the proposed highway works are to be assessed by Hertfordshire County Council as the Local Highway Authority (LHA), and National Highways as the Highway Authority for the strategic road network.
- 7.6.9 This application would include the following works to the highway:
- Formation of emergency only access point to the site from Green Street south of the existing cattle barn.
 - Formation of main vehicular access to the site from Green Street north of the junction with Orchard Drive
 - Alterations to Green Street to provide right turn lane for vehicles travelling from Chorleywood to enter the site.
 - Alterations to the junction with Orchard Drive to provide revised pedestrian crossing arrangement.

- Widening of footway along Green Street to 4m from the northernmost access to the site down to Orchard Drive, with the footway to be 3m south of this, and provided as a footway/cycleway.
 - Additional bus stops introduced on Green Street close to site entrance.
 - Provision of tactile paving and wider footway at Gilliat's Green.
 - Renewal of highway markings of existing pedestrian crossings at junction of Green Street/Station Approach
 - Provision of new parallel crossing north of Green Street service roads.
 - Contribution toward additional cycle parking at Chorleywood Station and an additional gate.
- 7.6.10 The submitted information has been reviewed by Hertfordshire County Council as Local Highway Authority (para 9.1.10), National Highways (Para 9.1.18), and Transport for London (9.1.31).
- 7.6.11 In respect of sustainability, the LHA note the various sustainable travel mitigation measures as listed above, which are designed to improve walking and cycling routes between the application site and the centre of Chorleywood. They note that connectivity from the site toward the north is poor, and consider improvements within the applicant's land that can facilitate new links to St Clement Danes School and footpath Chorleywood 011 are important and should be addressed at master-planning stage. Overall, the enhancements to Green Street are considered by the LHA to be acceptable in principle with regard to walking routes.
- 7.6.12 In respect of cycling, the submission includes an upgrade of the existing footway provision to a shared footway/cycleway on Green Street but includes no analysis in respect of whether a shared use path would be suitable having regard to the potential flows of pedestrians and cycle users. In respect of public rights of way, HCC recommend upgrades to existing public footpaths and require further information in respect of other routes around the site and links to the common. These can be secured by planning condition.
- 7.6.13 In respect of trips to and from the site, the submitted transport assessment suggests 106 two-way movements in the morning peak and 158 in the evening peak to/front the site. The applicant has undertaken additional work in respect of the proposed visibility splays, to demonstrate that these would be appropriate having regard to the geometry of Green Street and the actual speeds of vehicles using Green Street, and HCC have confirmed the access arrangements are acceptable.
- 7.6.14 In relation to public transport, HCC acknowledge the comments made by Transport for London (noted below) and the intention to provide additional cycle parking at Chorleywood Station which is welcomed.
- 7.6.15 Hertfordshire County Council raise no objections to the proposed development, subject to a number of conditions. They note that connectivity in terms of walking, cycling and public transport needs careful consideration given the poor existing infrastructure and the character of the surrounding semi-rural area. They note that Green Street is currently subject to a 60mph speed limit and the proposal does little to promote an active frontage on its boundary with Green Street in terms of enhancing surveillance and pulling northwards the suburban character of the southern section of Green Street.
- 7.6.16 HCC note the applicant's focus on routes toward Chorleywood railway station and the main village centre, and consider that connectivity to amenities to the north of the site is poor and should be reviewed, with improvements within the applicant's land to facilitate new links to St Clement Danes school and along Footpath 011 to be significant. HCC consider the enhancements to Green Street to be acceptable in principle, including the new zebra crossing and repainting existing. Whilst the improvements and alterations to rights of way are noted, HCC request a Rights of Way Improvement Plan to be submitted to enable agreement to be reached on the full extent of alterations to rights of way.

- 7.6.17 In relation to bus routes, HCC note that some parts of the site would be over 400m walk to the proposed bus stops on Green Street. It is noted that HCC preference is for all houses to be within 400m walking distance, and they suggest the masterplan should be redesigned to introduce more direct pedestrian and cycle routes to the bus stops. HCC consider that for a development of this size, prospective residents should have access to a bus service and consider that this may be possible through diverting and/or enhancing existing bus routes to bring them through the site, which may include the R1 and R2 services, which serve Chorleywood. HCC seek £175,000/year for five years to provide this service. In addition, HCC seek a contribution of £77,900 toward bus vouchers, in order to encourage the use of public transport from the outset of the development.
- 7.6.18 In conclusion, HCC confirm they are satisfied that the impact on the local highway network for the development may be accommodated in vehicular capacity terms. They consider further work would be necessary to the masterplan to improve pedestrian links to and from the site, and to bring public transport to the site. The design of the walking and cycling route alongside Green Street will require refining. Overall, HCC does not wish to restrict the grant of outline planning permission, subject to conditions and S106.
- 7.6.19 National Highways raise no objections to the proposed development, subject to conditions.
- 7.6.20 Transport for London originally requested improvements to walking and cycling infrastructure to the station from the site to accommodate increased trips, and increased cycle parking at the station. They also requested an assessment of line loading and station capacity. Following receipt of additional information and technical notes, TfL note that the applicant has accepted the need to provide funding to enable an additional gate to be installed at Chorleywood Station, and note the proposed cycle parking at the station and improvements to access routes from the site and the station. Subject to the costs of the entrance gate being secured by S106, TfL have no objections.
- 7.6.21 Having regard to the above analysis of highway impacts and subject to conditions and S.106 undertakings, no objections are raised in respect of the impacts of the proposed development on the highway or highway safety and the development would comply with Core Strategy Policy CP10 and Chorleywood Neighbourhood Plan Policies 10 and 15.
- 7.7 Vehicle Parking
- 7.7.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards.
- 7.7.2 As previously noted, this application is submitted in outline with matters of access only for consideration. The site's layout would be considered at a later date as a reserved matter and the proposed car parking layout and provision would be dealt with at that time. Having regard to the number of dwellings proposed on site, it is acknowledged that a significant number of car parking spaces would be required (at least 494 allocated spaces). It is considered that the quantum of spaces could be accommodated within the site, however it will be important to ensure that this space is carefully designed having regard to the sensitivities of the location of the site.
- 7.8 Impact on amenity of neighbouring occupiers
- 7.8.1 Paragraph 130 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.

7.8.3 The application is submitted in outline, with only matters of access for consideration. However, the application is accompanied by an illustrative masterplan which suggests a form of development where a significant buffer distance could be maintained between the rear gardens of properties fronting Orchard Drive and Woodlands Lane, and the houses within the development site. It is concluded that the protection of neighbouring amenities could be satisfactorily addressed at the reserved matters stage.

7.9 Pollution – Air Quality

7.9.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.9.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
- Introduce new point sources of air pollution e.g. furnaces.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.

7.9.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.9.4 The Environmental Statement includes a Chapter on Air Quality, informed by an air quality assessment. This shows that with the baseline pollutant concentrations and proposed traffic generation onto the existing road network, the impact of new vehicle emissions from the proposed development would be negligible. Mitigation measures could be used to reduce impacts at the construction phase. The Environmental Health officer has agreed with the conclusions and recommends conditions be attached to any approval to secure mitigation measures during the construction phase.

7.10 Pollution – Noise and vibration

7.10.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.10.2 Policy DM9 sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing

or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.10.3 The Environmental Statement includes a chapter on noise and vibration impacts and potential mitigation. The report explains the baseline sound environment was considered to be typical of a semi-rural environment, comprising road traffic movements, middle distance road traffic and aircraft noise, with some sound from grazing livestock and the railway. The report considers the reduction in traffic speed on Green Street resulting in a lower basic noise level. Construction noise levels are predicted to have a minor impact and these would be temporary, with some mitigation possible which may be secured by condition. The occupation phase of the proposed development is not anticipated to generate harmful noise levels to neighbours. Similarly, the proposed houses are expected to have suitable glazing and ventilation specification to ensure they would provide a suitable noise environment for occupants. On this basis, there is no objection raised to the development in respect of noise and vibration.

7.11 Pollution – Light

7.11.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

7.11.2 Chapter 13 of the Environmental Statement reviews the landscape and visual impacts, including lighting and suggests the proposals would not have significant night time impacts. Full details of any lighting attached to buildings and street lighting would be considered as part of a future reserved matters application, and at that time a full lighting specification would be required. Having regard to the rural location of the application site, it is considered that the lighting of the proposed development would be out of keeping with and harmful to the existing character of the application site in countryside, in the AONB and in the Green Belt.

7.12 Pollution – Land Contamination

7.12.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

7.12.2 The application is accompanied by a preliminary contamination risk assessment which indicates a low risk of contamination. However, further investigations are recommended and the Environmental Health officer has recommended further site investigations be secured by condition. Subject to those investigations being secured by condition, there are no material concerns in respect of the development regarding contamination.

7.13 Impact on Wildlife, Biodiversity and Agricultural Land

7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the conservation and enhancement of biodiversity. This objective is reinforced by regulation 3(4) of the Habitat Regulations 1994 which states that Councils must have regard to the strict protection of certain species identified under the EC Habitats Directive.

7.13.2 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 7.13.3 Footnote 58 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.
- 7.13.4 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.13.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.13.6 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.13.7 The Environment Act will mandate the requirement for Biodiversity Net Gain (BNG). However mandatory BNG as provided for in the Environment Act will apply by amending the Town and Country Planning Act, and at the time of writing this has not yet happened (it is expected from November 2023). The requirement for 10% BNG is, therefore, not yet enshrined in planning law.
- 7.13.8 The applicant has submitted an Agricultural Land Classification which concludes the land is Grade 3B land which is not considered best and most versatile land.
- 7.13.9 In respect of biodiversity, the submission included Biodiversity Net Gain calculations based on the Defra Metric 2.0 which show a 22% habitat unit gain and a 53% hedgerow unit net gain. The existing site is improved grassland with compacted soil and considered to be of low intrinsic ecological value. More recently, a revised metric was submitted in December 2022 which set out that the proposal would deliver a 14.9% increase in habitat units and 135% increase in hedgerow units.
- 7.13.10 Herts Ecology’s consultation responses are at 9.1.17 where no in-principal objections are raised but further information is required, in particular in relation to the biodiversity net gain assessment which is considered to lack sufficient detail to allow it to be relied upon. Their position remains that further information is required, and it is considered that, at this time insufficient information has been submitted to demonstrate that the proposal would enhance biodiversity in accordance with Policy DM6. The proposal therefore fails to accord with Policy DM6 of the Development Management Policies LDD.
- 7.13.11 In relation to the submitted ecological reports, proposals to safeguard the Local Nature Reserve, and the landscape strategy, these are considered adequate by Herts Ecology subject to conditions requiring the provision of further details. The application proposes enhancements including establishing a dedicated wildlife area in the south of the site, with minimal lighting. A landscape and ecological management plan would be produced setting out how the areas of habitat would be established and managed. Homeowners will be provided with details of the local designated wildlife sites and how to preserve their value. Bat and bird boxes would be installed throughout the site, and fencing would include

hedgehog gaps. The measures would be assessed in full as part of the consideration of any future management plan.

7.14 Impact on trees and landscaping

- 7.14.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.
- 7.14.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.14.3 The Tree and Landscape Officer notes that the site has relatively few constraints posed from existing trees, as most are located off site and around the edges of the site. Concerns have been raised at the potential loss of six moderate quality trees along the western boundary to form the proposed access and objections raised to the proposed tree removals. The Town Planning and Affordable Housing Statement Addendum explains that to enable to proposed access points, two category C trees and four category B trees are to be felled. A range of mitigation measures are proposed to offset the loss, as well as detailed tree protection measures to be used to safeguard retained trees. The illustrative masterplan indicates the potential for substantial planting throughout the site, and this would be considered as part of a landscaping reserved matter.
- 7.14.4 The loss of existing trees would not comply with the requirements of Development Management Policy DM6 which requires development proposals to retain trees and other important landscape and nature conservation features. However, it is necessary to have regard to Policy DM6(ii) which states that Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. The tree loss is proposed to facilitate vehicular access to the site. The affected trees are not protected by TPO. Any future proposal would include the need to submit a landscaping scheme and the site has the potential to accommodate substantial planting. On this basis, subject to replacement planting the loss of trees is considered not to warrant a ground of refusal.

7.15 Energy Use

- 7.15.1 Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.
- 7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a

combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon as at 2023 and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.15.4 The application is accompanied by an Energy and Sustainability Statement. This sets out that the proposed development has the potential to deliver a 24% improvement in CO2 emissions over Building Regulations requirements. As this application does not seek approval for the appearance of the proposed buildings, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

7.16 Flood Risk and Drainage

7.16.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.16.2 The application has been accompanied by a Flood Risk Assessment and this was originally been reviewed by the Lead Local Flood Authority, who raised concerns with the overall drainage strategy at the site as originally proposed. Following receipt of those comments, alterations were made to the drainage strategy and a revised Flood Risk Assessment submitted. The drainage for the site involves surface water draining via a series of three ground-level attenuation basins, with an infiltration tank proposed in the south eastern corner of the site. The Lead Local Flood Authority (May 2022) nevertheless continued to object to the scheme (Comments at 9.1.11). They raised concerns about whether the presence of an underground storage tank is appropriate rather than a surface level basin. They also raised concerns regarding the interface between the SUDS features and existing surface water flow paths, and how those existing flow paths could compromise the surface water system. Further information was also requested regarding how existing flow paths are to be managed and the implications of this.

7.16.3 Following receipt of those comments, the LLFA wrote to the LPA to advise that due to resourcing issues, they were unable to provide any further comments. As a result, the LPA commissioned a drainage consultant to provide it with advice on drainage matters. The consultant provided further guidance (August 2022) to guide the applicant toward the production of a suitable drainage scheme. Further information was received in November 2022 and the council's drainage consultant maintains their position that at this time, a suitable drainage scheme which complies with Hertfordshire County Council's guidance has not been identified. The proposed development, accordingly, fails to adequately deal with the drainage of surface water from the site, along with existing surface water flow routes through the site, contrary to Policy DM8 of the Development Management Policies LDD.

7.16.4 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that the application falls below their risk bar as there are no environmental constraints.

7.16.5 Affinity Water have advised that the proposed development site is located within an Environment Agency defined Source Protection Zone 2, and have recommended that conditions be attached in the event planning permission is granted to protect the public water supply. Those conditions include construction works and operation of the site being undertaken in accordance with the relevant British Standards, excavations below the chalk

ground water table being avoided without a ground investigation first being undertaken and appropriate methods used, mitigation used to avoid turbidity, and any contamination remediated.

- 7.16.6 Thames Water have confirmed that they are working with the applicant to deliver the off-site foul water infrastructure needs to serve the development. Some capacity exists within the existing network but upgrades would be required and work is ongoing to understand this. Thames Water recommend a condition that no more than 60 houses can be occupied until all foul water network upgrades have been completed. Thames Water comment that the scale of the proposed development would not materially affect the sewer network. The matter of reserving drainage issues to a planning condition was recently considered in a planning appeal (APP/L3815/W/22/3291160) for a residential development in West Sussex where it was confirmed that the waste water organisation is a statutory undertaker with an obligation to provide the necessary network reinforcements and upgrades downstream of the practical point of connection to the foul sewer network imposed under S94 of the Water Industry Act 1991. Paragraph 188 of the NPPF states:

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively”.

- 7.16.7 For these reasons, it is considered that the waste water matter can reasonably be dealt with by planning condition. Thames Water have recommended a ‘pre-occupation’ condition, and this ensures that no dwelling may be occupied until the necessary upgrades have been completed or a phasing plan agreed to allow occupation based on the capacity that exists at that time.

7.17 Refuse and Recycling

- 7.17.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 7.17.2 The application is submitted in outline, with details of layout reserved for later consideration. At that stage, compliance with DM10 in respect of domestic waste would be assessed.

- 7.17.3 The County Council’s adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

- 7.17.4 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.

- 7.17.5 In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 7.17.6 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.17.7 No objections are raised by HCC in respect of minerals and waste.
- 7.18 Infrastructure Contributions
- 7.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180.
- 7.18.2 In their initial consultation response, Transport for London (TfL) commented that pre-covid, all fast trains between 07:15 and 08:19 left Chorleywood station full and standing. They commented that they would have expected an assessment of line loading and station capacity to be carried out, as station capacity is restricted by the entrance gates. Following receipt of those comments, the applicant has undertaken further assessments and confirmed their understanding that due to the existing shortage of one access gate at Chorleywood station, there is a requirement for the proposed development to fund an additional access gate to accommodate the additional rail trips generated. Transport for London have requested a financial contribution be secured of £500,000 to enable an additional gate to be installed at Chorleywood Station. This would enable the development to mitigate its impacts in terms of the additional demand at Chorleywood Station, and encourage the use of sustainable means of transport. On this analysis, it is considered that the contribution, which the applicant has agreed to in principle, is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.
- 7.18.3 In their consultation responses at 9.1.13, Hertfordshire County Council advise on the impact of the proposed development on education facilities in the area. HCC has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Where there is insufficient capacity in local schools, planning obligations will be sought. On larger scale developments, the provision of land and build costs for on-site school is normally required. The response at 9.1.13.2 (dated August 2022) is the latest advice note to TRDC, in which HCC note that having recently reviewed primary school provision in Chorleywood, HCC's education planning team consider that no new primary school site would be required if this application were to be delivered within the proposed timescale, based also on their understanding that there are no further significant development proposals currently being considered by TRDC in Chorleywood. They advise that the modelled primary school child yield is likely to be accommodated locally at existing schools. On the basis of above, infrastructure contributions to mitigate against the impacts of the proposed development on education facilities are not necessary for this scheme.
- 7.18.4 Hertfordshire County Council as Highway Authority are seeking a contribution of £175,000 per year for a period of five years to enable bus service R1 and R2 to be diverted/extended to serve the development site. HCC advise that it is of key importance to provide such a bus service that can route into the site in order to demonstrate compliance with the Local Transport Plan. The site's position on the periphery of Chorleywood makes it important to ensure bus provision is made, as walking via Green Street or Common Road, particularly at night, may not be attractive to some resulting in additional car trips being made.

- 7.18.5 HCC also seek a contribution of £77,900 toward the provision of bus vouchers in order to encourage the use of public transport from the outset of the development. It would provide vouchers that can be used for three months. They also seek a contribution of £6,000 for an Evaluation and Support Fee relating to the necessary Full Travel Plan which would incorporate measures to promote sustainable transport, an appointed travel plan coordinator, and a monitoring programme.
- 7.18.6 In addition to the financial contributions, there is a requirement to provide new bus stops with flag and shelter on Green Street, a 4m wide footway/cycleway down to Orchard Drive with 3m width beyond, a new zebra crossing on Green Street opposite No. 58, and repainting existing zebra crossing lines at the Green Street/Shire Lane/Station Approach junction. Those improvements would be secured by S278 agreement.
- 7.18.7 HCC have provided detailed comments justifying the need for these contributions to meet sustainable transport objectives and comply with the local transport plan. The LPA considers that the capital investment sought and the purposes for which it would be deployed meet the tests set out by Regulation 122 of the CIL Regulations (ie would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development).
- 7.18.8 The Herts Valleys Clinical Commissioning Group have requested £72,900 for East of England Ambulance Service NHS Trust, and £387,572.40 toward healthcare facilities in the area, plus £2,187.69 per dwelling for acute care, £201.38 per dwelling toward mental health care and £182.03 per dwelling toward community services. They have provided justification as to how those amounts would meet the CIL tests.
- 7.18.9 The contributions referred to above would be secured by S106 agreement if the development was otherwise to receive planning permission.

7.19 Referral to Secretary of State

7.19.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.20 Do Very Special Circumstances exist to outweigh the harm to the Green Belt and any other harm?

7.20.1 As concluded above, the development is considered to constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. It is therefore necessary to ascertain whether there are any very special circumstances that would clearly outweigh the harm that would be caused to the Green Belt by inappropriateness and the other harm to Green Belt resulting from the proposed development. 'Other harm' resulting from the proposed development that has been identified in this report is summarised below:

- Harm to the openness and visual amenities of the Green Belt, and conflict with the purposes of including land in the Green Belt,
- Harm to the Chilterns Area of Outstanding Natural Beauty,

- Less than Substantial Harm to the setting of a heritage asset,
- Failure to demonstrate the development would result in no loss of biodiversity value or would conserve or enhance biodiversity,
- Failure to provide a satisfactory drainage scheme,
- Failure to secure affordable housing contribution, financial contribution toward sustainable transport, and financial contribution toward health care services.

7.20.2 The applicant has suggested the following planning benefits from the scheme which are summarised and form their case for very special circumstances:

- That the site is the only site of sufficient scale to deliver the level of housing the District requires within walkable distance of a key transport hub. Chorleywood is one of the most sustainable settlements in the District. The site is 1.1km north of the village centre. The site is highly sustainable, close to village centre and public transport.
- That the site is on the urban fringe of Chorleywood and immediately adjoins residential development and the school and represents a clear and logical extension to the existing settlement of Chorleywood.
- There is a substantial housing need in the District. The council only has a 2-year supply of deliverable housing. Housing in the district is unaffordable. There is a shortfall of affordable housing in Chorleywood and Three Rivers. This application will provide up to 300 houses, 45% affordable.
- The proposal will guarantee delivery of new high quality sporting and community facilities for Chorleywood Common Youth Football Club at the golf course site opposite. A planning application has been lodged with Buckinghamshire Council for the pitches. The current development would through cross-subsidisation, allow the pitches to be given to the club on a long term peppercorn leasehold and would guarantee the delivery of a new permanent clubhouse facility for which planning permission has already been granted. The football club has a shortage of playing pitches. The development at the adjacent golf course would create a community sports hub. At the time of drafting this report, the application remains pending with Buckinghamshire Council.
- Chorleywood Golf Club would be granted a long term lease on the Chiltern Hills Golf Course at a peppercorn rent, through cross-subsidisation from the application proposals. The golf club has an aging membership and is finding it difficult to recruit new members. The Common offers a number of difficulties as a golf course including it is unsecure, is of poor quality with no irrigation, has car park congestion and no practice facilities.
- Masterplan provides more open space than required by TRDC and 0.4ha of play space would be included.
- There is a lack of alternative sites for major development in the district.
- The site does not perform well when assessed against the five purposes of Green Belts.
- There is insufficient brownfield land, demonstrated through the lack of alternative sites being identified by the applicant, and TRDC does not have scope to meet its housing needs without development on greenfield sites and given the nature of the District, greenfield land is mostly subject to higher planning policy protection such as Green Belt and AONB.

7.20.3 The new local plan is at the Regulation 18 consultation stage. A number of sites have been put forward as part of the local plan call for sites exercise which are considered to be comparable to the application site in respect of proximity to services and public transport, and ability to provide a large number of houses. For example site OSPF22 at Batchworth Park Golf Course house a potential dwelling capacity of 618, and is within 1.2km (straight line distance) of Rickmansworth Station and less than that to the Town Centre. Site CFS16 incorporates land at Chorleywood Station Car Park with a dwelling capacity of 190, and this is closer to the station and village centre than the application site. Site CFS26c West of Kings Langley Estate has the capacity for 893 houses and is adjacent to Kings Langley station, with CFS26e Kings Langley Estate South having a capacity of 380 dwellings, also close to Kings Langley station. On that basis, officers consider that the site is among a

number of sites of sufficient scale to deliver the level of housing the district requires within walkable distance of a key transport hub. It is acknowledged that the site does have the ability to deliver a substantial number of homes, but there is some evidence of other potential sites which, subject to the Local plan review, might deliver the same or more, which are just as accessible and sustainable, and are not within the AONB.

- 7.20.4 It is acknowledged that the site is directly adjacent to existing built form in Chorleywood in that it is adjacent to the rear gardens of properties fronting Orchard Drive. The land to the north and west is open, and the land to the east contains very low density housing. Therefore whilst the site is next to existing built form, it is not considered that the proposal would reflect that existing built form or therefore represent a logical extension of Chorleywood into countryside.
- 7.20.5 The District's housing land supply position is acknowledged, and at the time of writing stands at 1.9 years. The application, if granted, would enable the delivery of houses including affordable houses which are required in the District. However, the assessment above identifies that harm would result to the Green Belt, the AONB and the Conservation Area. In addition insufficient information has been made available in respect of the impacts of the development on ecology and drainage. And it is concluded, accordingly, that these harms would outweigh the benefits of the housing delivery.
- 7.20.6 The application makes reference to the proposed development delivering high quality sporting and community facilities for Chorleywood Common Youth Football Club. A planning application was lodged with Buckinghamshire Council prior to the application subject of this report being lodged, and that application remains under consideration, which limits the weight that may be attributed to the proposals for that site. The application includes the provision of a clubhouse for a temporary period of five years, which suggests a limited scope for any benefit. It is noted that reference is made to a clubhouse granted planning permission under then Chiltern District Council's reference CH/2017/2292/FA, and it is noted that clubhouse as approved includes pro-shop, bar area, changing facilities and a basement level buggy store. The planning permission includes a condition restricting the use of that clubhouse to use ancillary to the golf course, and therefore at this time, regardless of the timings of the approval (a clubhouse was approved in 2010 with the same restriction), the link between delivering a clubhouse which has historical consent and the current application is not clear; nor is the potential use of the club house given the apparent planning restrictions, which are contrary to the large number of proposed uses suggested in the applicant's Planning Statement. The provision of additional football pitches and a low rental is acknowledged to be a benefit to this scheme, but given the lack of clarity regarding what would be delivered at the adjacent site or its timing, and the lack of detail in respect of the problems with the current arrangement by the football club and how this is the only way they can be addressed, means limited weight is attached to the materiality of this consideration.
- 7.20.7 The submission makes reference to Chorleywood Golf Club being able to relocate to the adjacent golf course, again with a reduced rental rate. A number of 'difficulties' are put forward in respect of the existing golf course and some alluded to by the Golf Club in their supporting comment relating to the application. However, the precise nature of these and whether the proposed development is the only means to address them is unclear. Nor is whether the difficulties are directly impacting on the ability of the golf course to be used at the moment. No information has been made available as to what use the golf course part of the common would be put to, if any, should the club be relocated. Relocating the golf club is only given limited weight as the benefits and their delivery are not clear.
- 7.20.8 The provision of amounts of open space in excess of TRDC's requirement is welcomed and an agreed benefit of the scheme which would attract some weight, although it is noted that the precise design and location of those open spaces is not for consideration.

7.20.9 In respect of the site's performance against the purposes of the Green Belt, this matter is considered at length at section 7.1 above.

7.20.10 For the reasons set out above, it is not considered that the VSC the applicant has put forward are sufficient to outweigh the harm caused to the Green Belt, or the other harm which has been identified including harm to the AONB. The proposal accordingly remains adjudged inappropriate development in the Green Belt not clearly outweighed by other material planning considerations.

7.21 Tilted Balance and Conclusions

7.21.1 In relation to the three components of sustainable development, whilst the proposed economic benefits (both short term in respect of construction, and long terms in respect of expenditure of new residents) of the proposal are noted, along with the social benefits of providing housing including affordable housing, open space, and improvements to walking and cycling routes in the area, it is considered that these are outweighed by the environmental and social harm that would be caused to the Green Belt, AONB, heritage assets in addition to the lack of information to demonstrate an acceptable environmental impact in respect of drainage and biodiversity. Overall, the LPA conclude that the proposal would not comprise sustainable development.

7.21.2 The Council can only demonstrate a 1.9 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be 'out of date' and the tilted balance at paragraph 11 of the NPPF applies:

For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

7.21.3 In respect of clause 11(d)(i) above, 'areas or assets of particular importance' include, in the context of the current scheme (footnote 7 of the NPPF), land designated as Green Belt, an Area of Outstanding Natural Beauty, and designated heritage assets. The assessment above has identified harm in respect of each of these policy constraints, with policies in the NPPF providing a clear reason for refusal such that the tilted balance exercise does not apply. For all these reasons the recommendation is that outline planning permission be refused.

8 **Recommendation**

8.1 That outline planning permission be refused for the following reasons:

R1 Green Belt

The proposed development constitutes inappropriate development within the Green Belt which is by definition harmful to the Green Belt. In addition the development would also result in actual harm to the openness and visual amenities of the Green Belt and would conflict with the purposes of including land within the Green Belt. No Very Special Circumstances exist to clearly outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and other harm it would cause. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted

October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and Section 13 of the 2021 NPPF.

R2 AONB

The proposed development would appear as an urbanising and uncharacteristic development that would not conserve and enhance the Chilterns Area of Outstanding Natural Beauty, resulting in actual harm to the special landscape character and distinctiveness of the Chilterns Area of Outstanding Natural Beauty. The proposed development would therefore be contrary to Policy DM7 of the Development Management Policies LDD (adopted July 2013), Policy 8 of the Chorleywood Neighbourhood Plan (2020) and Section 15 of the 2021 NPPF.

R3 Heritage Asset

The proposed development, by reasons of its form, scale and layout would detract from the overall rural character and appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Chorleywood Common Conservation Area. The identified harm would not be outweighed by public benefits and the proposed development is therefore contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies DPD (adopted July 2013), Policy 1 of the Chorleywood Neighbourhood Development Plan (August 2020), the Chorleywood Common Conservation Area Appraisal (2010) and Section 16 of the NPPF (2021).

R4 Biodiversity

The applicant has failed to demonstrate that the proposed development would not result in a net loss of biodiversity, and in the absence of a S106 agreement, compensation measures have not been secured to compensate for the loss of biodiversity which would be detrimental to the area. Consequently the proposal fails to conserve, enhance or restore biodiversity and this would be contrary to Policy DM6 of the Development Management Policies LDD (adopted 2013) and the 2021 NPPF Chapter 15.

R5 Drainage

In the absence of an agreed drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority, the Local Planning Authority is not satisfied that the development would be supported by an acceptable sustainable drainage strategy. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and NPPF (2021, Chapter 14).

R6 Affordable Housing

In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 to secure an affordable housing contribution, the proposed development fails to comply with Policy CP4 of the Core Strategy (adopted October 2011).

R7 Sustainable Travel Contribution

In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 to secure a contribution towards providing a bus service within the site and bus vouchers to future occupants, and to access improvements at Chorleywood Station, the proposed development fails to maximise sustainable travel options and ensure the development provide sufficient mitigation for its impacts on local infrastructure. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011) and the NPPF (2021, Chapter 9).

R8 Travel Plan

The proposal would generate a requirement for a Travel Plan and this would require monitoring to ensure effectiveness. In the absence of a signed agreement or undertaking

to provide for this monitoring under the provisions of Section 106 of Town and Country Planning Act 1990, the proposed development fails to maximise sustainable travel options and ensure the development provide sufficient mitigation for its impacts on local infrastructure and fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011).

R9 Healthcare

In order to mitigate the impact the proposed development would have on existing health services, a financial contribution is required. In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act to secure this contribution, the proposed development would fail to mitigate its impact on health provision that the development would place extra pressure on and would be contrary to Policy CP8 of the Core Strategy (adopted October 2011).

Appendix 1: Consultation Responses

[Officer Note 1: At the time the original consultation was issued, the 2019 NPPF was in effect. Therefore, NPPF references in the original consultation responses below relate to the 2019 document. Any more recent responses (which will include a date) are expected to refer to the 2021 NPPF]

[Officer Note 2: Where a consultation response does not include a date, it relates to the original consultation exercise in 2020 and no further comments have been received]

9.1.1 Affinity Water: [No objections subject to conditions]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZ2) corresponding to Mill End Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
2. Ground investigation: Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
3. Turbidity: Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. We would also want to receive at least 15 days prior notification from the developer in advance of any such works, in order to intensify our monitoring and plan potential interruption of the service.
4. Contaminated land: Construction works may exacerbate any known or previously unidentified pollution. If any pollution is found at the site then works should cease and appropriate monitoring and remediation methods will need to be undertaken to avoid impacting the chalk aquifer.

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Being within a water stressed area, we would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting,

rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.

9.1.2 Buckinghamshire Council: [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.2.1 Buckinghamshire Council (March 2022): [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.2.2 Buckinghamshire Council (May 2022): [No objection]

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

9.1.3 Chilterns Conservation Board: [Objection]

Thank you for consulting the Chilterns Conservation Board (CCB) on the above applications. The application documents are detailed and the applicant comprehensively covers all of the relevant issues, as would be relevant to a Conservation Board. CCB was involved in the pre-application consultation for this site (by TRDC) and in the consultation over scoping of the (now submitted) Environmental Statement.

To assist the LPA we propose to consider both applications together, as they raise the same balancing of planning issues. CCB will confine itself to its statutory purpose (as established under section 87 of the CROW Act) and therefore to matters relevant to the AONB's special qualities and also to the economic and social well-being of the AONB and its understanding and promotion.

These representations were considered by and approved by the CCB Planning Committee at its meeting on 15th July 2020.

CCB raises objection on the principal ground that the application constitutes major development which harms the special qualities of the AONB, in this case the rolling dipslope landscape character that abuts the settlement of Chorleywood. The application papers avoid the central foundation of AONB protection, namely the conservation and enhancement of the scenic beauty and natural beauty of the Chilterns (CROW Act s 85 and NPPF 172) and focus entirely on the exceptions test in NPPF 172. Exceptional infers 'unusual' 'untypical'. This application is speculative development and the site is not being considered within the Local Plan process in any meaningful way. NPPF 172 (a) and (b) cannot be satisfied and NPPF 172 (c) 'moderation' of impact cannot be satisfied – 300 or 800 homes in the stead of integral Chilterns AONB landscape erodes completely the highly valued landscape that prevails here. We ask the LPA to give 'great weight' to the special qualities of the AONB and to challenge the 'minor adverse' landscape assessment as advanced. In the balancing of planning issues the tilted balance does not apply. Taking the conservation and enhancement duties on board, the harm to the AONB outweighs the benefits of housing delivery.

CCB Summary

The applicant, in essence, argue that the landscape harm is 'minor adverse' (see ES) and the development 'scarcely seen' (ES summary) whilst the housing benefits are manifest and include social housing. They apply the tilted balance (erroneously) on the assumption that no harm arises. This is illogical because their own ES concludes some harm – even if CCB dispute the level they calibrate. The applicant relies on the exceptions tests in the NPPF to justify housing. The site is not an allocation nor progressing via the Council's own site preferences, as far as can be ascertained in the information available.

CCB asserts that there are errors in this planning logic and that the planning authority will need to be clear on that because it strikes at the core of the planning balance in this case. In our opinion the following apply:

- i. That 'minor adverse' landscape assessment cannot be correct. The dipslope landscape is integral and a highly valued landscape. It is a part of the wider Chilterns dipslope landscape as identified as a special feature in the AONB Management Plan and the relevant landscape character area.
- ii. In the assessment of NPPF 172 exceptions at (a) and (b) the applicant's put forward an array of sites to justify their case, yet the speculative nature of this application seeks to pre-judge the outcomes of the Local Plan process. Whilst small sites can be identified in the AONB by means of the Local Plan process, none of the surrounding LPAs have sought to identify 300 or 800 dwellings in their current plan programmes. The Wycombe Local Plan (adopted August 2019) identifies a number of small sites (50 dwellings or so). The Chiltern & South Bucks Plan (awaiting examination) also identifies small sites, as does the South Oxfordshire Plan (currently at examination) and the early iterations of the Dacorum Local Plan indicate that no AONB sites will be identified. It is difficult to conceive that the architects of the NPPF 172 test (and in previous incarnations in planning policy statements) envisaged that 300 or 800 dwellings would constitute an exceptional case within the AONB.
- iii. The applicants acknowledge the importance of the Glover Review, as mentioned by CCB in its pre-application. They do not acknowledge the pressures placed on this particular AONB.
- iv. The tilted balance does not apply in the AONB. Paragraph 7.10 of the planning supporting statement asserts that it does. However, case law in *Monkhill v SSHCLG 2019* (as below) makes the matter very clear. This judgment is clear that if a footnote 6 policy provides a clear reason for refusal under limb 11d (i), the assessment of titled balance in limb 11d (ii) is irrelevant and must not be applied. The harm to the AONB provides a clear reason for refusal on the merits of this case. The applicant's contention (their planning statement section 3) that the titled balance does apply would only be the case if no clear reason existed under limb 11(d) (i), which does not apply here. In any event their own ES authors conclude 'minor adverse' – which amounts to harm.
- v. Simply put, if the LPA identify harm to the AONB, and we contend they must, then the tilted balance cannot apply.
- vi. This is a Chilterns landscape. To propose development here harms that landscape. The applicants agent states that harm is localised, will not be seen and represents only 0.015% of the AONB misses the point that this landscape is a demonstrable part of the special qualities of this nationally protected landscape. When the applicants arrive at the planning balance they present the many advantages of a housing scheme but fail to give the necessary 'great weigh' to the conservation and enhancement of the AONB as required in the NPPF and in CROW. Instead they focus on the moderation or mitigation of harm as their starting point. This is to wrong starting point when approaching development within the AONB.

Landscape Assessment

In summary of our review of the submitted papers and the published Hertfordshire Landscape Character Assessment (and allied Bucks Landscape Character Assessment for land to the west) and following a site visit, we have concluded that the site does enjoy

considerable features of special quality typical of the Chilterns AONB. CCB has assessed this application against the legal and policy tests in the CROW Act section 85, the NPPF at 172 (major developments test), the Development Plan at Policy DM7 Landscape Character of the Development Management Policies Local Development Document and the new AONB Management Plan 2019-24 (adopted Feb 2019). We have concluded that the development of some 300 or 800 dwellings cannot be considered to conserve the special qualities, as a minimum requirement, and most certainly does not enhance the dipslope landscape that is so evident here. In our judgment the reverse applies and the development, as countenanced in this application, positively harms the AONB and erodes a clear boundary between the urban area and the nationally protected landscape that surrounds. The urban area would encroach upon the AONB in a very discordant manner. The dipslope landform here is both rolling and undulating and when measured against the principal components of a landscape character assessment (i.e. visual and landscape character impacts) results in harm. This assessment is based on both a site assessment and a review of the applicant's own landscape and visual context assessment, which describes this site as a 'convex hillside plateau'.

Submitted viewpoints rather noticeably demonstrate this rolling and undulating impact. The fact that the site is partially well contained by mature hedgerows and screening to the west serves to reinforce the AONB qualities here and cannot be a justification for development, on the basis that the development proposed is screened from the wider countryside. This site is an integral part of the wider landscape.

Major Development and exceptional tests within AONB landscapes

The concept masterplans for 300 and for 800 dwellings constitute major development within the AONB. Following the NPPF at 172, no such exceptional circumstances are advanced. The applicant's assert in the supporting planning statement that housing has been built within AONBs (planning statement – Table 5). We agree that AONB status is not a prohibition on development but serves to filter and shape that development to meet specific tests. Yet in the Chilterns, small sites are occasionally selected in the local plan process, not 300 and not 800 units. In any event those approvals in Table 5 would have pre-dated the additional guidance in the NPPF Feb 2019 and Planning Practice Guidance 21st July 2019 which updated preceding guidance and stated that "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas." (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).

The Glover Review

We also place weight on the recent Glover Review (2019) into protected landscapes (DEFRA 2019 Landscapes Review - We want our national landscapes to work together with big ambitions so they are happier, healthier, greener, more beautiful and open to everyone. Final Report, chaired by Julian Glover). Glover at page 120 of the final report considered National Park status for the Chilterns and reported that 'We see very strong merit in this. Designation as a National Park should not be a block on growth in the wider region, but a natural counterpart to it. The aim should be to enhance natural beauty and nature in an area of high landscape value, while giving due recognition to the importance of the Chilterns for access and enjoyment'. The Chilterns AONB confronts many development pressures both within its boundaries and as affects its setting. CCB, from its own work, is aware of the increasing pressures on what is, by definition, a highly valued landscape. Its special qualities are eroded by the cumulative impact of development that, amongst other things, impacts on habitat, tranquillity and dark skies. From our experience the original AONB boundaries (1965 and reviewed in the 1980s) are very robust, being based on landscape character assessments and informed by the special qualities of the AONB. Those special

qualities are also now discussed in the current (Feb 2019) Management Plan 2019-2024. To give one prescient example we have recently seen an appeal decision in which a planning inspector dismissed but one dwelling within the AONB and commented with respect to the new Management plan and lighting that 'The Planning Practice Guidance refers to the relevance of management plans for AONBs for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. In this context, the Chilterns AONB Management Plan 2019-2024 (adopted July 2019) is a significant material consideration, particularly as its objectives and policies align with the aims of the Framework. Moreover I afford the document full weight, as it specifically refers to the location and the effects of small scale development within the AONB, including from domestic paraphernalia and lighting'. Planning appeal decision for one dwelling at Pirton Water Tower Appeal Ref: APP/X1925/W/19/3227185, 8th November 2019 (North Herts DC).

CCB's Commentary at Pre-Application. CCB would propose to comment as follows.

(1) The starting point in any assessment must be the consideration of the planning principle. In this case we recommend that the applicant comments upon this and with specific regard to the duty in the CROW Act at section 85, to Development Plan policy and to the NPPF at 172 (both the 'great weight' and major development tests). Unquestionably this is major development. Further, the applicant's professional team will want to comment on the updated Planning Practice Guidance here that 'the scale and extent of development in these areas should be limited'.

Further, they need to comment on and acknowledge the recent case law judgment in *Monkhill v SSHCLG* where the judge accepted that the 'tilted balance' does not apply in such a location (decision dated 24th July 2019 - legal reference 2019 EWHC 1993 Admin). The High Court clarified the interpretation of the NPPF paragraph 11 in AONBs. This judgment confirmed that NPPF paragraph 172 can give a clear reason to refuse planning permission such that the 'tilted balance' does not apply. The judgment confirms that:

- (a) Great weight to AONB qualifies as a policy to be applied under NPPF para 11d (i)
- (b) That NPPF paragraph 172 can be used as a freestanding reason for refusal in non-major as well as major development within an AONB and 4
- (c) If a footnote 6 policy provides a clear reason for refusal under limb 11d (i), the assessment of titled balance in limb 11d (ii) is irrelevant and must not be applied.

In our own summary of this legal case, should harm result to the AONB then the 'tilted balance' does not apply and points as to housing supply are not given elevated weight in the consideration of planning issues.

(2) The applicant's professional team need to incorporate in their assessment reflection on the approach as adopted in the Guidance for Landscape and Visual Impact Assessments (GLVIA) (3rd edition), principally to comment on the visual impacts and the landscape character impacts. Whilst we appreciate that this is a pre-application and that a full LVIA would not be expected, it is important to address both these matters. The submitted landscape and visual report contains some errors, for example at its 2.3 it states that this is a convex hillside plateau and therefore development does 'not have a significant adverse effect on the setting of the AONB or views in and out of the area'. This is to misunderstand the policy mechanisms that apply. We disagree with other points here (for example, 2.8 – that there would be no adverse effect on any features or area designated for their landscape or visual amenity value and 6.6 – a logical extension of Maple Cross). As submitted these points represent broad judgments without any detailed landscape evidence base. Further, the viewpoint analysis, whilst helpful in itself, shows features of special character as commonly found in a dipslope landscape. The applicant's implicitly accept this point by creating a large green space to the south east parcel of the site (also see viewpoints 9 and 10) to avoid development. This decision must be, in part, informed by the landscape character, which is typical of the wider Chilterns area and is not the subject of any real commentary. A site visit illustrates this.

(3) The AONB Review paper at its 1.3 sets out relevant papers and material considerations. The 2019-2024 Management Plan is now adopted. It reports the dip slope location of the site and the rolling landscape here that envelopes the settlement (3.10). It accurately reports the Chilterns Buildings Design Guide's summary point that development must be in harmony with the landscape. We agree with the reporting of policy issues at Table 3.2: Relevant Landscape and Design Policies relating to the Chilterns Area of Outstanding Natural Beauty, save for the elevated status of the new Management Plan. We know that the applicant's will now be aware of that. The section 4 assessment is desk based and must be informed by a full LVIA, albeit we have commented above that the impact on special qualities is tangible. The table 4.1 assessment as to 'no effect' or 'negligible effect' is, as is acknowledged, desk based and is not based on a GLVIA approach. The LPA will, no doubt, want to corroborate any LVIA findings with their own independent peer review, nevertheless the assessment in table 4.1 should be given very limited weight in this pre-application submission. The conclusions drawn in paragraphs 4.2 and 4.4 (no significant adverse effects) cannot be drawn from the assessment that precedes it. The section 5 assessment of theoretical visibility argues that this site is largely visually disconnected from the wider Chilterns landscape and views are glimpsed from various vantage points. This is incorrect. As dealt with above, this is a desk based assessment but its usefulness is limited in any landscape planning assessment because the impact on the special character is the key issue. This section does acknowledge the downland character that prevails and the strong hedgerow containment to the west. It reports that (5.18) 'Whilst the site consists of three agricultural fields within a rolling landscape, it does not exhibit some of the more distinctive Chilterns features and as such does not obviously mark the edge of the AONB'. We see this as more of a planning based opinion/judgment than one informed by a landscape character assessment. Section 6 deals with other application sites outside the Chilterns. We repeat the points made in Glover as to the pressures facing the Chilterns AONB. We also make the point that the 2019 NPPF and associated PPG revisions reinforce the Government's view that only 'small scale' development should be considered within an AONB, subject to the legal and policy tests as below. In the concluding section the principal point made is that development here will not be greatly visible and is well contained. We revert to our original point as to special character and the fundamental tests in NPPF 172, which this application cannot satisfy.

(4) Reference to potential sites for consultation document. These two sites at DCS4 at East Green Street (largely this site) and at Heronsgate are discussed. This document is an early stage scoping and sifting ahead of the new Local Plan to 2036 and must carry very little weight in the consideration of the current application. The applicant's need to quality the weight that may be attributed to such documents.

Legislation and Policy

Scope and Interest of the Chilterns Conservation Board (CCB)

The Chilterns Conservation Board was established as an independent body by Parliamentary Order in July 2004 and has 27 members, all drawn from local communities. The Board's purposes are stated in section 87 of the Countryside and Rights of Way Act 2000 (CROW Act), as:

s 87 (1) It is the duty of a conservation board, in the exercise of their functions, to have regard to: (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty, but if it appears to the Board that there is a conflict between those purposes, they are to attach greater weight to the purposes mentioned in paragraph (a).

s87 (2) A conservation board, while having regard to the purposes mentioned in subsection (1) shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, but without incurring

significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty’.

Policy and Legal Tests within an AONB

Section 85 (1) of the Countryside and Rights of Way Act 2000 (CROW Act) deals with decision-making and establishes a general duty that ‘In exercising or performing any function in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’. The National Planning Policy Framework (NPPF) at 172 establishes a duty that ‘Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’.

Recently updated planning practice guidance (issued 21st July 2019) states that “The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.” (Paragraph: 041 Reference ID: 8-041-20190721 and revision date: 21 07 2019).

Policy DM7 Landscape Character of the Local Plan Development Management Policies Local Development Document deals with the AONB where it states, a) Chiltern’s Area of Outstanding Natural Beauty - In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii) Detracts from the public enjoyment of the AONB landscape.

The new 2019-24 Management Plan was adopted in July 2019 and advances 3 strategic objectives when considering development,

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before – richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number detailed policies apply here and as:

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 provides the framework for assessment of applications of this magnitude and states, Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity

through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals. 7

DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.

DP5 Require a Landscape and Visual Impact Assessment that meets the standards in the GLVIA latest edition for developments in the AONB or affecting its setting.

DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide www.chilternsaonb.org/conservation-board/planningdevelopment/buildings-design-guidance

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by a. on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan.

DP15 Seek opportunities to remove or replace existing inappropriate external lighting to restore dark skies at night.

Planning Practice Guidance also states that ‘Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives. The management plans highlight the value and special qualities of these designations to society and show communities and partners how their activity contributes to protected landscape purposes’. (PPG section - Does planning need to take account of management plans for National Parks and Areas of Outstanding Natural Beauty? Paragraph: 004 Reference ID: 8-004-20140306, Revision date: 06 03 2014).

The Herts and Bucks Landscape Character Assessments are relevant. Within the Herts study this site is within the Heronsgate Heights in which the topography is described as ‘the plateau is a gently undulating area forming part of the Chilterns dip slope. Slopes rise from the adjacent Maple Cross slopes. At Artichoke Dell there is a steep-sided wooded valley running through to Chorleywood near Chorleywood Common’. The site abuts the Bucks Landscape Character Assessment LCA 18.3) Little Chalfont Rolling Farmland and is contiguous with that landscape. The landscape character here is described as ‘Landscape Character: An undulating and rolling landscape with a varied geology of exposed Upper Chalk, Clay and Flints capping and Thames River Terrace deposits. Large fields of arable farmland and rough grazing occur in the north of the area with smaller fields of paddock, pasture and rough grassland in the south. Field boundaries are predominantly hedgerows with some post and wire. Woodland is interspersed throughout with some large blocks of ancient woodland in the south and east (Pollards Wood and Newland Gorse). Woodland contains the area, provides enclosure, biodiversity value and a backdrop to views’

The special qualities of the AONB are numerous. In this case it is the gently undulating diplope landscape that itself dramatically abuts the suburban edge. That suburban edge, in part, contains small portions of ribbon development, some of which is historic and a part of the Metroland development of the inter-war period. This relationship affords the AONB beyond a particular status in its rolling and defined landscape quality and a contrast,

together with views across and wooded backdrops and defined tree belts and hedgerows/semi-sunken roads.

In conclusion, the Board considers that, because the development is considered to neither conserve nor enhance the natural beauty of Chilterns AONB, it would have detrimental impacts on users of the AONB, it is contrary to planning and other policy and there are no overriding circumstances that would warrant a departure. We have concluded it would harm the special qualities at what is a sensitive boundary between semi (peri) urban and the AONB landscape beyond. That landscape is clearly linked to the Bucks Landscape Character Assessment as it links towards Little Chalfont. A material erosion of the dipslope landscape here would result and we find that positively harmful.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

9.1.3.1 Chilterns Conservation Board: [January 2022 response: Objection]

The CCB is grateful to comment on the additional information submitted. For ease of reference, we set out below our previous objection, dated 16th July 2020. As before, we would confine ourselves to the duties and responsibilities of a conservation board, as set out in section 87 of the CROW Act 2000. We do not, therefore, comment on green belt matters but we note that the appeal decisions now cited are all green belt cases and not AONB cases.

The CCB proposes two brief additional comments/clarifications on the Town Planning and AH statement. The landscape response appendix is a detailed rebuttal document and we do not propose to reply to this line by line, save for one overarching point.

Town Planning and AH Statement / Response to Landscape & Visual Consultee Comments.

The key issue is the conservation and enhancement of the special qualities of the AONB. That is enshrined in the CROW Act 2000 at section 85 (duty of regard), the NPPF at 177, in the Development Plan and in the AONB Management Plan. No doubt all parties to this application can agree that an AONB landscape enjoys a greatly elevated level of legal and policy protection because, since its establishment in 1965, the Chilterns is rightly identified as a nationally protected landscape and thus one that is highly valued in its landscape quality. The Glover Review (2019) and the Government's recent reply (January 2022) acknowledge this and promote an extension, not diminution, of the Chilterns AONB boundary.

The applicants accept that harm will follow (5.6 of the updated town planning statement). The question is, therefore, does the proposal harm the special qualities and would exceptional circumstances justify development under the NPPF? To these questions we say 'yes' it materially harms the dipslope landscape and the defensible urban / AONB edge and 'no' exceptional circumstances do not exist because the test at NPPF 177 (c) cannot be satisfied, i.e. a detrimental effect on the environment and the landscape which cannot be moderated or mitigated. The applicants landscape rebuttal at its 2.5 crystallises their case, that 'In summary, the site, with its semi-improved grassland and post and wire fencing and the Chilterns Golf Course to the west, feels more like forms part of transition zone between the town and the AONB rather than a clear boundary'. We strongly contest this. This site is not part of a 'transition zone', not that such a concept exists in AONB policy. It is, upon reflection and following a site visit, a clearly functional part of the AONB landscape. We would ask the decision-maker to give 'great weight' to the dipslope landscape character, which is an intrinsic part of the AONB in this location. It forms a clear boundary and the landscape edge is sylvan and verdant, with defined hedgerows and an open aspect. It is, in no way, a transition to the wider AONB.

Town Planning and AH Statement Paragraph 4.16 and Table 8

Paragraph 4.16 and Table 8 deals with major development within the AONB, following the NPPF test. We can only comment on the Chilterns AONB and two cases are mentioned.

The land at Stokenchurch is within the AONB, it is part of an original curtilage that includes the existing industrial use, which is to be extended into the AONB. This was put forward and given scrutiny at the Wycombe Local Plan examination (2018) and subsequently adopted into the plan. The M40 motorway abuts the site.

The land at Dacorum is not within the AONB. This is the Icknield Way, West of Tring allocation in the Dacorum Site allocations DPD. This allocation, (which is LA5 in the site allocation DPD, places all development in its eastern parcel (outside the AONB) and the open western section (which is AONB) is not developed. The AONB boundary divides these two parcels and the consent granted by Dacorum in Oct 2019 for 226 dwellings places all of them outside the AONB.

This point of detail constitutes an erratum to the Town Planning Statement. Indeed, in that application the CCB promoted design amendments on the AONB boundary and these were taken on board by the design team.

It is correct to say that development can take place within AONBs, exceptionally, and the subject of an assessment upon the special qualities of the AONB. The Oxford English Dictionary defines exceptional as, 'Of the nature of or forming an exception; out of the ordinary course, unusual, special'. The NPPF 177 test rightly qualifies the grounds of exceptional, including the consequential landscape impact. This application manifestly fails these tests.

The 1932 edition of 'Metro-Land' (Metropolitan Railway/John Murray Publishers) described Chorleywood and Chenies as standing 'at the gateway of the Chiltern Hills'. 33 years later in 1965 the creation of the AONB boundary formally set in place its protection as a national landscape. This site is very clearly within the AONB and must be protected as such.

9.1.4 Chorleywood Parish Council: [Objection]

1. Introduction

This Statement has been prepared on behalf of Chorleywood Parish Council in objection to the proposed development at Land to the East of Green Street being considered under planning ref: 20/0882/OUT and 20/0898/OUT.

A Full Parish Council meeting took place at the Chorleywood Memorial Hall on Tuesday 14 July 2020 and Parish Councillors voted unanimously to call in both applications following the receipt of 135 of objections and 1 letter of support and representations from local residents. The reasons for calling in the application are as follows:

- The application is invalid as the red line plan is incorrect and appropriate notices have not been served on freeholders
- The proposal is inappropriate development within the Green Belt and conflicts with the purposes of the Green Belt
- The proposal fails to conserve or enhance the Area of Outstanding Natural Beauty
- The proposal would result in less than substantial harm to the historic setting and character of the Chorleywood Common Conservation Area
- The proposed density for this location is high which will be detrimental to the character and setting of the surrounding area
- The applicant fails to provide any good and convenience stores within the development that would support future residents and in turn will result in car parking

pressure and conflict in movement between pedestrians, cyclist and vehicle users on Lower Road

- The proposal would result in the loss of a valued landscape
- The proposal would result in a highway impact
- Insufficient information has been provided to fully assess the highway impact
- The applicant relies on the creation of a cycle path on private freehold land that is unsuitable for cycling and is unlit
- The applicant seeks to provide a cycle path on Chorleywood Common whereby it is illegal to cycle
- The proposal fails to address the proposed impact on local infrastructure, particularly health services and schools
- The proposal would displace school places and health services available to existing residents resulting parts of the existing village becoming unsustainable, it fails to consider or address the impact of the development on existing residents
- The proposal is not Sustainable Development as defined within the National Planning Policy Framework
- The proposal would result in harm to the natural environment by virtue of the increase in human activity
- There are discrepancies and inconsistencies within the application submission which needs to be carefully considered by officers
- The limited benefits (housing) is short term and fails to outweigh all of the above

This Statement considers key material considerations for both applications in more detail. The Parish Council requests that it is consulted on any additional information received from the Applicant. The Parish Council reserves the right to make further comments on both applications in light of new information received from local residents, the Applicant or any other statutory consultees. The Parish Council requests that, for the reasons outlined within this Statement, both planning applications are refused.

2. Validity of the Application

The national validation requirement states the red line plan should include all land necessary to carry out the proposed development which includes land required for access to the site from the public highway.

It has come to our attention that both of the applications under ref: 20/0882/OUT and 20/0898/OUT rely heavily on pedestrian and cycle links to Common Road and Rickmansworth Road. The existing footpaths are not cycle paths and are limited in use, narrow, unmade and ill-lit.

In order to deliver the cycle paths, the developer does not appear to have any rights to carry out work to the paths and in particular to the path that joins Rickmansworth Road (the freehold owner of which has not even been contacted by the developer).

The application is also invalid because the red line plan is incorrect as it does not mark out key access route to the site from the public highway. The Applicant has also failed to serve notice on the freehold owner.

3. Principle of Development

The following constraints have been identified in respect of the Application site:

- Green Belt
- Chilterns Area of Outstanding Natural Beauty (AONB)
- Setting of Chorleywood Common Conservation Area
- Chilterns Landscape Region

Sustainable Development

TRDC cannot demonstrate a 5 Year Housing Land Supply (5YHLS) and as such the planning balance rests on NPPF para. 11(d) (Presumption in favour of sustainable

development) and NPPF Sections 13 (Protecting Green Belt Land), 15 (Conserving and Enhancing the Natural Environment) and 16 (Conserving and Enhancing the Natural Environment).

The NPPF (2019) recognises there are 3 overarching objectives: Economic, Social and Environmental. Paragraph 11(d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, there is a presumption in favour of sustainable development unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

The Applicant argues that neither Sub-sections (i) or (ii) are satisfied and consequently the presumption in favour of sustainable development applies and the applications should be approved.

The Council's local housing need figure is 624 homes per year. This is calculated using the standard method as required by the NPPF. The significant increase in the need for new homes is considerably higher than the Core Strategy housing target of 180 new homes per year. It is understood that TRDC disagrees with the figure and a new Local Plan is currently being produced to address the issue.

One of the key issues affecting the delivery of new homes is the characteristics of the District's land supply and as a consequence it means the available land supply is severely limited. The District is embedded in the Metropolitan Green Belt. It permeates all parts of the District with 77% of the District designated as Metropolitan Green Belt. Green Belt has the highest policy protection and is identified as a constraint for development in the NPPF.

The NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances through the plan making process. The emerging New Local Plan will consider whether there are exceptional circumstances for changes to the Green Belt boundaries potentially enabling more sites to be developed than is currently possible. This is the correct approach and sites within the Green Belt should only be released following careful consideration by TRDC.

Within the NPPF, footnote 7 regarding out of date policies, the NPPF requires the Local Planning Authority to take a global view of the most important policies. It is not enough simply to say that the policies are out of date.

TRDC must consider which are the most important policies and determine which of them are out of date. The most important policies in this case are:

- Housing supply
- Green Belt
- AONB
- Conservation

It is not the case that in the absence of a 5-year housing land supply all Development Plan Policies are superseded. The presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission.

Paragraph 213 of the NPPF notes that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework

Housing Supply

It is acknowledged that TRDC cannot demonstrate a 5 YHLS. The development would contribute towards the supply of housing and affordable housing within the TRDC.

However this site is designated as Green Belt and AONB. It also contributes to the setting of the Conservation Area. The proposal would conflict with all three policies which are material planning considerations against the development. It should be noted that the most recent 2018-based household projections for Three Rivers, issued by The Government's Office for National Statistics on 29 June 2020, indicate a highly significant 13% reduction when compared to the 2014-based projections on which the Council's current assessments are based. This will substantially impact on the Council's 5 year housing land supply, this is a material planning consideration in determining this application.

Green Belt

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 states that, apart from a limited number of exceptions, which these applications do not meet, the construction of new buildings should be regarded as inappropriate in the Green Belt.

Policy CP11 of the Core Strategy (2011) and Policy DM2 of the Development Management Policies (2013) notes there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

The applicant considers there is no clear reason for refusing the developments proposed and whilst development of the site would by its nature result in harm to the Green Belt, this harm would be localised and limited given the individual site circumstances.

National and local policies recognise the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the developments would cause harm through inappropriateness and damage to the openness of the Green Belt.

The application does not fall under any of the exceptions set out in Paragraph 145 of the NPPF. However, in their view, as the site is adjacent to the built up area of Chorleywood "the harm arising from the development would be limited and have no significant adverse effect on the wider rural character."

The National Planning Practice Guidance (NPPG) outlines that in considering the potential impact of development on the openness of the Green Belt, decision-makers should consider that openness is capable of having both spatial and visual aspects. The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs."

At the present time this part of the Green Belt is free of any development. Should the proposal for 800 dwellings go ahead it will be almost entirely covered and therefore the proposal would impact the Green Belt both spatially and visually.

NPPF para. 134 sets out the purposes of the Green Belt: (i) to check the unrestricted sprawl of large built-up areas. The NPPF does not define sprawl, but it is generally taken as the contiguous expansion of an existing settlement into the surrounding countryside. This development would create urban sprawl.

b) to prevent neighbouring towns merging into one another.

At the moment the site marks a very clear boundary between Hertfordshire and Buckinghamshire, there is a strong risk of coalescence if this goes ahead.

c) to assist in safeguarding the countryside from encroachment;

The proposal would encroach 300m as viewed from the public highway of Green Street frontage.

d) to preserve the setting and special character of historic towns;

The proposal would have a significant impact on views from Chorleywood Common Conservation Area and therefore will result in less than substantial harm to the character and setting of the Conservation Area and nearby Listed Buildings.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development of the site would not assist in urban regeneration. It takes pressure off the brownfield first approach by developing cheaply on green field sites. Contrary National and Local Policies.

In their case, the Applicant argues the present use is not 'optimal' which makes little sense. Residential development, which is inappropriate, would certainly not be the optimal use for either the purposes of the Green Belt or the AONB.

The Applicant's intention is to "Make most efficient use of poorly performing Green Belt and land which does not contribute to the landscape and scenic beauty of the AONB."

The site fully performs its Green Belt purposes and the quality of the landscape of an area should not be a consideration when assessing the contribution of Green Belt to the fulfilment of those Green Belt purposes. The only reason it isn't well used is because there isn't public access and it is fenced off to prevent Public Access, there is no doubt this could perfectly lend itself to an appropriate small scale agricultural use.

NPPF Paragraph 136, states that Green Belt boundaries should only be altered where exceptional circumstances are "fully evidenced and justified" and such alterations should be carried out through the Local Plan process. At the present time the Council is developing its emerging Local Plan.

This application is speculative development and it has not been tested rigorously through the local plan process. Given the recent dramatic reductions in future household projection for Hertfordshire, the impact that the proposals will have on the Green Belt and the national status of the AONB, this application appears to be speculative and premature.

AONB

The Starting Point is to note that the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that " In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better.

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance.

Section 84 of the Act states that a Local Planning Authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of that area. That includes prohibiting inappropriate development.

Section 85 of the Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to or affecting land within these areas. This is known as the 'duty of regard'. It is the responsibility of the Local Planning Authority to fully justify its recommendations for approval of development proposals by referring to the criteria for the AONB's special qualities.

NPPF para. 172 limits the scale and extent of development within AONBs. There is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it. Major development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. 'Exceptional' circumstances are more onerous than 'very special' circumstances.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:

- (a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

National planning policy does not require development that causes harm to nationally designated landscapes to be automatically approved. Planning Practice Guidance, as revised in July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas [AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas".

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way. The applicant has not presented a rigorous and well detailed sequential assessment in support of their case to build on this site. Instead the Applicant and their agents have thrown in their opinion setting out this site is not particularly special as far as AONB is concerned.

The Applicant argues the same as it is outlined under 'Green Belt'. It is considered that "the land does not contribute to the landscape and scenic beauty of the AONB" (Planning Statement para. 7.2); "harm to the AONB would be localised and limited". (para. 7.5) The Design and Access Statement says that the site "does not have a remote feel or many characteristics typical of the Chilterns [AONB]."(para. 1.10.79).

There are many different characteristics in different parts of the AONB. It is irrelevant whether this part of the AONB has a remote feel or not. None of these comments is supported with rigorous, objective evidence.

Planning Practice Guidance says policies for protecting the AONB may mean that it is not possible to meet objectively assessed need for development in full and the AONB is unlikely to be a suitable area for accommodating unmet needs and the extent of public interest in the need for housing has to be balanced against that in the Green Belt and the AONB and all other material planning considerations. In this case, the Applicant's case is premature.

Mix and Type of Housing

Whilst the applicant proposes a mix of houses, this is only broken down by unit numbers. The applicant claims to provide a genuine mix of homes for first time buyers and downsizers. This is not true. If the applicant was serious about creating a mixed and balanced community, it takes into account at the outset where and how homes for downsizers would be built. There is nothing to suggest the applicant is making provision for genuine good quality accommodation for over 55. Over 55s would not be tempted to move out of family sized homes into small scale units that are squeezed in one on top of the other. The submission takes no account of this.

Amenities

Whilst it is acknowledged that the site is within 2km of Chorleywood Station and the local centre, in order to get to the site there is quite a climb in and out of the centre of the village which will inevitably result in residents having to drive down to the shops and back home. Otherwise it would take at least a 20 minute walk each way to purchase a pint of milk or a loaf of bread. The applicant has not considered the sustainability of the site at all. For 800 homes, it is bewildering why there isn't a basic commercial unit proposed to serve the residents of the future development. It would be a sustainable location that could also serve children walking to and returning from the St Clement Danes school. This development simply provides homes for people commuting in and out of the city and fails to provide a development that integrates into the village.

Benefits

The provision of a golf club (at peppercorn rent) and a football club on the opposite side of the road in Buckinghamshire is cited as a benefit. The applicant suggests parents dropping children to St Clement Danes could park at the football club during pick up and drop off times which is cited as a benefit. There are strong objections to this. At the moment this is merely a speculative application at Buckinghamshire Council. There is little control over this facility as it does not form part of the application. The proposal is not a joint application that has been submitted to Buckinghamshire Council and TRDC at the same time, the two applications are entirely separate which again highlights the speculative nature of this entire development. The facilities that the community have very clearly highlighted there is a need for is ignored, instead the developer has negotiated has offered individual organisations benefits that only benefit a handful of people and do not contribute towards infrastructure demand across the village or the demands generated by this proposal. Furthermore, if the offer made by the applicant for the golf club is secured by the local planning authority this would distort competition and could amount to State aid.

There are significant concerns as the Applicant has stated within their Statement of Community Involvement that "the parking for the sports facilities on the west of Green Street can be used as a drop off and pick up area for St Clement Danes pupils, which will be much safer than the current informal use of Green Street for this purpose." This will only encourage more traffic through the village and the sports facility would be used for purposes other than sports and recreation. This conflicts with the purposes of the Green Belt and the Parish Council will be raising this issue with Chiltern District Council. The Parish Council requests that Officers at TRDC object to the proposal for the football club at Chiltern District Council.

As noted above, the proposed and improved cycle routes the Applicant is proposing is undeliverable as it is illegal to cycle across Chorleywood Common and land that is relied on to deliver improved cycle routes aren't within the Applicant's ownership.

4. Impact on the Chorleywood Common Conservation Area

Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Planning Statement acknowledges there will be some significant changes to the views of adjacent residents and recreational users of the Common. The Environmental Statement notes the scheme will cause less than substantial harm to the significance of Chorleywood Common Conservation Area.

The Environmental Statement considers “the Site forms a small percentage of this surrounding countryside, and is set back from the historic cores of the conservation area behind intervening built form and thick mature vegetation (Figure 7 and Figure 9). The landscape of the Site slopes down to the south, and has been organised for agricultural use. It is therefore considered that the Site makes a considerably lesser contribution to the wider setting of the conservation area than its immediate setting.”

This is incorrect, the photograph shown on the landscape drawing and a site visit suggests the site is visible from the Common and the proposed development would have a significant detrimental impact on the Common. Not only would the built form erode the open landscape setting of the surrounding area that contributes to Chorleywood Common’s historic setting.

The appearance and treatment of the spaces between and around buildings is also of great importance. The aim should be for any development to result in a benefit in environmental and landscape terms.

Given the density that it is being built to, it would result in a cramped built up urban form. The proposal would fail to maintain the open and rural character of the Conservation Area. The proposed dwelling would significantly alter the fabric of the area and amount to serious ‘cramming’ in what is currently an open field and a site to the edge of the village. The applicant cannot propose a density which is more appropriate in town centres. It further harms the setting of the Conservation Area.

The proposal allows very little space for landscaping and we believe that it would lead to gross overdevelopment of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.

Whilst the scale and appearance of the development is not for determination at this stage, the indicative masterplan portrays a dense three storey housing covering most of the site with open space. New buildings would be highly prominent when viewed from the adjacent the Common and Shire Lane. The impact on winter evenings would be especially damaging and to the Chorleywood Common due to light spillage from street and domestic lighting. It would be harmful to wildlife and undermine enjoyment of the countryside and the night sky, especially given the area currently is intrinsically a dark landscape.

No robust public benefit argument has been put forward to outweigh the significant and detrimental harm to the character and historic interest of the Chorleywood Common Conservation Area.

5. Impact on a Valued Landscape

Paragraph 170 of the NPPF notes:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The landscape of which the application site forms a part is valued by local people and those visiting the area and this is enough to give it the protection provided by Paragraph 170 of the NPPF. The Chilterns AONB is made up of a mosaic of land uses, varied typography, landscape history, it includes a dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and views which combine to make the whole of this site an integral part of the memorable landscape.

The site itself contributes to the historic setting of the village and is an important marker for the border between the Kingdoms of Wessex and Mercia, now the counties of Herts and Bucks and the openness of the Chorleywood Conservation Area. It is situated within the Chilterns Landscape region and it is a site of ecological and conservation interest. Its scenic quality is derived from its undulating terrain that is appreciated from within the site and areas surrounding the site. The area is distinctive, attractive and wholly worthy of being treated as a 'valued landscape'. The landscape harm, erosion of the area of local separation, the harm to the conservation area, negative impact on the wildlife corridor and the loss of agricultural land all of which significantly outweighs the benefits of either 300 or 800 homes that the new development would contribute towards making up the district's housing shortfall.

There will be a significant change to views from the Chorleywood Common, from the public footpath immediately to the south of the site and Orchard Drive beyond as well as the two footpaths around the field to the north of the site."

There will be significant impact when viewed from three of the four sides of the site, including from Public Rights of Way (Prows 11 and 014) and longer distance impact from other parts of the Green Belt. This is borne out by the photographs of receptor sites included in the documentation. Apart from the receptors mentioned above, the development would also be clearly visible from a number of other sites. e.g. View 5 Amersham Road where it is claimed that "the site is screened by hedgerow vegetation even during the late winter", (except, unfortunately, in the photograph provided by the Applicant.)

6. Highways Impact

The Applicant states that the Development of the site is planned to take 8 years which causes concern over the impact on existing residents of disruption, dirt and noise.

The Applicant states that 'the proposed Development has not been tested' and 'could be supplemented following further discussions with the Highways Authority prior to determination of the application'. This is unacceptable, the impact would be significant and detrimental and this information must be provided upfront.

Recognises Chorleywood Parish Councils concerns about the underpass between Green Street and Shire Lane but the remainder of the report fails to address the issues that the increase in traffic, created by the Development, at this underpass.

The Applicant's analysis has been based on forecasts and the chosen assessment year is 2030 the anticipated year of opening.

The Applicant states 'no consultation has taken place for this application'. States that the railway at Chorleywood connects to Watford. That is not strictly true, see comments above. As it is widely known, public transport and travel times within the District and County are especially poor.

With regards to the traffic that will be generated by the construction workers. It is noted that car sharing and use of public transport will be encouraged. However, parking in Chorleywood is strictly controlled due to the volume of commuter traffic created by Chorleywood Railway Station. If any development is approved it should be conditional that the Development site must include parking for the construction workers.

The Applicant suggests that 70% of the traffic generated by the Development will travel north from the site and 60% of which will then travel east towards Junction 18 of the M25. Table 8.6 suggests this increase is between 45% and 93% that is a magnitude of change between slight and substantial. The suggestion is a 30% increase in traffic going south from the site. Table 8.6 suggests that this increase is between 21% and 36% which is a magnitude of change between less slight and slight. However the comment that this will be more dispersed towards the south, west, and east goes not address the issues of the difficulty in crossing the railway line or the fact that exit from Chorleywood in all of these directions results in traveling along narrow lanes some not wide enough for white lines down the middle.

Should any application be approved at this site, it should be conditional that there is no left turn onto Green Street from the Application site between the hours of 07:00 and 09:00 to prevent single track lanes being used as shortcuts to the M25 and other routes. Such a solution has been implemented successfully in the London Borough of Hillingdon and it is enforced by a traffic camera.

7. Travel Plan

The Applicant states 'it is not possible to calculate the required vehicle and cycle parking at this stage as the residential mix is not yet known'. However, access would determine the layout, the number of homes and car parking layouts. Officers should be mindful that the application site requires a hike up Green Street's undulating terrain and it is unrealistic that there will be car free homes or that each dwelling would only require one car parking space. Given the quantum of development proposed, there is a risk the estate would be littered with car parking which goes against good placemaking principles.

PROW 14 does connect Green Street with Chorleywood Common and is suitable for pedestrians but not cyclists as it is illegal to cycle on Chorleywood Common. It is currently not lit due to its conservation value. This route cannot be used for cycling and it cannot be lit and must be maintained for pedestrians only.

National Cycle Route 30. This runs through Long Lane, Chalfont Lane and continues to Little Chalfont.

States that the Metropolitan Line connects to Watford, although this is true it is necessary to change trains at Moor Park and the Watford Metropolitan Line Station is a long walk from Watford town centre. It would take at least 50 minutes. This suggests journeys to Watford will in fact be undertaken by car.

States that railway services go to Watford, although this is true it is necessary to change twice, once at Rickmansworth and once at Moor Park. (see Comment on 2.22 above). To get to the centre of Watford you can take a Metropolitan Line train to Northwick Park, walk

to Kenton and then get a London Overground train to Watford High Street. This would take approximately 1 hour. This suggests journeys to Watford will in fact be undertaken by car.

Chorleywood Railway Station is within the maximum preferred walking distance from the site however pedestrian access to the village is poor and undulating.

Within the centre of Chorleywood there are only four places to cross the railway line for pedestrians and two for vehicles. One is a pedestrian only underpass, known as the Cattle Creep, which joins two parts of Chorleywood Common. The other pedestrian only underpass is within the confines of Chorleywood Railway Station, owned by TFL, and it is only with their agreement that residents can use it without purchasing a ticket. A bridge, known as Shepherd's Bridge, is used to cross the railway line east of the railway station, but it is narrow and has no pavements for pedestrians. Photo 5 included in the report, shows the bridge at the end of Green Street that passes through to Shire Lane. The road way is narrow as is the pavement. It is possible for cars to pass each other but not HGV's.

In the Environmental Statement Chapter 8: 8.2.48 states 'fear and intimidation are other problems caused to pedestrians and cyclists by the proximity of vehicular movements'. The Parish Council suggests that the lack of pavement on Shepherd's Bridge and the narrow pavement in the Shire Lane underpass is a cause for fear and intimidation if the volume of traffic were to increase.

Any increase in volume of housing to the north of the Railways Line will adversely effect all Chorleywood residents' ability to cross the railway line safely, whether they are in a vehicle, on a bicycle, or on foot.

States that 'a travel survey will be carried out within three months of full occupation of the Proposed Development site' and 'undertaken annually for five years'. A travel survey should be undertaken now, so that the impact of the Development on the area can be accurately assessed. States that a Travel Plan Coordinator will be appointed and will actively engage with Hertfordshire County Council. Nothing is said about who will appoint this person or how this person will be financed.

Currently Chorleywood Parish Council is responsible for the interaction with Hertfordshire County Council on matters relating to highways and footpaths and this is financed through the precept. The improvements to the traffic lights on the A404 & Common Road were partially funded by Chorleywood Parish Council.

The travel implications of the development would not disappear after 5 years, it would continue forevermore this will only increase pressure and demand on this historic village for the next twenty, fifty and hundred years. The development of the site should consider its impact upfront and propose solutions that are sustainable and not left flippantly to an unspecified monitoring officer to manage for a period of 5 years.

8. Socio Economic Impact

Health

On page 6.27 table 6.9 states that:

- The Gade Surgery has 7.76 doctors with 11,755 registered patients, equalling 1,515 patients per doctor and therefore spare capacity for 3,765 patients
- This is factually incorrect. Not all the doctors work full time so in actuality the surgery only has 5.375 doctors serving 11,816 patients resulting in 2,198 patents per doctor
- Herts Valley Clinical Commissioning Group state that doctor to patient ratio should be no more than 1:2,000 so rather than the surgery having spare capacity it is in fact over subscribed
- Conclusion: There is no spare capacity to serve these potential new residents at The Gade Surgery

In order to serve these potential new residents (either the 300 or 800 homes application) the surgery would need to recruit new doctors and expand its premises to meet the increased demand and provide appropriate facilities. This would be extremely difficult at its current location

Furthermore, if the objective of the housing developments is to provide homes for new families and downsizers it is reasonable to assume a potential polarisation of age groups within these potential new residents i.e. more residents at opposite ends of the age spectrum. This will present additional challenges for the surgery as these age groups (very young children and older residents) tend to have a higher patient to appointment ratio and also a need for more "on the day" appointments, due to the health challenges they present, than other age groups. Section 6.11.3 on page 6.43 supports the fact that there is an ageing population in TRDC - expected 34% increase in those aged over 65 during the period 2016 to 2031

This will place additional pressure on the surgery in respect of accommodating these new patients and lead to potential frustration for existing residents in respect of securing a doctors appointment.

Given the discrepancies presented in the Socio Economic report for The Gade Surgery it is reasonable to call into question the data presented for the other Surgery within Chorleywood and the Dentists.

In light of the above, the Parish would refute the point about "No significant" impact on Primary Health Care made in section 6.8.1 on page 6.39 of the Socio Economic Report

There is no mention of additional defibrillators being provided to serve this new housing development. The existing ones are in the centre of the village and are potentially too far away from the epicentre of this new population to provide any realistic benefit.

There is also no mention in the report of the potential increase in ambulance response times for these new residents.

In summary the Socio Economic report contains inaccurate data and a number of omissions which significantly calls into question their position that these developments would have "no significant impact" on Primary Health Care within Chorleywood.

Schools

Currently there is no capacity within Chorleywood for additional school places, with most schools being oversubscribed. The schools do not have the capacity to accommodate pupils from this level of housing development.

Using their statistics 800 new dwellings could mean a potential of approximately 1200 further children (1.5 per dwelling). This equates to three extra classes per year group being required.

Due to the location of the development it will have a detrimental effect on the ability of families to access St Clement Danes School which is already oversubscribed. SCD has over the past few years expanded to meet the current demand and have advised that they do not have space to expand again. This development would displace those children already living in Chorleywood further away from the school to have to choose schools outside the local community.

In order for this development to be acceptable, it must provide a new primary and secondary school within Chorleywood to mitigate against the impact of the development. It is unacceptable that this proposal would displace school places for children living within the

village. It is completely unacceptable that this development flippantly offers a notion contribution to be spent 'elsewhere in the District' when its impact would be felt locally within Chorleywood and only reinforces its prematurity. Any development at this may only be considered through the local plan process ensuring that it is supported by the right infrastructure so it is truly sustainable for existing and future residents.

9. Water Environment

Chorleywood Parish Council have a fear of Surface Water Ingress into the Village Centre of Chorleywood following the area of the Village Centre being devastatingly flooded twice in the 1990's. These events resulted in remedial work being undertaken on Chorleywood Common, one of the highest points close to the centre and Thames Water improving the surface water drainage in the lowest areas. The flood risk maps produced by the Environment Agency confirm these fears and demonstrate the roads at risk as being Whitelands Avenue; Green Street; Orchard Drive; Homefield Road; Lower Road; Chorleywood Bottom.

The Parish Council are pleased to see that the risk of flooding to the village centre has been recognised by the Developer and should be mitigated by the landscaping proposed.

Should any development of this area of Chorleywood be approved it should be conditional that the landscaping proposals are completed as part of the first phase.

11.3.5 & 11.6.25 – This States that 'insufficient capacity exists within the foul sewer network'. Thames Water has an obligation to provide the necessary sewage infrastructure. Any decision regarding the development of this site should be deferred until Thames Water has demonstrated they are willing and able to 'reinforce the sewage network to accommodate post development discharge without detriment'.

11.6.26 – This states that 'the Proposed Development could have a potentially major adverse and significant effect upon both Affinity Water supply network and associated groundwater abstractions'. Any decision regarding the development of this site should be deferred until Affinity Water has demonstrated they are willing and able to address these issues.

10. Ecological Impact

The proposed creation of a wildlife area as part of the wider housing development has the potential to provide increased and improved habitat (i.e. well designed ponds and long grass/scrub areas) for a range of wildlife than is currently present. There is very limited habitat currently on site with the most valuable being the boundary hedgerows and associated trees. These are expected to be protected, retained and improved within the proposed development.

For any new habitat to be effective it must be well designed and implemented with thorough oversight by experienced and qualified ecologists. As the Savills report notes, it is clear that further, more detailed ecological surveys are required. For instance, myself and other local residents have noted skylark (*Alauda arvensis*) being present and displaying breeding behaviours on site and yet this species has not been mentioned in any report or survey. This is a red list species protected by the Wildlife and Countryside Act 1981.

The Savills report is contradictory in places with it being noted under section 10.5.1, table 10.6, mitigation measure E that "Boundary habitats will be subject to no increase in lighting levels beyond current levels during both construction and occupation of the proposed development. This will preserve the value of the retained habitats, in particular for nocturnal species." Yet in section 10.7.2 table 10.7 mitigation measure J "A dedicated wildlife area will be established in the south of the site, with minimal lighting (for public safety only)."

The information contained within the proposed homeowner pack to be created and distributed to all potential future occupiers will need to be produced with thorough consultation and oversight by interested local parties (i.e. Chorleywood Parish Council) to ensure the information contained within about local designated sites (i.e. Chorleywood Common) is correct and accurate.

Whilst it is encouraging that a proposed Landscape and Ecological Management Plan (LEMP) will be implemented post development, the reach of the plan should extend beyond the planned 30 years which is a mere blink of an eye in ecological terms. The plan should detail long term strategic management and include a review process every 3-5 years in perpetuity.

And finally, for a proposed development of this magnitude, inside designated Green Belt, within an Area of Outstanding Natural Beauty (AONB) and in times of greater environmental awareness and responsibility, the area of land set aside for wildlife and conservation could and should be much greater and more ambitious than the 9ha planned.

Below is an extraction of the key points from chapter 10 of the development proposal documentation that covers the environmental statement and ecology report for the proposed development at Green Street, Chorleywood.

The report acknowledges that due to the timing of the planning application during the coronavirus pandemic that Chapter 10 has been prepared with historic data with further surveys planned for later in 2020.

Mark Kemp (Director of Environment and Infrastructure at Hertfordshire County Council) notes that “the need for further, specific surveys and/or mitigation for great crested newts (GCN), badgers, bats, breeding birds and hedgehogs appears reasonable”.

Anita Parry (Ecology Advisor, Hertfordshire Ecology) agrees with the ‘need for further specific surveys and/or mitigation’ for the above species and that ‘measurable biodiversity net gain will need to be demonstrated and delivered to satisfy the aspirations of the National Planning Policy Framework (NPPF) in achieving overall net gain’.

1A public responder commented that ‘in view of the declared climate emergency and the government’s objective to plant 30 million trees a year, that a new woodland environment could be created instead of the proposed development.

The site is located within the Hertfordshire Ecological Network as an area identified as offering potential to, but not supporting, habitat listed on S41 of the Natural Environment and Rural Communities (NERC) Act which states “these patches contain habitats not currently qualifying under S41 of the NERC Act but with high potential to do so... and should nonetheless be avoided by development... because they are important components of ecological networks and it is much quicker, less risky and more cost-effective to restore these habitats than to create new ones elsewhere”.

An extended Phase 1 habitat survey was conducted on 21 November 2019 and updated on 15th April 2020.

In the ‘do nothing’ scenario, no significant changes are predicted to occur and habitats within the site boundary would continue to be managed intensively for agriculture through cattle grazing.

Bats – it is assumed that the site supports a moderate number of species of local/county importance at the boundaries of the site and that the majority of the site (which offers much lower quality habitat) supports a low number of species of local/county importance.

GCN - It is assumed that ponds within 500m to the east support a medium population of GCN and reasonable to conclude that the species is absent from ponds within 250m to the west.

Badgers – It is assumed that the wider Quattro landholding supports one main sett and one annex/subsidiary sett and that the site is used by one badger clan. The site is considered to be of no more than local value.

Table 10.2 provides a summary of the Phase 1 habitats present on site.

Hedgerows – There are two hedgerows on site, both are generally defunct but species-rich. Both hedgerows are considered to be a Habitat of Principle Importance under S41 NERC Act, 2006.

No artificial illumination is located within the site boundary resulting in the perimeter features and main open area offering dark conditions for nocturnal animals.

Flora - No protected/notable species of flora were recorded on site during the Phase 1 survey and is unlikely to support such species due to its improved and grazed nature.

Bats – From a review of local records provided by the Hertfordshire Environmental Records Centre (HERC) and the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) and from taking into account the habitats present on site, it is considered likely that the site supports multiple species of bat.

Bats – The initial bat survey undertaken on 22nd April 2020 identified multiple bat species and it is considered they may use the boundary features of the site (trees and hedgerows) for foraging, commuting and possible roosting as opposed to the centre of the site. The baseline information will be updated during additional surveys during the course of 2020.

Badgers – Two active badger setts are present within the wider Quattro landholding adjacent to the sites eastern boundary. The site itself offers approx. 9 hectares of suitable foraging habitat for this species with even more extensive habitat being present in immediately adjacent areas.

Amphibians - The boundary habitats on site and in the adjacent area within the Quattro landholding provide suitable terrestrial and hibernation habitat for GCN. The grassland does not offer any refuge or hibernation habitat and has limited value as foraging habitat.

Amphibians – The boundary habitats on site are also considered suitable to support low numbers of common toad and common frog, both recorded locally.

Reptiles – The site offers very limited habitats of suitability for reptiles.

Breeding Birds – The boundary hedgerows and trees offer suitable nesting habitat for various species.

Breeding Birds – The on-site grassland offers suitable foraging habitat for a range of species, although is a limited resource for raptor species, being heavily grazed and lacking any sward height suitable to support small mammals/rodents.

Hedgehogs – Records exist for locations within 2km of the site. The site itself is considered to offer suitable foraging and hibernation habitat for this species, particularly along the edges of the site and within boundary hedgerows and deadwood.

Dormouse – The hedgerows on site offer limited suitability to dormouse.

Invertebrates – Overall, the site is considered likely to support an invertebrate assemblage comprising predominantly common and widespread species although the more floristically diverse and complex habitats (such as the boundary hedgerows) may support legally protected and or notable species.

Trees – The hedgerows contain a number of standard trees offering features suitable to support roosting bats.

Improved grassland – The site predominantly comprises an improved grassland field currently grazed by cattle. The grassland is species poor and is maintained at a very short sward height (5cm at time of survey) due to cattle grazing.

Table 10.6 Summary of inherent design mitigation.

A - Boundary habitat (hedgerows with trees) with associated vegetated buffer to be retained and protected through the use of barrier fencing to provide habitat and unchanged connectivity for invertebrates, birds, GCN and common amphibians and reptiles, badgers, bats and other mammals. Enhancement of the habitat within the buffer to provide a species rich resource. Hedgerow planting to infill existing gaps to increase ecological value. Retained open greenspace in the south of the site will provide alternative habitat for species inc. badger, GCN, bats and hedgehog.

B – Avoidance of injury or killing of GCN through the use of standard methods to be implemented through a Natural England GNC mitigation licence. No increase in lighting within the retained perimeter habitat features to ensure use of these habitats and long-term connectivity.

C – A Construction Environmental Management Plan (CEMP) will be produced for the site which will set out specific avoidance and control measures to protect the environment and associated receptors.

D – Tree protection fencing will be used where necessary. The removal of Class A and B trees will be minimised as far as possible at the two locations required for site access. Trees that are required to be removed will be replaced at a suitable location to be agreed with the LPA ecologist and Tree Protection Officer. No potential bat roost trees currently present a need to be removed.

E – Boundary habitats will be subject to no increase in lighting levels beyond current levels during both construction and occupation of the proposed development. This will preserve the value of the retained habitats, in particular for nocturnal species.

F – Creation of a series of new ponds within the retained greenspace area to include appropriate marginal planting to provide additional suitable breeding habitat for GCN, foraging habitat for bats and a water source for mammal species.

G – No increase in lighting beyond current levels, retention of boundary habitats and buffer around the development allowing long term connectivity to local badger setts, adjacent suitable foraging and other habitats.

H – Repeat badger survey as part of CEMP to confirm location of setts and to confirm no additional measures required. Use of an Ecological Clerk of works during construction if deemed necessary following repeat badger survey.

I – No vegetation clearance will take place during the bird nesting season (Feb – Sept inclusive). Where this is not possible, a suitably qualified ecologist will perform a detailed check of the vegetation to be cleared no more than 2 days before clearance is due to commence. Should a nest be found, a suitable buffer will be established and clearance of the vegetation delayed until all chicks have fledged.

A key aim of the proposed development is to deliver Biodiversity Net Gain through the creation and enhancement of habitats.

There is likely to be additional recreational pressure from new residents on Chorleywood Common LNR due to increased visitor numbers leading to changes in plant communities arising from the effects of nutrient enrichment of soils as a result of dog faeces, removal of

plants, trampling of habitats and disturbance to individual species. Consequently a medium magnitude of change is predicted which may result in effects that are significant in the absence of additional mitigation measures.

There is the potential for a reduction in the ecological value of the boundary hedgerows and trees following development of the site. The implementation of mitigation measure A (additional planting) will ensure the ecological value of this habitat is maximized. However, without appropriate management and maintenance of this in the future, the ecological value of these habitats will decrease. Consequently a medium magnitude of change is predicted which may result in effects that are significant in the absence of additional mitigation measures.

Table 10.7 details the additional mitigation, compensation and enhancement measures required.

J – A dedicated wildlife area will be established in the south of the site, with minimal lighting (for public safety only).

K – A Landscape and Ecological Management Plan (LEMP) will be produced for the site which describes the management, maintenance and monitoring prescriptions for the areas of newly created and enhanced habitat and other ecological features for a period of 30 years post development.

L – A homeowner pack will be produced for each new dwelling, to include info on: the local designated sites (i.e. Chorleywood Common) including their features of importance, habitats and species the support and responsible amenity use by new residents to preserve their value (i.e. keeping dogs on leads, picking up dog waste, using the bins provided and keeping to footpaths). Responsible use of the on site wildlife area for amenity purposes including info on the species likely to be using the area, dwellings with bat boxes/tiles etc.

M – provision of bat boxes at appropriate locations in retained trees to be advised by a suitably qualified ecologist.

N – Areas of scrub habitat will be created comprising nectar rich native species providing suitable habitat for invertebrate prey species.

O – Creation of hibernacula and log piles within the site boundary for GCN, and other amphibians and reptiles. Additional linear ponds will be created along the boundary habitats to provide new breeding habitat and providing a stepping stone habitat as a new link to wider suitable habitat to the west.

P – Bird boxes to be installed along boundary hedgerows/in trees.

Q – All new fencing will contain gaps measuring 12x12cm every 10m to allow hedgehogs and other smaller species to access areas of potential foraging habitat.

The proposed Green Street West development will provide approximately 9ha of additional woodland habitat thereby significantly increasing the number of trees in the wider local area. This is considered to have a significant positive cumulative effect. Should the application be allowed, this should be subject to a planning condition.

A significant positive cumulative effect is also predicted as a result of the Green Street West proposals in combination with the Green Street East proposals in terms of legally protected and notable species. Increased foraging, commuting, nesting/breeding and hibernation habitats will be provided for a range of species (inc. bats, badgers, GCN, reptiles, invertebrates, breeding birds and hedgehogs).

11. Conclusion

The applications are premature and speculative that simply deliver housing numbers which is a very short term objective as is made evident by the fact there ONS is projecting a fall in household growth. And yet, the harm proposed by this development is significant and lasting. Once built on, this would change the character and setting of Chorleywood, harming the natural and historic environment. It fails to take into account existing designations and

robustly evidence that there is no other brownfield site within the District that could meet housing needs.

The proposal would result in the loss of Green Belt and AONB designated land and create an unsustainable form of urban sprawl. It fails to provide genuine amenities on site for existing and future residents. It would have a detrimental impact on the sustainability of Chorleywood where existing residents would be displaced and there is limited capacity in the village health centres and school to accommodate the scale of growth proposed because it is not supported by the right infrastructure within Chorleywood for existing and future residents. The proximity of a site to an underground station is not the only determining factor of sustainable development.

Should any development be considered for this site, it must be done so through the local plan process where it is robustly tested so there is a clarity on the sustainability of the scheme. Contributions and planning obligations expected from development should be set out from the outset as part of the local plan process where the level and type of affordable housing and supporting infrastructure (education, health, transport, flood and water management, green and digital infrastructure) is set out within the local plan. For the reasons outlined within this Statement, the Parish Council request this application is refused.

9.1.4.1 Chorleywood Parish Council (February 2022): [Objection]

Following a public meeting held at the War Memorial Hall on 07 February 2022, where 100 members of the public attended in person and online, at a Full Council meeting on 08 February 2022 the Council resolved to object to the applications being considered at Land East of Green Street under ref: 20/0882/OUT and 20/0898/OUT and to call the applications in to be decided at the Three Rivers Planning Committee.

Whilst the detailed considerations are set out in the table below, the principal concerns raised by the Parish Council are as follows:

- That the concerns listed in the Parish Council's detailed report issued in 2020 have not been addressed by the additional technical documents produced by the Applicant.
- Significant concerns remain that the proposal would result in detrimental harm to the rural character and the historic setting of Chorleywood Common Conservation Area and other nearby heritage assets.
- The huge demand for infrastructure that both developments generate has been completely ignored by the Applicant.
- Both applications are inappropriate development in the Green Belt and the Chilterns AONB.
- Failure to align with the policies within the Chorleywood Neighbourhood Development Plan.
- The development would result in a significant rise in traffic movements by private vehicles. The limited range of services/facilities in Chorleywood together with the topography of Chorleywood, the narrow roads and limited footways for such a large number of residents would result in the majority of journeys being made by car.
- That the benefits of the Golf and Football Club are not within Chorleywood Parish, Three Rivers or Hertfordshire, are not guaranteed and, as both are private clubs, are not truly "Public" benefits
- The proposal is contrary to a Development Plan. It results in harm to the Green Belt including definitional harm, harm to its essential purposes and harm to openness arising from the proposed scheme. It also harms the Chilterns AONB by its very nature which results in an uncharacteristic urban sprawl into the countryside. The harm caused by this development is significant. There are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan.

	Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT
Natural Environment (AONB)	The development proposed is within the Chilterns Area of Outstanding Natural Beauty (AONB). The AONB has the highest level of protection, above that of Green Belt, so that development in an AONB can only be allowed if there are “exceptional circumstances”. The Applicant has failed to provide any exceptional circumstances or to demonstrate there is no other site within Three Rivers or Southwest Hertfordshire that could accommodate new housing before proposing irreversible damage to the Chilterns AONB which also forms the rural and tranquil setting of the village of Chorleywood.
Natural Environment (Ecology)	<p>The Chorleywood Parish Council Conservation Ranger and local residents have noted Skylark (<i>Alauda arvensis</i>) regularly being present and displaying breeding behaviours on site, and yet this species has still not been mentioned in any report or survey. This is a red list species protected by the Wildlife and Countryside Act 1981. The matter raised by HCC regarding further isolation of Chorleywood Common cannot be swept aside by stating that links remain to the north and south (where the Common is bounded by the A404 and M25) when a large proportion of its western boundary will be more isolated from the wider countryside. With the huge volume of green space and fauna movement routes already lost to HS2 there is diminishing space allowing for wildlife movement between sites. A herd of Roe deer are very regularly seen on the proposed development site.</p> <p>Management of Chorleywood Common is already significantly funded by the parish Council with 2 full time, qualified rangers in post. The offer of a contribution to the Parish Council to support the management of the Common (Response to HCC Ecology Point 18.3) will not serve to reduce the impact of extra footfall of pedestrians and dogs where such high pressure already exists and either demonstrates a lack of understanding of the impacts or is an empty gesture.</p> <p>The developers propose to create a footpath situated at the southernmost point of the development to link up with public footpath 14 which runs from Green Street in the north to Chorleywood Common in the south. This is simply not possible as cycling is prohibited on the Common (Section 193 of the Law of Property Act 1925 and Chorleywood Byelaws dated 23 March 1995). Once again, the Applicant has simply ignored this matter which only points to how ill thought-out and unsustainable the development actually will be, in that future residents will be heavily reliant on private vehicles to meet their needs.</p>
Green Belt	<p>The development proposed is within the London Metropolitan Green Belt. Whilst each case must be decided on its merits, there are many Appeal Decisions where development in the Green Belt has been refused because such developments are poorly thought out and harm the openness of the Green Belt, very much like both of these applications.</p> <p>Unmet housing need does not amount to Very Special Circumstances capable of outweighing the harm caused by inappropriate development in the Green Belt as set out in the Ministerial Statement (2014) and later incorporated into circular (2015) and PPG.</p>

	Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT
Socio-Economic Impact	<p>The applications do not address the socio-economic concerns raised in July 2020. There is no firm commitment to provide land for a primary school. Furthermore, the shortage of school places extends beyond primary level, to secondary level as well, and there is no mention of how this will be addressed.</p> <p>The applications fail to acknowledge or address the devastating impact the additional homes will have on local services. For example, there is no provision for additional medical facilities within the development or elsewhere, no community hub in the “estate,” no additional defibrillators etc.</p> <p>The applications fail to respond to the policy requirements of the Chorleywood Neighbourhood Plan. It conveniently omits alignment to a number of other policies. Particularly the need to provide a sustainable development and protect and improve infrastructure and community facilities. The proposal’s empty gesture, which provides some additional inappropriately placed ‘urbanising facilities’ outside the Parish, District and County, is simply unacceptable. This development would make the existing village unsustainable.</p> <p>The development is not well connected to existing services e.g. shops, transport, etc., which are approximately 0.5 miles away down a steep hill with narrow pavements at points. Accessibility to these services e.g. doctors & shops will be very difficult for someone with limited mobility or young children, resulting in a high reliance on private vehicles to meet their needs. No provision has been made within the development for shops or medical services.</p> <p>The developer implies that if the development goes ahead then there is the opportunity to build Golf and Football Clubs at Green Street West. Yet again there is no firm commitment to do this. Even if these are subsequently provided, they only benefit a small percentage of Chorleywood residents and could result in additional “outside” traffic coming through the village. The provision of such facilities, if they ever materialise, does not even begin to offset the harm to Chorleywood caused by a development of this size.</p>

Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT	
Traffic & Transport	<p>The applicant has provided extensive new information in the form of a revised traffic and transport assessment including junction modelling requested by the relevant highways agencies. There are concerns over the quality of the modelling as the results appear inconsistent, for example, 300 dwellings is expected to cause additional delays of 46.9 seconds at the Green Street/A404 junction whilst 800 dwellings is expected to only cause delays of 27.98 seconds (Table 8.8 in the respective traffic assessments). This trend is seen across the data for several junctions.</p> <p>Whilst the applicant appears to address most of the questions asked by the agencies, it is notable that the applicant has not responded to the agencies' queries on the impact on J17 of the M25. As the access to this junction from the proposed site would be via a narrow country lane (Long Lane), which already struggles to cope with the levels of traffic experienced in busy periods, this is of considerable concern.</p> <p>The developer has concentrated on the impact that the Green Street development will have on the A404 and one of the junctions on the M25 that serve Chorleywood. However, the time slots quoted in the Developers calculations are shorter than required and do not match the periods of high volumes that are experienced by the residents.</p> <p>Chorleywood Parish Council has previously recorded the issues that pedestrians currently experience crossing the railway line that dissects the centre of the village. As a result of proposals to build a significant number of new houses around the village and, in particular, in Green Street, the Parish Council engaged a company to carry out a traffic survey. The results of this undertaking have shown that the impact on pedestrians and traffic within the centre of Chorleywood by any development in Green Street, will be considerable.</p> <p>The Parish Council's own evidence states that traffic flow via the bridge peaks during the morning peak hour as would be expected, however the evening peak occurs during school pick up (3- 4pm) and not the typical weekday evening peak of 5-6pm. This suggests that peak traffic flow on the network is more associated with school traffic than general commuting traffic.</p> <p>The pedestrian count under the railway bridge shows a substantial level of pedestrian flow northbound in the morning peak hour and southbound in the school afternoon peak hour.</p> <p>This highlights the importance of the railway bridge for connections on foot towards schools north of the railway line principally St Clement Danes School. The current layout of the highway under the railway bridge prioritises vehicles over pedestrians, which results in a footway which is too narrow to adequately cater for its current usage. The developer in their Transport Assessment sets out anticipated trips by all modes of transport from the site but does not quantify likely travel routes or destinations for any mode of travel other than by car. However, the TA does set out likely levels of traffic flow which will result in a significant increase in peak hour traffic flow. Whilst junction capacity is given due consideration in the assessment work, the impacts on pedestrian movement is given limited attention. Indeed, the additional traffic flow from the development will result in the Green Street/Shire Lane/Station Approach junction exceeding theoretical capacity in the future year scenario.</p> <p>The developer has attempted to address the concerns of the Parish Council with regard to the road junction where Green Street meets Station Approach and Shire Lane by offering a redesign of the junction. Unfortunately, their plan cuts across and blocks the entrance of a private road which is the access for some of the residents to their homes and pays no regard to the fact that the ancient hedge located in their design, forms the boundary of the Common Conservation area and is protected under the Chorleywood Neighbourhood Development Plan. In addition, it is considered that it is unlikely that modifying the junction will have the desired effect due to the narrow nature of the tunnel under the railway immediately proximate to the junction.</p>

Comments apply to both Application 20/0882/OUT and Application 20/0898/OUT	
Water/ Sewage	<p>Thames Water has stated that 'insufficient capacity exists within the foul sewer network'.</p> <p>The developer has ignored Thames Water's concerns and no changes are evident in their plans to mitigate the problem. The residents of Chorleywood are already suffering from issues with the current sewers and Thames Water have received numerous complaints. The Chorleywood Parish Council has a detailed correspondence file on this matter and this situation already exists before any large development in this area has been approved.</p> <p>Affinity Water has stated that 'the Proposed Development could have a potentially major adverse and significant effect upon both the supply network and associated groundwater abstraction. The developer has ignored Affinity Water's concerns and no changes are evident in their plans to mitigate the problems.</p>

Application 20/0882/OUT 300 Dwellings	
Historic Environment	The Parish Council maintain the proposal will result in detrimental harm to the Chorleywood Common Conservation Area. It fails to conserve the heritage assets in a manner appropriate to their significance.
Landscape and Visual Effects	<p>The development would result in harm to the rural setting of Chorleywood. It would introduce an uncharacteristically large and dense development within the AONB. The proposal would be harmful because it would introduce a dense urban form of development that would be discordant with the characteristics of the AONB. It would create an uncharacteristic urban sprawl in this location.</p> <p>It would be visible from various points in the Chorleywood Common Conservation Area as well as the surrounding area. It would result in the loss of open views from the footpaths adjoining the site. The light spillage, pollution and associated domestic paraphernalia would result in harm to the current tranquil landscape setting of the Chiltern AONB.</p>

9.1.4.2 Chorleywood Parish Council (April 2022): [Objection]

The Full council met on 12th April 2022 where the additional information submitted by the Applicant was considered. It was concluded at the meeting that the Parish Council's original and subsequent objections against the application continue to stand. In addition to the objections already raised, the Parish Council further add:

- It was also noted that in the Applicant's E-Technical Note it still says you can cycle to the station using footpath 14 and Old Common Road. This cannot be facilitated as cycling on the Common is illegal?
- The Parish Council's concerns about the situation with pavements at the junction of Green Street and Station Approach, and the tunnel have all been ignored
- The survey on Crested Newts expires in June 2022, it needs to be redone.

Chorleywood Parish Council maintain their objection to planning ref: 20/0898/OUT - Land East of Green Street (300 Units) and wish to CALL IN the application to the planning committee.

9.1.5 Chorleywood Residents Association: [Comment received]

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Natural Environment (AONB)	The development proposed is within the Chilterns Area of Outstanding Natural Beauty (AONB). In the additional documentation the applicant has provided, they have included seven Appeal Decisions where Planning Inspectors / the Secretary of State have given permission for development in Green Belt. However, they do not relate to sites in AONB which has the highest level of protection, above that of Green Belt, so that development in an AONB can only be allowed if there are “exceptional circumstances”. As such, the applicant has still not provided any examples that would demonstrate that an appeal would be allowed for development such as this in AONB.	
Natural Environment (Ecology)	The applicant has provided additional information in response to questions from Hertfordshire Ecology. This seeks to demonstrate that mitigations will be put in place to offset and damage to the natural environment. However, in this analysis, in the mitigations planned no consideration has been given to ground nesting birds such as Skylarks (<i>Alauda Arvensis</i>) which have been observed on the site and there is no obvious mitigation that can be put in place. This is of particular concern as the Skylark appears on the RSPB’s Red List for endangered UK birds species and therefore is protected under the Wildlife and Countryside Act 1981. Note: the information for 20/0882/OUT was not provided until 7 th February (two weeks into the consultation).	
Green Belt	The development proposed is within the London Metropolitan Green Belt. In the additional documentation the applicant has provided, they have included seven Appeal Decisions where Planning Inspectors / the Secretary of State have given permission for development in Green Belt. However, it should be noted that there are also many Appeal Decisions where development in the Green Belt has been refused.	
Historic Environment	In the new documentation, in response to comments raised by Chorleywood Parish Council to the first consultation, the applicant accepts that this proposal will have a significant adverse effect on views from the Chorleywood Common and its associated Conservation Area.	No material new information
Traffic & Transport	The applicant has provided extensive new information in the form of a revised traffic and transport assessment including junction modelling requested by the relevant highways agencies. There are concerns over the quality of the modelling as the results appear inconsistent, for example, 300 dwellings is expected to cause additional delays of 46.9 seconds at the Green Street/A404 junction whilst 800 dwellings is expected to only cause delays of 27.98 seconds (Table 8.8 in the respective traffic assessments). This trend is seen across the data for several junctions. Whilst the applicant appears to address most of the questions asked by the agencies, it is notable that the applicant has not responded to the agencies queries on the impact on J17 of the M25. As the access to this junction from the proposed site would be via a narrow country lane (Long Lane), which already struggles to cope with the levels of traffic experienced in busy period, this is of considerable concern.	

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Traffic & Transport	<p>In the new information the applicant recognises that the modelling for this application shows that, due to the increases in traffic from the development, there would be a major adverse impact to traffic delays at the junction of Green Street and Station Approach. The applicant contends that, if the junction were modified to create two lanes at the end of Green Street, this would reduce the impact on traffic delays so that they would reduce from that currently experienced.</p> <p>However, it is questionable whether this change to the end of Green Street could be achieved. It would require widening the road across the hedge separating Homefield Road (a private road) from Green Street, thereby merging the exit from Homefield Road into Green Street. Also, the hedge involved is protected in the Chorleywood Neighbourhood Plan as it marks the ancient boundary between Wessex and Mercia.</p> <p>If the change to the end of Green Street could be made, it is also questionable whether the predicted reductions in delays could be achieved as the modelling does not appear to take into account the narrowness of the road under the railway bridge.</p> <p>The pavement under the bridge is very narrow and is used by a very high number of pedestrians during morning peak hours, mainly children going to school. Any increase in traffic will increase the risk to these children and will cause them and their parents to fear for their safety.</p> <p>In addition to the major increase in delays at the junction of Green Street and Station Approach, the applicant's report recognises that there will be moderate increases in traffic delays at the junctions of Green Street/A404 and A404/M25</p>	<p>The applicant's report recognises that there will be a moderate increase in traffic delays at the junction of Green Street/A404.</p>
Schooling	<p>The applicant has raised the prospect of land being provided for a new school. However, no details are provided of where this might be and how the building of the new school would be funded.</p>	
Healthcare	<p>No material new information</p>	
Community Facilities	<p>The applicant has linked this development to the provision of additional football and golf facilities on the west side of Green Street. It should be noted that these facilities are directly linked to specific organisations and therefore these facilities could be considered as not fully public facilities. Also, these are dependent on the approval of a separate planning application by Buckinghamshire Council and approval of this is not guaranteed.</p>	
Affordable Housing	<p>No material new information</p>	
Flooding	<p>No material new information</p>	
Density of Housing	<p>No material new information</p>	
Design of Development	<p>No material new information</p>	

Impact Area	Application 20/0882/OUT 800 Dwellings	Application 20/0898/OUT 300 Dwellings
Sewage	Unrelated to the additional paperwork provided by the applicant, since the original application documentation was lodged, there have been issues with flooding in Whitelands Avenue and the bottom of Blacketts Wood Drive. Investigations by Thames Water have shown that this is related to a hydraulic pinch point in the main sewage network for Chorleywood so that, at times, the network cannot manage the existing demands. In their latest response to the applications, Thames Water have confirmed that the sewage network cannot support the proposed new housing and have asked that specified conditions are fulfilled before any new houses are occupied.	

9.1.6 Environment Agency: [No comment]

There are no environmental constraints within our current remit on this site and the previous/intended uses are not contaminative so we therefore have no comments at this time.

9.1.6.1 Environment Agency: [January 2022 response – No comment]

The Environment Agency is a statutory consultee on all development projects subject to Environmental Impact Assessment so they will both need to be logged onto our system. However, both applications fall under our risk bar as there are no environmental constraints within our current remit. We therefore have no comment to make regarding either application.

9.1.7 Friends of Chorleywood Common: [Objection]

On behalf of the Friends of Chorleywood Common, I wish to object to the proposed development as it is in the Green Belt and an Area of Outstanding Natural Beauty and it would have a significantly detrimental impact on the views from the Chorleywood Common and Conservation Area.

9.1.8 Hertfordshire County Council – Archaeology: [Insufficient information]

We wrote to you in January 2020 in response to a consultation on an Environmental Impact Assessment Scoping Opinion Request for this proposal. In our comments we discussed the archaeological potential of the site and noted the Iron Age and Roman evidence found in the surrounding landscape. We also noted the relatively large size of the site and the likelihood that given the density of archaeological sites recorded in Hertfordshire, a site of this size was likely to contain some heritage assets with archaeological interest.

We recommended that the following investigations be carried out, and the results be submitted with the Environmental Statement:

- An archaeological geophysical survey.
- An archaeological trial trenching evaluation.

This was so that an informed decision can be made with reference to the impact of the proposal on the historic environment.

These recommendations have not been carried out, and the Environmental Statement is therefore unable to assess the site in an informed way which would allow us to use the results to advise you. The applicant has also submitted an archaeological desk-based assessment with this planning application. Although it contains some useful information it was not carried out in consultation with this office and so is deficient in the information it uses to discuss this proposal. For example the Buckinghamshire historic environment record does not seem to have been consulted which is a requirement of the NPPF (paragraph 189) and is significant because the west and north sides of the site lie on and

close to the county border respectively. In any case, our advice to you noted above, did not recommend that such a report was required.

In section 1.4 *Key Heritage Considerations* the *Historic Environment Desk-based Assessment* (DBA) notes (paragraph 1.4.4):

“The key heritage constraint for the development is the potential for non-designated heritage assets (archaeological remains) to be present below ground. These archaeological remains, if present, will be impacted during construction of the development ...”

It goes on to say:

“...the local authority may request a pre-determination archaeological evaluation to identify any buried heritage assets of archaeological interest which may be impacted by the scheme..”

The DBA also says (paragraph 6.3.1):

“The potential for archaeological remains to survive across the Site is anticipated to be moderate to good..”

The Cultural Heritage chapter of the Environmental Statement (ES), notes (paragraph 9.2.3):

“It is evident that the Site has potential for archaeological remains to be present”

It also says (paragraph 9.2.46):

“It is possible that previously unrecorded archaeological sites will have survived within the Site. Therefore, there is an element of uncertainty over the nature, frequency and extent of the below ground heritage assets (archaeological remains). Additionally, due to the buried nature of these assets, there is an element of uncertainty regarding the survival, condition, nature and extent of the known sites identified within the Site.”

We agree with this statement and in the absence of the investigations we requested above are unable to advise you regarding the impact of this proposal on the significance of any heritage assets which may be present at the site.

The ES goes on to say (paragraph 9.5.4.) *“The Proposed Development does not incorporate any mitigation by design in regards to below ground heritage assets.”*

In considering this statement, we note the masterplan submitted with this application shows a dense array of housing. Although the southern part of the site does not appear to contain houses, it does include water and SuDS features which will also have an impact on any archaeological remains. Therefore given the above there appears to be little opportunity to accommodate the preservation *in situ* of heritage assets of high significance, should they be revealed by archaeological investigations.

In summary due to the lack of archaeological information submitted with this planning application we are unable to advise you on the implications of this proposal on the historic environment.

9.1.8.1 Hertfordshire County Council – Archaeology (March 2022): [Insufficient information]

The applicant has formally submitted a geophysical survey report to Three Rivers DC with this updated planning application. As far as I can see no other archaeological information has been submitted.

This is the same report that was submitted to this office by Savills on behalf of the applicant in December 2020.

We sent them the following comments on 25/1/21:

"Many thanks for sending us a copy of the geophysical survey report.

My apologies for the delay in replying, we have been extremely busy.

I am a little surprised at your request to truncate the archaeological evaluation part way through. Your e-mail below dated 2 October acknowledges that the geophysical survey is to be the first of a two part evaluation, which includes trial trenching as per our advice to Three Rivers DC. We have previously discussed this on the telephone.

In addition the geophysical survey report Summary (page i) notes its findings:

"A possible pit-alignment has been identified, likely forming boundary features. However, these could equally be natural in origin. Numerous discrete, pit-like anomalies have been identified that could indicate wider settlement activity such as extraction or refuse pits."

It goes on to say:

"A former watercourse has also been identified traversing the site that corresponds to a valley. While the presence of a former watercourse may make the location more favourable for settlement, there is no clear evidence of this in the survey data. Circular anomalies to the north of the valley may be evidence of ring ditches, but these are very weak and are considered more likely to be natural."

Therefore as previously discussed, we look forward to receiving a proposal for the remaining phase of the evaluation, which has some interesting points to clarify."

We have not received a reply. Our request for trial trenching is in line with our previous advice and the geophysical survey report notes anomalies which may represent heritage assets. The trenching will allow us to assess the significance of these heritage assets as per NPPF and also to look at other areas that are apparently blank and confirm that geological or other interference is not masking heritage assets there. Also, not all types of heritage assets are normally revealed by a single geophysical survey technique.

This information will also allow an informed design for the masterplan which appropriately considers the historic environment. Heritage assets can then be conserved, preserved and/or reflected in the layout of the site.

Therefore as per our original advice to you dated 17/7/20, due to the lack of archaeological information submitted with this planning application we are unable to advise you on the implications of this proposal on the historic environment.

9.1.9 Hertfordshire County Council – Fire and Rescue Service: [Comment received]

We have no objections to this application. There is no detail on the internal layout regards access for emergency vehicles to within 45m of all parts of each residential dwelling. Access and facilities for the fire service should comply with Approved Document B Vol 1. In addition there should be a hydrant within 90m of the entrance to each dwelling.

9.1.10 Hertfordshire County Council – Highway Authority: [Objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation.

In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for sustainability and safety for pedestrians and cyclists and highway layout safety.

The applicant seeks planning permission for the following development:

Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access)

The Highway Authority has reviewed the Transport Assessment (TA) submitted for the 300-unit scheme.

Sustainable Travel

The Highway Authority note that all applications are assessed against policies contained within the adopted Local Transport Plan 4 (LPT4). There are a number of policies contained within the document, but underpinning all other policies is Policy 1, as below:

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

The Highway Authority has assessed the Transport Assessment against the policies contained within LPT4.

Aside from describing the existing conditions and offering connections to the existing Right of Way, the Transport Assessment does not consider any improvements to the existing infrastructure that may be necessary for a development of this size.

Given that the Transport Assessment seeks to make the case for a lower vehicular trip generation given the proximity to Chorleywood Station (National Rail and London Underground), connections by walking and cycling to both the station and the village centre will be important.

The Highway Authority would seek that detailed consideration is given to the existing routes by way of a walking and cycling audit (PERS or similar), to Chorleywood (station, retail, local facilities and amenities), given the additional persons who will seek to walk from the development, in particular south towards Chorleywood, but also towards St Clements Dane School or community/leisure facilities on Rickmansworth Road.

With respect to cycling, the Highway Authority seeks to consider provision in accordance with guidance contained within CD 195 and LTN 1/20.

It is noted that a shared footway/cycleway is located on Green Street for the length of the site frontage, finishing at approximately 51 Green Street. However, the Highway Authority consider that the applicant should seek to make improvements to this facility given the increased number of trips, in accordance with the aforementioned guidance.

At any reserved matters stage, all internal layouts should be designed to the aforementioned standards. HCC's design guidance Roads in Hertfordshire may also be referenced, although is in the process of being updated; enquiries can be made to the Highway Authority with respect to highway geometry and internal layout as needed.

However, the Highway Authority currently has concerns with respect to pedestrian and cyclist safety using the existing infrastructure.

With respect to bus, the nearest bus stops to the site are accurately identified in the Transport Assessment, located to the south of the site on Green St. The Highway Authority uses the 400m distance criteria to assess accessibility of a site to bus services which is a widely used measure. The Highway Authority require that this is based on actual walking distances, not 'as the crow-flies'.

Existing bus stops would be within 400m of some of the site, but even with 300 dwellings some are currently likely to be over that distance. The bus service available is as stated, the hourly 103/X103 (Mon-Sat) which runs between High Wycombe and Watford and is operated with financial assistance from Bucks CC.

Both TA's state that adding a bus stop outside the site reduces maximum walking distance between dwellings and stops to approx. 450m. This being despite the extent of built up area being much less for 300 dwellings. It is not stated how many dwellings would be over 400m from these stops, but we would prefer that all dwellings were within 400m actual walking distance, and if this is possible through redesign of the masterplan and more direct pedestrian and cycle routes to these proposed stops, this should be pursued. This would be preferable to diverting the service into the site, which would incur extra journey time on the route. Consideration of these issues as well as the supply of isochrones maps for bus accessibility should be provided.

The proposed location of the bus stops for the 300-dwelling development is rather too close to the existing stops south of Orchard Drive (approx. 175m), with the proposals for the 800 dwelling development being preferable in terms of stop spacing and accessibility of the development. Whilst stop location has been chosen to suit the development proposed but stops that are too close together on a bus route is inefficient in operational terms. Moving existing stops further south would make them too close to the next stops on the route. For the 300 unit scheme as assessed within this response, the applicant should seek to address the above point in consultation with Hertfordshire's Passenger Transport Unit.

Whilst the 103/X103 bus service does provide accessibility to surrounding towns, its frequency is not sufficient to encourage regular usage. At 300 dwellings, the development may not be large enough to adequately contribute to improvements to the service for an appropriate period, nor generate patronage that would make any improvement viable in the long term.

The Highway Authority has sought initial views of the bus operator and internally within the Passenger Transport Unit. Whilst further investigation and discussion should be undertaken, there may be issues with improving the 103 service, given that this is a long route that runs out of High Wycombe, and a number of vehicles are needed to run it. A discussion needs to be entered into with the operator to understand the options and whether any increase to the service pattern is feasible, although may be difficult with one extra bus being introduced to the service.

Other options are around existing contract services that operate in Chorleywood such as the R2 service.

In summary, with respect to the bus provision, the Highway Authority is presently concerned that the existing hourly bus service is not going to be sufficiently attractive which without

improvement could lead to new residents using the private car as their first choice. It is noted that depending on where a resident lives in the site, they could be more than 1km from the station which is likely to encourage use of the private car, particularly given the development's location accessed from Green Street and Common Road where lighting and surveillance issues must be considered.

Travel Plan

As an outline application stage, the Travel Plan sets out the framework that the overall objectives and measures for the site. However, an updated Travel Plan would be required during the detailed planning stages to address the following outstanding information:

As an outline application stage, the Travel Plan sets out the framework that the overall objectives and measures for the site. However, an updated Travel Plan would be required during the detailed planning stages to address the following outstanding information:

- National and Local policy should be within the Travel Plan
- Interim TPC contact details should be provided if no official TPC has been appointed yet
- Secondary contact required for any personnel changes to the main contact
- Statement of commitment that is signed from the developer stating that they are commitment to implementing a successful travel plan
- Give an estimated amount of time the TPC role is expected to be allocated per month and the frequency the TPC would be on-site
- Due to the size of the development the Travel Plan should have a steering group with the following: Name, Frequency of meetings and the key stakeholders to attend the meetings.
- Highspeed broadband should be provided to allow homeworking
- A minimum of £50 per flat and £100 per house is required to be given to each dwelling in sustainable travel vouchers
- Once known detailed parking information including cycle parking should be added to the travel plan
- Baseline survey - multi-modal survey should be completed for the baseline survey. The date of baseline monitoring should be agreed with HCC but would be expected to be done around 200 occupations.
- Monitoring: should also refer to HCC Travel Plan guidance and multi-modal counts should also be part of the annual monitoring
- Says monitoring would be done for 5 years, due to the size of the development monitoring should be undertaken annually from baseline until 5 years after full occupation.
- The Travel plan should undergo a full review annually after monitoring
- The Travel Plan should mention that it would be secured via S106 with an evaluation and support contribution of £1,200 annually for the period of the Travel Plan.

The Travel Plan must be secured by S106 with an evaluation and support contribution of £1,200 per annum for the period of the Travel Plan, the Travel Plan should be implemented from first occupation until 5 years post full occupation. The relevant contribution would be calculated on the estimated build rate.

Given the scale and location of the development it would also be appropriate to secure contributions towards the delivery of Smarter Choices measures. These will promote or facilitate travel by non-car modes between the development. Initiatives can include bus vouchers, travel awareness campaigns, promotion of public transport information. The contribution will be calculated during the more detailed phase of the application, but an estimated contribution would be in the region of £80,000

Rights of Way and Footway Connections

The Highway Authority in conjunction with the Rights of Way team considers that improvements should be made to the existing network in order to facilitate trips by sustainable modes onto Green Street and Common Road.

The Highway Authority would seek a link between Footpath 11 and 14 to be constructed on the eastern boundary of the site. This would serve to provide a link to the Clement Danes school as well as increasing the overall permeability of the site. Whilst it is noted that for the 300-unit scheme this is outside of the applicant's red line, it falls within land under the applicant's control. The provision of a link for the 300-unit scheme is seen also seen as improving the sustainability of the site and providing an access to the Clement Danes school.

The exact specification should be discussed with the Rights of Way team, although this may take the form of a macadam path, in accordance with the latest guidance on the segregation of cyclists and pedestrians.

Footpath 14 (550 LM) on the site's southern boundary should be upgraded to a macadam surface with wide grassy margin for multi-use by vulnerable non-motorised users with respect to cycleway design standards. The Highway Authority is seeking improved access on this path taking the form of an upgrade to allow cycle use. We would seek a macadam surfaced width to accommodate both cyclists and walkers with grassy margins to form a 6-metre min green corridor along the edge of the estate concurrent with the Definitive line.

The Parish Council (Chorleywood) do not want to encourage cycle access across the common; the common is under their control, but cycle access to the common and connecting all-purpose highways should accord with HCC policy . This is important as it also links to the village and station . Further engagement with the Rights of Way team is therefore needed on this issue.

Footpath 14 (W165 LM) where it crosses from the site's south-eastern boundary linking to Common Road should be improved to facilitate additional trips. Improvement should be made to the existing natural surface to form a compacted granular surface concurrent with the common.

As noted above, the Highway Authority is seeking improvements to the existing Right of Way network and a further pedestrian/cyclist link on the site's eastern boundary.

In terms of links to Chorleywood, both via Green Street and also Common Road (which may be attractive for some residents accessing the station), or the public house and community centre, the Highway Authority is seeking a comprehensive audit of pedestrian and cyclist links, both using the existing footways and Rights of Way. The materials as submitted thus far do not give the Highway Authority confidence that pedestrian and cyclist links are satisfactory and that residents would wish to make use of these over the private car. This leads to doubt with respect to compliance with HCC LTP4 policies.

Site Access

The Highway Authority note the submission of drawing number SK24 which illustrates the site access point, proposed crossing, with the visibility splays shown on drawing number SK23.

With respect to the proposed site access on Green Street, the Highway Authority would be seeking that a higher level of visibility may be achieved given the existing 60 m.p.h. speed limit.

The Highway Authority would, however, seek a reduction in the speed limit on a section of Green Street to be agreed to a 30 m.p.h. limit. Any proposed change to the speed limit

should be first agreed with the County Council's Speed Management Group. Given that no prior consultation or approval with the Speed Management Group has been undertaken, the visibility splays should be shown in accordance with the existing posted limit. Speed surveys should be commissioned in consultation with the Highway Authority. Further to the above, given the existing speed limit, the Highway Authority would have concerns with respect to a proposed crossing to the west side of Green Street.

Should the applicant not proceed with a review via the Speed Management Group, a Road Safety Audit (Stage 1) should be submitted with the existing limit in place.

A Stage 1 Road Safety Audit should also be supplied on the basis of any successful application to the Speed Management Group illustrating the extent of the changes to the limit alongside the proposed access strategy/crossing point.

Assessment

The TA presents an assessment of the forecast trip generation and distribution.

The Highway Authority has reviewed the methodology and would like to make the following comments.

For the modal split using Temprow, the Highway Authority would seek that the journey purpose data is further broken down, for example in education, this should be primary/secondary, for retail, this should be food and non-food retail and other should be personal business/leisure.

Given the fairly low vehicular trip rate produced by the applicant's calculations, the Highway Authority would seek this further element of robustness.

It is also noted that given the site's position from Chorleywood, with no improvements to the footway/cycleway network, that trips using the underground/rail, may choose to in part to access the station by car or kiss and ride.

The Highway Authority also queries the very low number of cycle trips predicted.

With respect to the distribution, it is recommended that this is also done by journey purpose. The modal split has been undertaken using journey purpose, so the Highway Authority would recommend that this is also applied to the distribution.

The Highway Authority notes that the employment distribution is heavily weighted towards the north, whereas a more detailed analysis may suggest otherwise.

A more detailed distribution reflective of where people want to go may provide more evidence of the need to improve routes towards Chorleywood and the local schools.

Modelling

With respect to assessment of the proposed development on the local highway network, the Highway Authority recommends that the developer gives consideration to testing the proposed application using the County's strategic transport model, COMET. To this end, the applicant is advised to contact the Highway Authority in order to initiate discussions with respect to its usage. It is noted that the site does not feature in the County Council's current strategic model run.

The Highway Authority has noted that the 800-unit scheme should be tested using the COMET strategic model. The Highway Authority is not requiring such a test for the 300-unit scheme, although for additional robustness, this can nevertheless be considered by the

developer should the Highway Authority be approached with respect to commissioning model runs for the 800-unit scheme.

The Highway Authority notes the submission of junction assessments in the study area. Detailed comments will be provided on the robustness of the junction models should the above information with respect to the trip distribution/generation be provided.

Mitigation

Subject to Highways England response for M25 J18 and the assessment which needs to be provided for M25 J17, the Highway Authority may make further comment on the proposed mitigation as outlined within the TA. All mitigation proposals should be accompanied by a Stage 1 RSA.

Conclusion

In conclusion, this response has identified the need for the supply of further information.

The Highway Authority has requested that includes the further splitting of the journey purpose and distribution by journey purpose.

With respect to the proposed onto Green Street, this must be assessed on the basis of the existing speed limit (and not any proposed limit prior to the matter being taken to the Speed Management Group), and as such, this leads to doubt with respect to highways safety

An assessment of the application shows that the Transport Assessment has not demonstrated compliance with LTP4 policies and this to doubt to travel by sustainable modes.

At present, the Highway Authority has insufficient information and therefore recommends refusal of the planning application.

9.1.10.1 Hertfordshire County Council – Highways (Response 2, March 2022): [No objections]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

CONDITIONS:

New Access (Design) – Green Street

No development shall commence until full details (in the form of scaled plans and / or written specifications), have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i. Roads, footways;
- ii. Cycleways.;
- iii. Visibility splays;
- iv. Road Safety Audit; and
- v. Access arrangements.

Reason:

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

New Access (Delivery) – Green Street

Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing numbers SK41/42. Arrangement shall be made for surface water drainage to be intercepted

and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Off-Site Highway Infrastructure Works

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to show the off-site highway works on Green Street, as illustrated on drawing numbers SK41, SK42, SK43, SK44 and SK45, SK46 and SK47. Prior to first occupation, these works shall be constructed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority.

Reason:

To ensure construction of a satisfactory development and in the interests of highway pedestrian and cyclist safety in accordance with Policies 5, 7 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

Public Transport Infrastructure

Prior to the commencement of the development, details of the public transport infrastructure shall be submitted to and approved in writing by the Local Planning Authority. This infrastructure shall comprise of but is not limited to the following:

- Details of bus stop facilities to include raised height kerbs and shelters and real-time information signs, where agreed;
- Bus priority measures where appropriate within the Spine Road; and
- A programme for the delivery of the public transport infrastructure.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Construction Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan (in accordance with the best practice guidelines as described in the Construction Logistics and Community Safety (CLOCS) Standard), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

The plan shall include the following:

- i. The construction programme and phasing;
- ii. Hours of operation;
- iii. Details of any highway works necessary to enable construction to take place;
- iv. Details of any works to or affecting Public Rights of Way within and in the vicinity of the site These details shall demonstrate how safe and unobstructed access will be maintained at all times;
- v. Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- vi. Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;
- vii. Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- viii. Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- ix. Details of public contact arrangements and complaint management;
- x. Construction waste management proposals;

- xi. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- xii. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- xiii. Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.

Reason:

In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Monitoring

Prior to commencement of any development the submission and agreement of a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Travel Plan

At least 3 months prior to the first occupation of the development, a detailed Full Travel Plan, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan shall be implemented at all times.

Reason:

To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Rights of Way (PART A)

Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Rights of Way (PART B)

Prior to commencement (where appropriate) and/or prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason:

To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Maintenance of Streets - Outline

Prior to the occupation of any dwellings within any Parcel of the development, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to

the proposed arrangements for future management and maintenance of the proposed streets within that Parcel. Following the provision of such streets, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.

Reason:

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

Detailed Highways Plans – Outline

Prior to the commencement of the development, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways
- c. Cycleways (compliant with LTN 1/20);
- d. External public lighting;
- e. Minor artefacts, structures and functional services;
- f. Foul and surface water drainage;
- g. Visibility splays;
- h. Access arrangements including temporary construction access
- i. Hard surfacing materials;
- j. Parking areas for vehicles and cycles;
- k. Loading areas; and
- l. Turning and circulation areas.

No development shall be occupied until the detailed scheme has been implemented. The development shall be implemented in accordance with those approved plans.

Reason:

To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

HIGHWAY INFORMATIVES:

Hertfordshire County Council (HCC) as the Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

- i. Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel plan guidance document for business, residential and education development (March 2020). Individual Travel Plans will be required for each land-use (should any non residential development be included at a later stage), which is of sufficient size to require the preparation of such a plan;
- ii. Bus Contribution (£175k x 5 years); and
- iii. Sustainable Travel Voucher.

AN5) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN6) The Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. In addition, the following should be noted:

- The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works; safe passage past the site should be maintained at all times;
- The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete), should be made good by the applicant to the satisfaction of this Authority; and
- All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

COMMENTS:

The applicant seeks planning permission for the following development:

Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) | Land East Of Green Street And North Of Orchard Drive Chorleywood Hertfordshire

The Highway Authority note the first submission of this planning application in April 2020. The Highway Authority provided a formal response to the Local Planning Authority at the time.

It is noted that the development quantum remains the same with this application.

The Highway Authority held a number of technical meetings with transport consultant Origin which covered a number of works areas identified within our formal highways and transportation response.

This has included matters relating to trip generation and distribution, highway layout and visibility, modelling, mitigation and sustainable transport measures.

The development site is located to the north of Chorleywood village, with vehicular access proposed from Green Street.

Green Street is a 'C' classified road and a local distributor road in the Hertfordshire roads hierarchy. A single access point is proposed, with an emergency access to the north of the application site. Pedestrian access is shown to be provided directly onto Green Street and also onto Common Road via Chorleywood Common. Common Road is also a 'C' classified road and a local distributor road in the Hertfordshire roads hierarchy.

The application site lies on the edge of the urban area, although local facilities, amenities and public transport are available within a fair walking distance. This notwithstanding, it is noted that connectivity, in terms of walking, cycling and public transport needs careful consideration and assessment of sustainability issues. This is owing to in parts poor existing infrastructure and the character of the immediate surrounding area to be semi-rural in character. The Highway Authority, for example, note that the speed limit on Green Street on the application frontage is 60 m.p.h. and is bounded by dense vegetation/trees. The applicant's proposals do little to promote an active frontage on its boundary with Green Street in terms of enhancing surveillance and pulling northwards the suburban character of the southern section of Green Street.

The Highway Authority note the submission of revised documentation which includes Appendices A through to F.

With respect to the 300 home scheme, the initially submitted Transport Assessment is noted followed by a suite of Technical Notes which seek to respond to comments made by the Highway Authority. It is therefore understood that the information contained within the Technical Notes seeks to put forward the applicant's position with respect to mitigation. The Highway Authority's initial response to the planning submission in 2020 should be used for reference purposes for highlighting areas of concern.

Agreement has been reached on a number of technical issues with transport consultant Origin, including on trip generation/distribution, vehicular visibility splays and modelling. Given that agreement has been reached on these matters, the initial technical concerns raised by the Highway Authority are not repeated within this response.

Sustainability

The Highway Authority note the submission of Appendix D, Sustainable Travel Tech Note 6 V2.

The proposed mitigation may be summarised as below:

- i. Green Street (adjacent to site): footway /cycleway widening to 4m;
- ii. Green Street Junction with Orchard Drive: a partial set back of the footway /cycleway with marked priority;
- iii. Green Street (south of the site): footway /cycleway improvements including widening the footway /cycleway to 3m, tactile paving and better signing;
- iv. Green Street north of service roads: parallel crossing;
- v. Green Street southern end: re-painting of zebra crossing;
- vi. Station Approach: re-painting of the zebra crossing;

- vii. Common Road: It is proposed to provide a tactile crossing point at the junction of Gilliat's Green with Common Road;
- viii. An additional 20 cycle parking spaces at the railway station.

Walking

The Highway Authority has raised concerns with the submitted Transport Assessment (April 2020), with respect to consideration of walking routes. The applicant's own assessment materials note a number of issues.

The principal desire lines from the site are considered to be towards Chorleywood railway station and village either via Green Street or Common Road.

However, other destinations to the north of note include St Clement Danes School, Chorleywood Lawn Tennis Club, Chorleywood Cricket Club, Christchurch C Of E Church and a number of leisure facilities around the common. These facilities are located to the north of the site.

It is noted that further to comments made by the Highway Authority, the transport consultant has undertaken an audit using the "Walking Route Audit Tool" from the Department for Transport guidance "Local Cycle and Infrastructure Plans".

Whilst the supporting narrative has reviewed in part links to the north of the site, it is clear that the applicant has focused principally on routes towards Chorleywood railway station and village. It may be considered that connectivity to the north is presently poor, for example, there are sections of Common Road to the north of where it meets Footpath 32a that would require pedestrians to cross over to the east side to use the footpath on the Common itself. The Highway Authority consider that connectivity to amenities and facilities to the north of the site is poor. As such, the Highway Authority consider that improvements within the applicant's land that, for example, that can facilitate new links to Clement Danes School and along footpath Chorleywood 011 to take on more significance. This matter should be addressed further at the Masterplanning stage. More direct links, for example, by way of a footpath on the site's eastern boundary have been suggested by the Highway Authority in order to improve connectivity.

The mitigation measures included within the Sustainable Travel Technical Note have nevertheless focused on improvements to Green Street on the site frontage and south into Chorleywood.

The proposed enhancements to Green Street are acceptable in principle with respect to access on foot. It is noted that the applicant proposes a Zebra crossing on Green Street (shown on drawing number SK 30 Rev B, with extract below) to the north of the service roads at approximately number 45/56 Green Street. Whilst such a provision is welcomed, this should be subject to a Road Safety Audit. The Highway Authority notes the gradient on the approach to the crossing, which from the north may encourage higher than desirable vehicular speeds. Evidence of satisfactory 85th percentile speeds should be supplied to accompany a Road Safety Audit.

Drawing number SK 30 B FOOTWAY / CYCLEWAY AND ZEBRA CROSSING IMPROVEMENTS (see below extract) also shows the existing Zebra crossings at the southern end of Green Street and Station Approach are to be repainted. The Highway Authority welcomes this measure.

It is noted that using an alternative route to the station via Footpath 14 (via Common Road), the only improvement proposed on the public highway is a tactile crossing point at the junction of Gilliat's Green with Common Road. It is noted that cycling is not permitted across the Common, although the applicant's provision is shown on Green Street.

Cycling

The Highway Authority note that the revised documentation contains details of a shared footway/cycleway on Green Street which seeks to upgrade the existing (footway) provision.

The drawings show a shared footway/cycleway on Green Street.

No analysis appears to have been made available of the potential flows of pedestrians and cycle users along Green Street with the development (whether 300 or 800 units), in operation. This has a bearing on whether a Shared-Use path would be suitable (ref. LTN 1/20 6.5 and Table 6-3), with regard to pedestrian/cyclist interactions, although the preference is for fully segregated pedestrian and cycle provision.

Partial setback and full setback junctions to LTN 1/20 Figure 10.13, such as those shown on the drawings, are likely to be unacceptable on Road Safety grounds within speed limits above 30mph. This would need to be subject to further review, such as on the site access itself, although a solution is considered feasible. The HCC Road Safety Team has stated elsewhere that such junctions are only suitable on roads with a maximum 30mph speed limit (this is less than the 40mph indicated in LTN 1/20).

A buffer strip should ideally be provided between the cycle track or Shared-Use path. Its width should be as recommended in LTN 1/20 Table 6-1. This could fit with continued provision of bollards along the path edge.

Assuming that the site access crossing for cycles and pedestrians cannot follow precisely the format of LTN 1/20 Figure 10.13, the junction should be designed to maximise the safety of pedestrians and cycle users.

- Entry and exit kerb radii should be minimised, for example to 4m.
- The crossing length should be minimised. If the crossing(s) for pedestrians and cycles includes a central refuge island, then that should include a waiting area at least 3m x 3m.
- The crossing location should be considered in relation to speeds of vehicles turning from Green Street.
- Visibility splays in accordance with LTN 1/20 Section 5.8 and Table 5-6 should be provided, both for cycle users approaching or waiting at the cycle route give way markings and for general traffic approaching the crossing used by cycle traffic.

Whilst the Highway Authority does seek an arrangement which provides a continuous crossing for cyclists across the proposed site access junctions (and one in keeping with the principles of LTN 1/20), it is clear that some modifications to the proposed access are necessary. This may include moving the cycleway/footway which goes across the junction (currently shown as set back approximately a vehicle length back from Green Street), further into the site and more tapered radii than what are presently shown. It will also be necessary to design a feature at the junction mouth that discourages cyclists from simply going straight across the junction. Other safety features such as a central refuge may be necessary. The design should be subject to a Road Safety Audit. The Highway Authority note that the applicant has not provided such a document despite a request for one.

Conditions for cycling along Shire Lane through the railway bridge are poor, yet a primary destination for non-commuting utility cycling and walking would appear to be Lower Street, accessed through this bridge. It would be possible to introduce signals for one-way traffic flows through the bridge, both to reduce the risk of bridge strikes and to provide wider footway. Cycles would still need to use the road, which would be less constrained because there would be no opposing traffic flow.

Drawing SK42

The junction layout is akin to those shown in LTN 1/20 Figures 10.13 and 10.15, but some of it is contrary to those.

1. It would be preferable to have separate footway and cycle track along the road, segregated from each other by a 60mm kerb. The cycle track should be 3m wide.
2. The road has a speed limit of 60mph, for which we would want a buffer strip 2.5m wide (absolute minimum 2.0m) between cycle track and carriageway. If the speed limit will be lowered, then narrower buffer may be provided (see LTN 1/20 Table 6-1). In this location I would anticipate that the buffer might be a grassed verge, with bollards or other measures if parking on the verge is likely to be an issue. Should we end up with a Shared-Use path, I would still want to see this buffer provided.
3. The side road exit and particularly entry radii should be much tighter. LTN 1/20 Figure 10.15 recommends a maximum radius of 6m, and we should go for smaller if possible. The purpose is to slow turning traffic before they need to give way to cycles or pedestrians.
4. As the splitter island is not a pedestrian refuge, it could be reshaped and/or moved further from the carriageway edge, which might facilitate right turns into the side road given the smaller radii requested above.
5. The Shared-Use path radii look tight. LTN 1/20 Figure 10.15 stipulates at least 4m radius, and the plan gives the impression that much larger radii are possible. I would want to see larger/gentle radii provided.
6. The set back from carriageway to side road crossing looks like it exceeds the minimum 5m, which is good. However, it would be helpful to have the minimum dimension specified on the drawing.
7. We would expect the Shared-Use path (or footway and cycle track if provided instead) to be on a raised table across the junction. The ramps should have speed hump markings, as indicated on LTN 1/20 Figures 10.13 and 10.15.
8. Visibility splays 31m along the Shared-Use path in both directions should be provided as shown within LTN 1/20

Drawing SK42

1. Points 1 and 2 above apply.
2. If separate footway and cycle track are provided, a Shared-Use section or bus stop boarder arrangement will be needed at the bus stop.
3. Immediately south of the bus stop is some sort of access. If this is a pedestrians only access then tactile paving will be needed where it joins the Shared-Use path or cycle track.
4. South of the site access a line of dots is shown across the pedestrian and cycle route. What are they?
5. Orchard Drive: points 3, 5, 6 and 7 above apply.

Drawing SK43

SK42 points 1, 2, 3, 5, 6 and 7 above apply.

Whilst the Highway Authority welcomes the principle of mitigation to Green Street which seeks to promote walking and cycling, it is clear that further work is necessary to produce a satisfactory arrangement. However, the Highway Authority is content to accept the principle of the proposed access arrangement and off-site highways works, which subject to further design work (and Road Safety Audit), are likely to be acceptable.

Rights of Way

The Countryside and Rights of Way (CRoW) team has been engaged with the development proposals (via the Highway Authority), and the improvement plans put forward. Comments have been issued to the applicant's transport consultant on a number of occasions.

The CRoW team note the HCC document, Non-Motorised Routes: A Design Guide which contains detail of specifications for various types of Right of Way. When considering improvements or new routes, the CRoW team seek to implement the principles as contained within this document.

It is noted that the aforementioned document refers to definitive widths of six meters for all non-motorised multiuser routes, including the upgraded routes of FP 11 and in particular FP 14 which comprises a 3 meter bound surface for cycle/pedestrian users, alongside a 3 meter wide grassy margin. The latter acts as a refuge to reflect the multi user nature of the path.

However, paragraphs 4.5 and 4.6 only refers to the three meter bound surface and makes no reference to the three meter grassy margin that would make up a definitive width of six meters. It is noted that FP 14 is mostly within the application site and there is a change in levels between the walked line (between hedges), and the applicant's land (field margin) to the northern side of the path; the applicant has the space necessary to establish a wider route (6m) to accommodate all vulnerable non-motorised users. The applicant should clarify in more detail what they can offer along this section.

For Footpath 14, HCC would seek a macadam surface suitable for cycle use and an upgrade in status to cycle track whilst retaining the Definitive Status of Footpath .

The section from Green Street to the common edge should be upgraded for cycle use in order to form a cycle way concurrent with FP 14. HCC would envisage a green corridor route containing the existing DM line and an abutting macadam cycle route including a verge /green margin . The width request of six meters allows this to be fitted within in the existing topography .

HCC would seek to include work on the full length of the path, including the section beyond the application site and then across the common, working to improve the surface within the available definitive width over land outside the applicant's control. HCC note that Chorleywood Parish Council are responsible for the common. It is noted that the desire line across this section of the common actually runs east-west and onto Old Common Road (and not on the definitive line).

Work on the section across the common would be subject to Secretary of State for the Environment approval. The macadam surface treatment across the common should be to a 'heritage' standard; this may be coloured material to reflect the nature of the common.

The applicant refers in paragraph 2.4 to access to the school from the proposed development site via FP 11 and in paragraph 4.5 makes reference to improvements to facilitate users, "if sufficient land is available at the Old Common Road end of FP 14". More information is needed on what the applicant plans to provide within their site with reference to HCC's NMR document how the applicant plans to mitigate the effect of their development on FP 11 & 14 whilst ensuring improved access is provided in limited space.

The status of the proposed cycle/ footway connections across the site shown as two green dotted lines (see map extract below), are not clearly defined. The applicant's intention whether these are sought to be adopted by Hertfordshire Highways or dedicated as Definitive Rights of Way should be clarified in terms of formal status. It is also noted the planned widths do not relate to HCC's NMR document.

The applicant has also not clarified status of the estate roads which serve as connections to the dotted green cycle/footways. If public access is to be established the legal status of the estate roads must be addressed for clarity along with the status of the green dotted routes .

It is noted that the applicant has attempted to deliver the desire lines identified in our previous comments as summarised in paragraph 6.5, so linking FP 11 to 14 through the site appears to be intended, although the status and width of the estate roads and the linking paths needs clarification as does the proposed increase in width of FP 11 (see statement

above), which has a recorded existing width that varies between 6ft to 3-5 meters & FP 14 currently recorded at a width of 3ft.

Footpath 13 links to the side gate of the secondary school (St Clement Danes). The school promote this as a main access point for students on foot and as such it is a very heavily used path . This route also serves as access to Chorleywood House estate managed by the parish council, offering sports facilities and access to the River Chess (chalk stream), so is a considerable public draw.

HCC would seek an extension to the macadam surface on FP 13 to link from the school side gate east - west (55LM) to link to the proposed development site boundary and the new link routes. This is not presently shown.

It is noted that there is an existing non-definitive pathway from FP 13 running east to west along the application site boundary to link to Green Street .

This is used by the school at present and we would seek to establish a multi user route along this line or immediately to the south with in the application site , the drawings are unclear as to the boundary position in relation to this path .We would again refer the applicant to our 2 NMR Design Guide , requesting a suitable legal status to reflect cycle and pedestrian use , a 6 meter green corridor including a macadam multi-user surface and grass verge would be our preference.

HCC has previously asked for a new route that runs along the eastern boundary of the site, linking FP 14 and 11 in the most direct form. Given that no improvements are proposed on Common Road (either to the existing footway or a crossing to the east side of Common Road, or improvement to the footpath on the common), it is particularly important to understand the status of the estate roads and footways , with reference to adoption if they are to be considered as links to the Definitive Rights of Way network .We are particularly concerned as the applicant has indicated the use of the estate carriage/ footway system on both schemes as links in/out of the site for residents . Whilst such links are welcomed we are seeking links both in and out and through the site for the public and as such, HCC seek to secure legal status for these routes either as adopted highway or dedication as Definitive Rights of Way/Cycle Track.

Given that there remain some issues outstanding, the Highway Authority recommend the preparation of a Rights of Way Improvement Plan document, to be agreed in conjunction with the CRoW team and the Highway Authority. A planning condition to this effect is recommended (see proposed planning conditions at the beginning of this response).

Public Transport

Train

It is noted that Chorleywood railway station is located approximately 1km from the site and therefore within walking distance. The station may be reached via Green Street or Common Road.

Chorleywood station is served by both National Rail and London Underground services. Transport for London (TfL) has made comment under separate cover with respect to the access requirements of the station and accommodating the additional trips generated by the development.

It is further understood that additional cycle parking is to be provided at the station which is welcomed. It is likely that some residents may wish to cycle to the railway station.

Bus

The Highway Authority has noted that some parts of the site would be over 400m walk to the proposed bus stops.

The Sustainable Travel Note states that “It should be noted that approximately 66% of the dwellings are within 400m and 95% within 600 metres. The pedestrian routes to the bus stop are already very direct but this will be considered in more detail at reserved matters stage.”

It is noted that the applicant seeks to place two new bus stops on Green Street.

Both TA’s state that adding a bus stop outside the site reduces maximum walking distance between dwellings and stops to approx. 450m. This being despite the extent of built up area being much less for 300 dwellings. As above, it is now stated how many dwellings would be over 400m from these stops, but we would prefer that all dwellings were within 400m actual walking distance, and if this is possible through redesign of the masterplan and more direct pedestrian and cycle routes to these proposed stops, this should be pursued. This would be preferable to diverting the service into the site, which would incur extra journey time on the route.

It is noted that two new bus stops are to be provided on Green Street as stated in paragraph 5.4 of the Sustainable Travel Note. “The two new bus stops that will be provided near the emergency and pedestrian / cycle access will include flags and shelters.” The Highway Authority welcome such provision, although note that for some parts of the site are over 400m walk to such stops.

Whilst the 103/X103 bus service does provide accessibility to surrounding towns, its frequency is not sufficient to encourage much usage. Given the presently poor accessibility to bus services, the Highway Authority is seeking a contribution towards bringing a bus route into the site. Whilst the site is within walking/cycling distance of the town centre and rail station, residents are likely to want to travel further afield and to a wider range of destinations than are possible via direct rail services and the proximity of stops at the site and better bus services would encourage these journeys to be made by sustainably.

The Highway Authority has advised previously that for a site of this size, prospective residents should have access to a bus service.

Origin note that “A meeting was conducted with Carousel Buses on 12th May 2021, where it was advised that the 103 service is a 1.5 hour end to end service with no available time within the service to accommodate diversions. Carousel advised that it would therefore not be desirable to run the service into the site.”

The above notwithstanding, the Highway Authority has made consultations with HCC’s Passenger Transport Unit.

It is the opinion of the Passenger Transport Unit that the applicant should widen the scope when considering the provision of bus services for the site. It is considered that it could be feasible to provide dedicated facility by diverting and/or enhancing the existing R1 and R2 services (which serve Chorleywood).

The Highway Authority would seek pump priming of this service to a value of £175k p.a. for a period of five years (to be paid prior to occupation of the first dwelling and prior to or on the anniversary of the occupation of the first dwelling). This would be secured via a Section 106 contribution.

The Highway Authority consider it of key importance to provide such a bus service that can route into the site in order to demonstrate compliance with the provisions of Local Transport Plan 4. The site’s position on the northern periphery of Chorleywood makes it important to

ensure that suitable bus provision is made as walking via Green Street/Common Road, particularly at night (being on the edge of an urban area or access via the common), may not be attractive to some and will ensure that more car trips are made.

Bus vouchers

The Highway Authority would seek via Section 106 agreement the provision of bus vouchers in order to encourage the usage of public transport from the outset of the development. This would provide vouchers that could be used for three months.

£70 per month (indicative bus fare cost) x 3 = £210

£210 x 300 = £63,000

Voucher printing cost @ £1 per booklet (each booklet is the value of £70 – 3 booklets per household)

3 x 300 = £900

Reimbursement process/design time: £4,000

Travel Awareness campaigns/PT information: £10,000

Total £77,900

Travel Plan

As this development is a large residential development, a comprehensive Full Travel Plan will be required. The applicant has submitted a Residential Travel Plan. At this outline stage, the Travel Plan is acceptable, although prior to first occupation, should be updated (in consultation with Hertfordshire's Travel Plan team), to accord with our guidance.

A review of the applicant's Travel Plan and recommended changes is contained within Appendix A of this response.

The residential development will require a Full Travel Plan and £6,000 Evaluation and Support Fee and should be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance for Business and Residential Development. This should incorporate measures to promote sustainable transport, an appointed travel plan coordinator and an appropriate monitoring programme.

Full guidance is available at:

www.hertfordshire.gov.uk/travelplans, or for more guidance contact: travelplan@hertfordshire.gov.uk.

The Plan should include targets that will be assessed using surveys and which monitor actual trip generation against the predicted trips (including trips by modes) as identified in the TA to confirm the effectiveness of the mitigation measures identified in the Travel Plan. Surveys to include:

- i. An ATC at each of the entrances to the development;
- ii. A questionnaire survey to determine how people are travelling; and
- iii. Usage statistics for the bus service.

Monitoring would be undertaken 9 months from the occupation of the 1st dwelling and repeated every 12 months for a period of 5 years.

In support of the Travel Plan, residents will be encouraged to make use of the bus service, through the provision of initial free travel. It should take the form of the provision of Travel Vouchers to claim an initial three-month free travel on the bus service, on the basis of one ticket per household. The cost of such provision is estimated at £77,900 to be secured via a S106 agreement (this may be negotiated in conjunction with the local bus operator). This excludes an additional figure for marketing and printing of the vouchers.

The travel vouchers would be redeemed with the bus operator. It is estimated that a three-month voucher would cost £210 (pooled vouchers), multiplied by the total number of residential units. The vouchers would be for individual journeys and could be pooled across

a household. This is considered sufficient to allow all members of a household to try using the bus a number of times.

Access

The applicant has proposed a new access onto Green Street, as illustrated on drawing number SK42.

The Highway Authority note the discussions with the transport consultant on establishing that the principle of the access is satisfactory, including the preparation of a Visibility Splays Technical Note.

However, subsequent to comments made with respect to improving cycling infrastructure, some improvement to facilitate cycling and pedestrian trips are necessary, although the precise form of a LTN 1/20 compatible solution is considered to necessitate further design work by the applicant.

Junction Assessments

Extensive commentary has been supplied to the transport consultant relating to the methodology used for the modelling assessment.

The Highway Authority is content that the impact on the local highway network for the development may be accommodated and as such, has no further comment on this particular technical area.

Conclusion

The Highway Authority has reviewed the revised materials preparation in submission of a planning application for 300 dwellings, with all matters reserved except for access.

It is noted that agreement has been reached on the methodology used for the trip generation, distribution and modelling.

The Highway Authority has established that the development may be satisfactorily accommodated in vehicular capacity terms on the local highway network, with an attendant access strategy from the site onto Green Street.

An indicative Masterplan has been supplied as part of the outline planning application. It is clear that at reserved matters stage, further work will be necessary, both in terms of improving pedestrian linkages to/from and within the site and also in terms of bringing public transport services into the site. A comprehensive Rights of Way Improvement Plan is recommended and a condition to this effect is contained within this response.

Within this response, the Highway Authority has made detailed comments with respect to the proposed pedestrian and cycle infrastructure on Green Street. The Highway Authority is of the view that a suitable scheme is feasible, although will be seeking amendments to the design to ensure both better connectivity and address safety issues.

In terms of sustainable transport, the public transport offer proposed within the Transport Assessment is not considered to comply with LTP4. It is clear that through a Section 106 agreement that a bus service is necessary to route into the site. This will address the site's relative isolation to useful public transport services and further avoid users waiting for buses on Green Street, or walking longer than desirable distances to access such provision. It is considered that agreement on this matter is of key importance to ensuring a sustainable development in accordance with LTP4. The public transport provision should also be supported by a sustainable travel voucher and an updated Full Travel Plan.

In summary, the Highway Authority does not wish to restrict the grant of planning permission, subject to the inclusion of the planning conditions and obligations as detailed within this response..

9.1.11 Hertfordshire County Council – Lead Local Flood Authority: [Objection]

The Flood Risk Assessment carried out by Cole Easdon Consultants Limited, reference 7189, issue 2, dated April 2020 and the information submitted in support of this application does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment;

1. Clarification of location of SuDS features in mapped surface water flow path.
2. Provision of adequate treatment and management for runoff from the road.
3. Clarification of contributing drainage area.
4. Confirmation of safe access and egress.

Overcoming our objection

To address the above points, please see the below comments

- 1) Following review of the Environment Agency's Risk of Flooding from Surface Water maps and the submitted Existing Site Layout with Surface Water Flow Paths Sheet 2 of 2, ref: 7189/501, dated: March 2020, there appears to be two surface water flow paths identified at risk from the 1 in 30, 1 in 100 and 1 in 1000 year rainfall events. The first flows across the site from north west to south east and the second is located along the eastern boundary of the site. We understand that a series of attenuation basins and an infiltration basin acting as the discharge point are proposed to be located within the central flow path crossing the site. This will require further clarification as the surface water storage and SuDS have the potential to become compromised as their locations have been identified as being at risk from surface water flooding. In addition, we will require clarification on whether the basins are acting as attenuation for surface water from the proposed development or for the flow path or a combination.

We note that an exceedance infiltration trench has been proposed in the south east corner of the site following the infiltration basin. We will require further review and detail of this feature due to the potential for over-topping whereby surface water from the site would flow towards existing residential areas.

- 2) We note that the site is located within Groundwater Source Protection Zone 2 (SPZ 2) and that Affinity Water have provided comments (dated: 17.07.2020) identifying this site as corresponding to the Mill End Pumping Station which provides public water supply. At this point in time, the Proposed Drainage Layout (ref: 7189/502, rev: C, dated: 14.04.20) shows part of the road system directly connected into two of the proposed attenuation basins. This is currently unacceptable as the runoff is attenuated before discharging to the infiltration basin and into the ground with no further treatment or management. As the site is located in SPZ 2, we will require adequate treatment and management of all runoff from the road before discharge into the proposed basin system.
- 3) We will require further clarification of the contributing impermeable drainage area (area positively drained) which should then correspond to the relevant submitted microdrainage calculations for the proposed drainage scheme.
- 4) We are aware that a Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. This report has also been included within the submitted FRA as Appendix 3 and it is noted within the main text that runoff flows along the dry valley south-western part of the site, following heavy rainfall and flooding on Green Street. As we understand that

this flooding to the highway is located in close proximity to one of the two proposed access locations to the site. In addition, the Proposed Drainage Layout identifies an existing low point in the highway near this access point. We noted that the road at this access is currently proposed to be 'lowered to direct highway flood flow along proposed access' which appears to suggest that the access would be actively flooded and therefore will require further clarification.

To ensure safe access and egress to the site, adequate technical justification will need to be provided and we would expect to see management of the surface water on the road in order to alleviate flooding at this location.

We understand that the FRA has acknowledged the presence of the surface water flow path through the centre of the site, however the second flowing south along the eastern boundary has not been mentioned. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. This presents an opportunity for the positive management of this flow path within the site.

We acknowledge that the current planning application is for Outline permission with all matters reserved except for access, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible

9.1.11.1 Hertfordshire County Council – Lead Local Flood Authority (May 2022): [Objection]

We understand that an amended Flood Risk Assessment (Cole Easdon Consultants Limited, reference 7189, issue 5, dated November 2021) has been provided. We note that significant amendments have been made namely the removal of the previously proposed infiltration basin in the south-eastern corner of the site and replacement with an infiltration tank. Due to the nature of the development as greenfield, we would expect to see demonstration that the surface water drainage can be managed in a sustainable manner, giving priority to above ground storage and source control. This substitution of a proposed basin for a tank would not be considered acceptable by the LLFA considering that the site is located in greenfield.

If the proposed SuDS features are located within the surface water flow path, we will require consideration as to whether the flow path will compromise the surface water system. If it does, these features should be moved out of the flow route.

We would expect to see the use of a sub-catchment approach with attenuation provided throughout the site. This would provide additional SuDS components which would provide source control and opportunities for additional management and treatment stages prior to discharge. We are aware that the site is located in Groundwater Source Protection Zone 2 and will require clarification that adequate treatment has been provided.

Within our previous response (dated: 03.08.20), we required further clarification on whether the proposed basins were acting as attenuation for surface water from the proposed development or for the surface water flow paths located on the site or a combination. We understand from the submitted response to the LLFA (ref: DF/sse/7189trdc, dated: 06.11.20) that the attenuation basins and now infiltration tank have been sized for post development runoff from the development site only and that the existing flow route will be routed around the basins via regrading of the land and bunding of the basins. We will require further clarification as to how this will change the flow path dynamic, for example, modelling of the flow path to ensure that surface water will not be directed towards other residential areas.

Policy 17 of the Local Flood Risk Management Strategy Revision 2 published by Hertfordshire County Council LLFA outlines that where a development alters the natural flow route and/or is located in an area with existing flooding issues or high risk of potential flooding; proposals must demonstrate the management of any existing and predicted overland flows entering the site from adjacent areas for rainfall events up to and including the 1 in 100 year plus climate change event. Therefore, we will require further consideration of the flow route and the capture and store of runoff before entering the proposed drainage mechanism and infiltrating into the permeable strata with limiting the risk of dissolution features. Our previous response highlighted that there is a second flow route flowing south along the eastern boundary which was not mentioned within the submitted FRA. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. We would like to highlight again that this presents an opportunity for the positive management of this flow path within the site. We would expect to see both flow paths managed for the 1 in 100 year event within the site.

We noted on the provided updated drainage plan (ref: 7189/502, rev: E, dated: 19.01.21) there is a box highlighting that an 'underdrained swale' has been located near the highway (Green Street) and in close proximity to the location of where the Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. However, it is not clear where this feature has been located or what the box is associated with therefore, we will require further clarification on this feature.

We acknowledge that the current planning application is for Outline permission with all matters reserved except for access, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible.

9.1.11.2 NOTE: Following receipt of the comment above from the LLFA, the LPA were notified that due to resourcing constraints the LLFA would be unable to provide further comments on planning applications. As a result, the LPA has commissioned a drainage consultant to review the drainage details of the application and provide guidance in respect of the compliance of the proposed drainage strategy with the LLFA's published guidance.

9.1.11.3 TRDC Drainage Consultant (August 2022): [Insufficient information]

LLFA provided comments on 24th March 2022 which don't appear to have been addressed by the developer and the key points have been summarised below.

LLFA comments 24/03/2022	LPA comment
This substitution of a proposed basin for a tank would not be considered acceptable by the LLFA considering that the site is located in greenfield.	Proposed Drainage Layout still shows a tank.
If the proposed SuDS features are located within the surface water flow path, we will require consideration as to whether the flow path will compromise the surface water system. If it does, these features should be moved out of the flow route.	Developer is proposing to redirect the surface water flow route. Refer to summary comments.
We would expect to see the use of a sub-catchment approach with attenuation provided throughout the site. This would provide additional SuDS components which would provide source control and opportunities for additional management and treatment stages prior to discharge. We are aware that the site is located in Groundwater Source Protection Zone 2 and will require clarification that adequate treatment has been provided.	No sub-catchment approach has been undertaken based on the provided information.

<p>We understand from the submitted response to the LLFA that the attenuation basins and now infiltration tank have been sized for post development runoff from the development site only and that the existing flow route will be routed around the basins via regrading of the land and bunding of the basins. We will require further clarification as to how this will change the flow path dynamic, for example, modelling of the flow path to ensure that surface water will not be directed towards other residential areas.</p>	<p>No modelling has been undertaken. Refer to summary comments.</p>
<p>We will require further consideration of the flow route and the capture and store of runoff before entering the proposed drainage mechanism and infiltrating into the permeable strata with limiting the risk of dissolution features. Our previous response highlighted that there is a second flow route flowing south along the eastern boundary which was not mentioned within the submitted FRA. This flow path appears to be more extensive than the central path and is at risk from surface water flooding during the 1 in 30 and 1 in 100 year rainfall events. We would like to highlight again that this presents an opportunity for the positive management of this flow path within the site. We would expect to see both flow paths managed for the 1 in 100 year event within the site.</p>	<p>No assessment provided. Refer to summary comments.</p>
<p>An 'underdrained swale' has been located near the highway (Green Street) and in close proximity to the location of where the Section 19 Flood Investigation was carried out by Hertfordshire County Council following prolonged flooding of the highway (Green Street) from 2013-14. However, it is not clear where this feature has been located or what the box is associated with therefore, we will require further clarification on this feature.</p>	<p>Proposed Drainage Layout still shows an underdrained swale in this location.</p>

Conclusions/Observations

Outstanding LLFA comments have not been fully addressed.

These conclusions/observations also cover 20/0898/OUT as the drainage elements will need to be built prior to both schemes.

1. It appears that the developer has not fully considered the existing surface water flood flow route and its implications for development following LLFA comments. It would be expected that the developer would quantify and manage this flow route and not just redirect flows. No assessment has been undertaken to confirm pre- and post-development flood risk to confirm that surface water flood risk would not be increased through regrading of local topography. Whilst there have been no confirmed flood incidents to the south-east of the site to date, the developer has not modelled climate change events. No assessment of climate change impacts on surface water flow routes and the implications for developed areas including car parking and the frequency of interruption to highways has been undertaken.
2. A variety of flow routes are crossing the infiltration tank.
3. How will permeable paving within private plots (i.e., private driveways) be managed and maintained by a private management company? Any degradation of privately owned permeable paving will impact residual risk.
4. Section 3.34 of the FRA indicates that basins will be dry, but Section 3.35 indicates that basins will be wet (around 1m of standing water) for newts. Please clarify and confirm capacity.

5. Half Drain Time exceeds 24 hours for the majority of infiltration features, including the infiltration tank (55 hours). How will consecutive storm events be managed?

9.1.11.4 TRDC Drainage Consultant (December 2022): [Insufficient information]

Conclusions/Observations

These conclusions/observations also cover 20/0898/OUT as the drainage elements will need to be built prior to both schemes.

1. The Council would like to see appropriate management of the flow route and inclusion of an infiltration basin in accordance with Hertfordshire LLFA's policy on the SuDS Hierarchy. The Council would expect the LLFA's policies to be implemented, i.e., basins over tanks, and it is for the applicant to demonstrate how this could be achieved?
2. Whilst the applicant identifies those areas of permeable paving, filter strips and under drained swale drainage alongside highways provide a catchment approach, there is no quantified storage for these features.
3. Applicant has agreed to undertake pluvial modelling to confirm and quantify overland flow routes to be managed which is welcomed by the LLFA. It would be expected that the developer would quantify and manage this flow route where practicable and not just redirect flows. Any assessment needs to confirm pre- and post-development flood risk to confirm that surface water flood risk would not be increased through regrading of local topography including climate change events. An assessment of climate change impacts on surface water flow routes and the implications for developed areas including car parking and the frequency of interruption to highways should also be undertaken.
4. Applicant has removed tanked permeable paving within private plots from the drainage strategy in accordance with previous LLFA concerns on maintenance liabilities.
5. Applicant has indicated that basins will be over excavated in areas to provide ecological enhancement without compromising capacity.
6. Half Drain Time exceeds 24 hours for the majority of infiltration features, including the infiltration tank (55 hours). Applicant has indicated that there is sufficient capacity within the infiltration tank to accommodate runoff from a 1:10-year storm event, 24 hours after the end of a 1:100-year + 40% rainfall event' which appears a reasonable approach.

9.1.12 Hertfordshire County Council – Minerals and Waste: [No objection]

Minerals

In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls partially within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable finite resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The Ministry of Housing, Communities and Local Government (MHCLG) sets out in the National Planning Policy for Waste (October 2014) the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Outline Solid Waste Management Strategy

It is encouraging to see that the applicant has considered waste management within the 'Outline Solid Waste Management Strategy' submitted alongside the application. This states that a SWMP will be prepared and provides detail on how demolition and construction waste arising from the proposed development is proposed to be managed. The strategy provides

estimates for various types of waste expected to arise and identifies local waste facilities that could be used for the disposal of waste subject to a Construction Traffic Management Plan (CTMP).

The strategy also states that a Construction Environmental Management Plan (CEMP) will be produced by the developer before any demolition activities take place.

Overall, the county council would conclude that the Outline Solid Waste Management Strategy provides a good base for the production of a SWMP with well considered estimates for waste arisings and on-site storage and reduction measures.

This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The produced SWMP should include estimates and actual total volumes of waste during enabling works (including demolition) and construction works should also be summarised. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

9.1.13 Hertfordshire County Council – Growth and Infrastructure: [Objection]

Thank you for consulting Hertfordshire County Council on the above planning applications. This response is made by the Growth and Infrastructure Unit (GIU) on behalf of non-highways county council services and the responses apply to both application 20/00882/OUT and 20/00898/OUT at Land East Of Green Street and North Of Orchard Drive Chorleywood Hertfordshire.

HCC has identified a number of key concerns (detailed below) and cannot currently support the development proposals unless the concerns raised below can be appropriately addressed.

Children Services and Education

Given the following concerns regarding education provision, HCC objects and would not support the current applications in their current form:

20/0882/OUT – 800 units

- In terms of school provision, the site should be treated as a strategic development requiring specific additional infrastructure provision.
- Insufficient capacity at existing schools to meet potential demand arising.
- No expansion potential at nearest primary schools.
- At 800 units we would seek a 2FE primary site (2.03ha) and proportionate financial contributions, however this issue is not mentioned in the application.
- the developer would need to make a contribution towards providing additional secondary school capacity, either through expansion or as a contribution towards a new school.

20/0898/OUT – 300 units

- In terms of school provision, the site should be treated as a strategic development likely to require specific additional infrastructure provision.
- Insufficient capacity at existing schools to meet potential demand arising.
- No expansion potential at nearest primary schools.
- Not well placed to provide additional land to existing primary schools i.e. does not share a boundary or offer land for education use.
- Likely to be too small to support a new primary school as a standalone site.

- the developer would need to make a contribution towards providing additional secondary school capacity, either through expansion or as a contribution towards a new school.

Minerals and Waste

The county council as Minerals and Waste Planning Authority have submitted their comments directly to TRDC on 7th July 2020. The comments made by Minerals and Waste should be read in conjunction with other comments included in this response.

ERP (Landscape, Ecology and Historic Environment)

GIU understands that due to the size and complexity of the two applications, ERP (Environmental Resource Planning) has been given a slightly longer period to response. Please note that the comments from ERP should be read in conjunction with all other comments included in this response.

Public Health

GIU understands that Public Health is intended to submit their comments directly to TRDC. Please note that the comments made by Public Health should be read in conjunction with all other comments included in this response.

Fire & Rescue Services

Although the provision of fire hydrants is not specified on the Reg 123 list, due to the area and number of dwellings on both applications, multiple fire hydrants would be required for the two applications 20/0882/OUT and 20/0898/OUT should the development be granted. In the event TRDC are minded to approve the planning application a suitable planning condition should be applied to ensure the appropriate provision of fire hydrants.

Other relevant HCC Services

This development will have an impact on other services, but the county council notes that contributions towards other services are intended to be funded via the CIL. The county council will liaise with the district council on potential projects and CIL contributions as service project planning progresses should this development come forward.

We would be grateful if you could keep us informed regarding the progress of this application and would wish to continue to engage constructively regarding the evolving design proposals for the primary school.

9.1.13.1 Hertfordshire County Council – Growth and Infrastructure: [Revised Response in respect of Education, April 2021]

The county council is the local authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Mainstream education provision includes nursery, primary, secondary and post-16 (up to the age of 19) education.

Where there is considered to be insufficient capacity in local schools to cater for the development (and other sites if appropriate) planning obligations will be sought. On larger scale developments and strategic sites, the provision of land and build costs for on-site schools is usually required. Nursery provision is usually made at primary schools, while new secondary schools will also offer post-16 education.

In accordance with Policy CP8, Policy CP1 and CP2 of the TRDC Local Plan, new development is required to provide or make adequate contributions towards infrastructure and services. HCC expects that the development proposal will be fully in compliance with these policy requirements and in particular, those infrastructure and services that are related to county council service such as school provision, childcare provision, adult care etc. With the evidence submitted so far, we are unable to clearly identify any proposed

contribution towards school provision, or how sufficient provision will be provided to fulfil the additional need generated from this new development.

In terms of travelling distance to school, finding school places for younger children within a reasonable travelling distance would be more of a concern, while older children may be able to travel further for schooling.

With regards to existing school provision in the area, it was mentioned in our previous response (dated 16/10/2020) that none of the nearby primary schools (individually or collectively) have the capacity to accommodate the number of additional pupils that are expected from the new development. Assuming Pupil Yield is based on a ratio of 1:400 (1 Primary FE per 400 dwellings, equivalent to 30 additional places in each of year group), the development of 300 new homes would generate a demand of approximately 169 new pupils. None of the existing primary schools has the potential to expand and accommodate 169 additional places arising from this new housing development. It is also noted that this development site doesn't feature in the existing local plan or any preliminary TRDC growth scenario as far as HCC are aware. Arnett Hills JMI, Christ Church and Chorleywood primary schools are all located on sites too small for expansion while there are probable highways concerns with the Russell School. Secondary schools in the area are also highly unlikely to be able to accommodate fully the pupil yield arise based on the latest secondary school area forecast.

Whilst we understand CIL is potentially applicable to this development, it is noted that there is no agreed mechanism for HCC Services (such as Education) to access the TRDC CIL aggregated fund.

We have noted that the applicant has submitted a draft S106 Agreement as part of the applications. However, there has been no discussion between HCC and the developer over the content included in the draft S106. We must stress that financial contributions offered (as per the contributions level suggested in the table on page 22 (Schedule 3A) of the draft S106) are not, in isolation, an acceptable strategy to provide the infrastructure to mitigate additional pupil yield generated from this development. As set out above financial contributions will not resolve existing capacity issues and the applicant has not demonstrated how additional school capacity will be delivered.

For reference, the land take of a standard new 2FE primary school is 2.03ha, and an estimated build cost of £8,824,770 (Costs based on 1Q2019, BCIS All in TPI (indexation to be applied)). It equals to £19,610.60 per primary school place (£) (based on 2018 DfE Scorecard).

HCC has been working closely with TRDC in planning for new school provision through the delivery of new strategic sites allocated in the adopted and emerging local plans. However there has (understandably) been no discussion to date over how school provision will be delivered for sites that are not included in the emerging plan.

Therefore, although we appreciate that the CIL mechanism and/or a S106 agreement may be potentially applicable and understand that there may be a funding gap in delivering such infrastructure, the applicant has not demonstrated how the planning application would deliver the sufficient education provision that is required by TRDC's adopted planning policies CP1, CP2 and CP8 within the Core Strategy.

Given the reasons set out above, as a Local Education Authority HCC cannot support the proposed development.

9.1.13.2 Hertfordshire County Council – Growth and Infrastructure: [Revised Response in respect of Education, August 2022]

This response is to provide an update on Hertfordshire County Council's (HCC) current position with regard to the impact of development on HCC services.

Please accept this response as our response to the implications of the above development on primary school provision in Chorleywood. Our original response to this application was submitted over two years ago, and consequently the service requirements, and ability to improve capacity for the area, have evolved.

Three Rivers District Council have requested a response to the following questions in relation to this application. The queries were received on 22 June 2022:

[Whether HCC's position is that] the 300 dwelling scheme needs to provide a school site and suitable contribution or that

HCC's objection could be overcome provided the CIL receipt (which would need to be ring-fenced) that the scheme would generate would cover the cost of a new Primary School?

1) Having recently reviewed primary school provision in Chorleywood, HCC's education planning team consider that no new primary school site would be required in Chorleywood if this application is to be delivered within the proposed timescale. This change is followed by the update of the latest primary school area forecast (published summer 2022 - <https://www.hertfordshire.gov.uk/services/schools-and-education/at-school/school-planning/school-planning.aspx>).

This position is based on HCC's understanding that there are no further, significant development proposals currently being considered by Three Rivers District Council in Chorleywood. Education requirements are best assessed on a local scale and it is not possible to look at any single planning application in isolation. In the longer term, the Local Plan process will be used to forward plan for the region's education requirements.

Modelling 300 dwellings using version 6.5 of the Hertfordshire Demographic Model (HDM) shows the peak pupil yield arising from this scheme is 0.49fe in 2032 for primary and approximately 0.49fe in 2038 for secondary schools respectively. This equates to approximately 103 primary school pupils and 73 secondary school pupils.

The modelled peaks and yields are on the assumption that construction commences in 2024 and the first dwellings are occupied in 2024/25. The 0.49fe yield from the 300 units development does not establish the need for a new primary school in isolation. The resultant child yield is likely to be able to be accommodated locally at existing primary schools.

Based on the information to date the development mix of the 300 units scheme is as follows:

HOUSES		
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent
1	0	0
2	0	0
3	74	40
4+	33	7
Total	107	47

FLATS		
Number of bedrooms	A) Open Market & Intermediate	B) Affordable Rent
1	29	44
2	29	44
3	0	0
4+	0	0
Total	58	88

Trajectory

Year (situation at end of year)	2024/25	2025/26	2026/27	Total
Number of Completions	100	100	100	300

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Notwithstanding this, the information suggested above only captures the situation at the current juncture, if planning permission is sought for further proposals in the locality, HCC would need to re-assess its position on how new pupils can best be accommodated in Chorleywood.

2) This scheme in isolation does not trigger the need for a new primary school site in Chorleywood for the reasons set out above. In turn, HCC does not require the ring-fencing of any CIL funds to finance the provision of a new school in order to overcome an objection to this planning application. HCC reserves the right to seek funds from Three Rivers District Council that have been collected through CIL to finance additional infrastructure requirements in Chorleywood as a result of development.

9.1.14 Hertfordshire County Council – Public Health: [Comment received]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance. This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of ‘designing in’ health and wellbeing as an essential part of the planning process, placing specific emphasis on active travel, multi-functional open space and high quality urban environments. We also recommend applicants refer to Public Health England’s Spatial Planning for Health evidence resource

National and Local Policy

The NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities’ health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 91 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 91c). Paragraph 92b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

Local Health Priorities

The health of people living in Three Rivers District is generally better than the England average. Three Rivers is one of the 20% least deprived districts/unitary authorities in England. However, health and wellbeing challenges still exist. 9.7% (1,620) of children live in low-income families, and the difference in life expectancy between the most and least deprived areas in Three Rivers is 7.2 years for men and 5.1 years for women.

The proposed development is located in the Chorleywood North and Saratt Ward. Health indicators in the Local Health Profile for Chorleywood North and Sarratt Ward are either the same or significantly better than the Hertfordshire average. Life expectancy at birth for males is 84.1 years and 85.7 years for females. 12.8% of people report having a limiting longterm illness or disability; 14.4% of children in reception have excess weight; by year 6 this increases to 23.3%. Reducing overweight and obesity levels in children and adults and increasing levels of physical activity are public health priorities

These health and wellbeing challenges can be significantly influenced by the built environment to benefit the residents of the proposed development and existing residents in the local area.

Specific Comments on the Proposal

Air Quality

Air quality is a Public Health priority. Children, older adults and people in poorer health are a health sensitive group to the effects of air pollution. There is an AQMA approximately 1500m from the site (M25, J18). The proposed developments for 800 and 300 units have the potential to generate a large number of car journeys which may exacerbate existing poor air quality. Furthermore, the proposed development, once occupied will introduce a new community to potential poor air quality exposure. It is essential therefore that the proposed development mitigates both of these issues through design: 1) that it reduces the reliance on the car by promoting walking and cycling to local destinations and public transport routes; 2) that it considers exposure to poor air quality during masterplanning. We look to both the Applicant and the Planning Authority to demonstrate that this development will not create or worsen the existing air quality problems.

Active Travel

Public Health supports the Hertfordshire Highways response and the improvements required for active and sustainable travel to be viable modes of transport. This is in line with Public Health priorities including improving local air quality and encouraging physical activity.

Other Considerations

Should the local planning authority deem this site suitable for development, we request that a number of key points are considered under reserved matters:

1. Encouraging early adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The Planning Authority may wish to consider this by way of a Condition.
2. Permeability beyond site boundary: To encourage walking and cycling, new walking and cycling connections will be required across the development boundary to enable residents to take the most direct routes possible for their journeys. We defer to Hertfordshire Highways response for the specific improvements required.
3. Parking on or near the development: Anti-social parking often discourages walking, cycling and informal play. We look to the Applicant to outline how on-street parking will be actively discouraged, and how the Planning Authority will enforce this.
4. Children's play areas: It is positive to see play provision provided at six locations across the site and the inclusion of additional areas around the site to allow for informal play and exploration. This will provide opportunities for children to be physically active and encourage social interaction. We flag a preference for natural surveillance from the nearby housing to increase feelings of safety to encourage outdoor play and activity.
5. Great Greenstreet Park and Trim Trail: It is positive to see provision being provided for community food growing within the park and a 1.8km trim trail along the site periphery to encourage the adoption of healthy behaviours.
6. Affordable housing: Having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It is positive to see the proposed affordable housing meets the 45% target set in the Local Plan (Policy CP4). In line with this policy 70% of affordable housing to be provided as social rented and 30% to be intermediate. It is crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation.
7. Charging points for electric vehicles: We would like to see electric charging points installed in residential parking spaces to encourage the use of cleaner vehicles.
8. Car club: The Travel Plan proposes to provide a total of 10% electric vehicle spaces and 2% car club spaces. We are not clear what is being provided, is the developer making a contribution to setting up a car club or just providing parking spaces? If the latter, how will the car club be activated and subsequently managed?

Health Impact Assessment

We recommend that a Health Impact Assessment (HIA) is undertaken for developments in excess of 100 dwellings. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. An HIA can also be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.

It is positive to see the developer has submitted an HIA as part of the Environmental Impact Assessment. We have undertaken an appraisal of the HIA using the Wales Health Impact Assessment Support Unit Quality Assurance Framework". See Appendix One for a copy of our appraisal and feedback.

As the HIA currently stands, it is not recommended to use the HIA findings as part of any planning decision making. The HIA should be revised to incorporate the points listed in the clarifications and weaknesses sections. It is important to stress that an HIA is about identifying the positive health impacts of a proposed development as well as any unintended consequences. There are a number of potential positive health impacts for this development which Savills have not included. It is also imperative that the HIA considers the potential health impacts on the new as well as the existing communities. The HIA has focussed on the existing community and not on the new community. The proposed development is intending to provide 45% of the units as affordable housing. This means there will potentially be a population with higher health inequalities than is shown in the local health profiles. We also recommend that the local community and community groups are engaged with to identify their health concerns.

9.1.14.1 Hertfordshire County Council – Public Health (April 2022): [Comment]

In its response letter of 10th September 2020 (attached PDF), Public Health provided comments to the applicant regarding the earlier submitted HIA report in Chapter 14 of the Environmental Statement prepared in May 2020. Public Health assessed the HIA report using the Wales Health Impact Assessment Support Unit Quality Assurance Framework and sent its feedback to the applicant. The feedback on the HIA report was then followed up by discussion with the applicant at the meeting and further supporting information and guidance was sent out to the applicant to enable revisions required in HIA report.

Public Health is disappointed to see that a revised HIA report has not been added as an addendum to the environmental statement in December 2021. To this end, Public Health would like to reiterate the request to revise chapter 14 on human health as was recommended in the Public Health response letter of 10th September 2020 and accompanied Appendix 1 (attached doc). More specifically, as the HIA report currently stands, it is not recommended to use the HIA findings as part of any planning decision making. The HIA should be revised to incorporate the points listed in the clarifications and weaknesses sections specified in Appendix 1. It is important to stress that an HIA is about identifying the positive health impacts of a proposed development as well as any unintended consequences. It shouldn't only focus on how negligible potential negative health impacts would be. There are a number of potential positive health impacts for this development which Savills have not included. The HIA also needs to identify any unintended consequences and how these will be mitigated against. It is also imperative that the HIA considers the potential health impacts on the new and existing communities, as the existing health chapter has focussed only on the existing community and not on the new community. The proposed development is intending to provide 45% of the units as affordable housing, meaning there will potentially be a population with higher health inequalities than is shown in the local health profiles. We also recommend that the local community and community groups are engaged with to identify their health concerns.

Until the above and the weaknesses listed in Appendix 1 are addressed, Public Health cannot be satisfied that these issues have been considered robustly as part of the application.

Public Health would like to recommend for the planning authority to consider, as part of a planning condition, for the developer to provide a short statement attached to the Human Health chapter 14, on how the development might influence the wider (socio-economic) determinants of health and how weaknesses identified in Appendix 1 have been addressed.

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the District.

9.1.15 Hertfordshire Constabulary: [Comment received]

In relation to crime prevention, security and safety I would ask that the development is built to the police minimum security standard Secured by Design. At this early stage as it is an outline application I have not detailed the physical requirements required to achieve the Secured by Design award.

9.1.16 Herts and Middlesex Wildlife Trust: [Comment received, June 2020]

HMWT is pleased to see that the applicant has stated that they plan to run the Defra biodiversity metric to show net gain. This needs to be done now, at the outline stage, and submitted in its original form (not as a summary), to establish a baseline value for the site. The requirement to exceed this figure by 10% to deliver measurable net gain can then be secured through an appropriately worded condition. e.g.

'Prior to the commencement of development, a landscaping and ecological management plan which delivers X ecological units to achieve a 10% net gain to biodiversity and therefore offset biodiversity impacts on the site, shall be submitted to the local planning authority. Any proposed ecological net gain scheme shall include:

- Details of the on-site habitat creation and management requirements of the development in accordance with the approved Defra biodiversity metric, which has been calculated to comprise X ecological units of habitat as set out in the approved ecological report;
- The identification of an offsite receptor site or sites if required;
- The provision of evidence of arrangements that secures the delivery of the habitat creation and management scheme;
- A management and monitoring plan (which shall include for the provision and maintenance of such habitat management measures for a period of not less than 30 years from commencement of the development.

The developer shall thereafter secure and implement such measures in accordance with the requirements of the approved scheme.'

The ecological report also makes mention of integrated bat and bird boxes within the development. These are also welcome but the number to be delivered must be specified so that it can be conditioned. An appropriate number is 80 bat and bird boxes, integrated into the brickwork of the buildings bordering open space. A suitable condition is:

Development should not commence until a plan showing the make, model and location of 80 integrated bat and bird boxes has been approved.

9.1.16.1 Herts and Middlesex Wildlife Trust: [January 2022 – Insufficient information]

HMWT is pleased to see that a NE biodiversity metric assessment has been undertaken to determine if the development will achieve a net gain. However, the full original metric must be supplied not a summary or technical note as is currently the case. The full metric is needed to enable scrutiny. The comments section of the metric should be used to justify all habitat and condition assessments by reference to the UK Habs descriptions and the condition tables contained in the supporting documentation to the metric. The application should not be determined until this information has been supplied and approved. Version 3 of the metric should be used.

30 integrated bat and swift boxes should be incorporated into the development. Their provision should be secured by a suitably worded condition.

9.1.16.2 Herts and Middlesex Wildlife Trust: [March 2022 – Insufficient information]

In our comments of 25th June 2020, HMWT stated that the Natural England biodiversity metric calculation for the site must be supplied in full (not as a summary), to enable scrutiny and to demonstrate a biodiversity net gain. Only a summary of this calculation has been submitted (Appendix E biodiversity net gain technical note). Before a decision can be made on this proposal the full metric must be supplied. This should be the most up to date metric available i.e. v3. All habitat and condition assessments must be evidenced by reference to survey, the UK Habs community classifications and the condition scoring tables for each habitat. This information must be provided in the comments section of the metric and cross referenced to the ecological report.

If this is acceptable the outputs of the metric can be conditioned in the decision with explicit reference to the number of offset units that must be delivered together with the monitoring and remedial measures required to deliver this number of units in perpetuity.

9.1.17 Herts Ecology: [Objection]

1. The application site broadly consists of the southern half of a large, undulating open field currently grazed by cattle. It has a topography which reflects the high ground south of the Chess Valley which slopes down towards Chorleywood Bottom and includes a dry valley towards the south-east end, all part of the dip slope character of the Chilterns.
2. There is limited existing ecological information for the application site itself. However, since around 1890 this has been one large field, having been composed of up to six fields in 1838. Consequently it has long been limited in respect of ecological features.
3. The Ecological survey identified the field as agriculturally improved grassland. Whilst supporting some biodiversity associated with such a habitat, this would be of very limited intrinsic ecological value, perhaps of some significance in respect of the size and lack of disturbance of the area. However, this in itself is insufficient to represent a fundamental ecological constraint on development
4. There is some interest in the bordering hedgerows which are considered to be habitats of principle importance, but these would be retained within the development. The green lane footpath route along the south-west edge is locally valuable.
5. I have no reason to dispute the view that the application site has low ecological interest. However, if approved the proposals would now be expected to achieve a biodiversity net gain consistent with NPPF, although this is not currently a legal planning requirement.
6. Nevertheless, the Government has now proposed a mandatory requirement for 10% biodiversity net gain as set out in the 2020 Environment Bill. To demonstrate this can be achieved it has also proposed use of the Natural England biodiversity metric v2. There is an indicative inherent and additional mitigation measures plan although most of the proposals

are relatively peripheral compared to the loss of open greenspace and its associated ecology, albeit limited. The Ecology Report 10.5.2 proposes a metric but one has not yet been provided. Consequently I am unable to advise that such measurable net gain has been achieved. Should the LPA now consider this approach needs to be demonstrated prior to determination, the LPA may consider refusal is justified. We are currently awaiting the outcome of a recent Hearing in TRDC which may clarify Government's position on this matter.

7. Otherwise, I advise it could require the biodiversity metric to be provided to prior to determination, or if not, as a Condition of approval. Alternatively it should be submitted as a reserved matter to the satisfaction of the LPA. However the implications of net gain should be known on approval given this may have both onsite and offsite consequences. Any funding agreement to enable this should be secured through a S106 agreement to secure additional appropriate habitat creation.
8. The reserved matters (or a Condition to any approval of this application) would also need to include an appropriate lighting scheme which reduced the impact of the development locally, given the ecological and visual sensitivities of this topographically prominent area.
9. Also, there will need to be a Landscape / Ecology Management Plan to describe the management required to maintain the POS habitats as part of the offsetting approach. This should also be a reserved matter submitted to the satisfaction of the LPA. The need for this is recognised (ES Table 10.7 K).
10. The development is quite clearly of moderate / large size and intense; it represents a major intrusion into, and urbanisation of, the AONB at this location. It is wholly unreasonable to claim that it is a relatively / small scale development (ES10.4.28, 10.9.2). The quality of the habitats created will be limited given they all fringe the built development and will be subject to significant disturbance their multi-use function with both passive and active recreation will invariably impact on biodiversity, despite claims more sensitive wildlife will be managed for. The provision of 'meadows' with trees is a non-sequitur, although I acknowledge on-site habitat diversity will be increased. That said, creating ponds in the existing dry valley will wholly destroy the natural character of the feature – which is a dry valley rather than a series of proposed wetlands. The dedicated wildlife area to the north east of the site (DAS 3.6 Landscape GI and Biodiversity) does not appear to be mentioned anywhere else and so cannot form part of these proposals. However, if this area is potentially capable of being created on the northern half of the site owned by the applicant, this could represent a potentially valuable contribution to local biodiversity / landscape and deflect additional pressure on Chorleywood Common. This could be considered as of local benefit should the application be approved.
11. Despite their artificial location, newt ponds are welcome if these features are to retain permanent water; however any water they do hold will limit their contribution to drainage water storage unless they would be over-deepened. Seasonal ponds cannot easily be used for GCN breeding.
12. Without the suggestion above for compensation land, this amount of new dwellings is highly likely to generate further pressure on Chorleywood Common LNR, which is already subject to high amenity use. Depending on the long term intentions for the remainder of the field, the Common will also be further fragmented from its hinterland of open countryside, although the link to the west is limited to the existing green-lane. This has been considered within the ES Chapter 15 and the LNR is thought to be too far from the development for any major impact. However, it is the closest and most accessible genuine open amenity and semi-natural greenspace to the development and so it is not credible to consider that additional impacts will not occur. This is recognised at ES 10.6.9, which also recognises similar impacts on Darvell's Meadow / Homefield Meadow LWs, although these are privately owned. The Walkable impact Area Fig 14.1 shows 2km areas further than the Common but then avoids the Common entirely; clearly this does not reflect potential walking locations.

13. The ES Chapter 10 Ecology refers to 6ha of new parkland; however, no details of this are provided with the submission unless this is part of the landscaping within the development scheme. If so, to suggest this area – which will include the largest play area (DAS Landscape Strategy, Parks and Gardens) as well as SUDS features - will (as an example of ecological benefit) provide continued grazing for roe deer (10.2.3) is a nonsense.
14. Further surveys will be undertaken in 2020, and this is noted. However it is highly unlikely these will identify any significant ecological constraints. Nevertheless I do not agree that a grazed grassland survey in April is representative of an 'optimal' period for undertaking such surveys, but I acknowledge it would appear that the site is agriculturally improved, visible from the site photos, aerial photos and the site description
15. The Ecology ES Table 10.6 outlines inherent design mitigation. Clearly any ecological interest associated with the existing habitats – such as farmland birds – cannot be mitigated or compensated within the development as there will no longer be any farmland. There will also be an increase in predation from pets and disturbance of open space by dogs, noise, people and lighting. Compensation could be provided however if the remainder of the field was to be managed for biodiversity by continued extensive grazing and habitat creation.
16. ES Table 10.7 outlines additional measures for biodiversity. It refers to J, a dedicated wildlife area established in the south of the site, but presumably this can only be part of the GI which is already recognised as also providing formal and informal recreation – which will have inevitably limit the potential for biodiversity. The claims for such biodiversity enhancements are unreliable without further detail. I consider that provision of a homeowner pack – whilst well intentioned (Measure L, Table 10.7) - will not in any way prevent additional disturbance to the LNR, or effectively influence their behaviour. If people want to visit Chorleywood Common for recreation and dog walking – they will do.
17. The provision of a LEMP is essential if the ecological proposals are to have any credibility.
18. On the basis of the above, whilst I recognise the limited ecological value of the application site itself, I remain concerned for the following reasons:
 - This undoubtedly represents a significant development in a sensitive, urban fringe area. The proposals do not directly impact on the rather soft edge of Chorleywood Common currently present which act as low density residential buffer to the site, although they do provide a distinct nucleus of intense development slightly further away, which will damage the existing open greenspace;
 - It will serve to further degrade the open land close to Chorleywood Common LNR and therefore its already rather tenuous links with open countryside;
 - The development will increase the public pressure on the LNR;
 - The landscape strategy, though welcome, will benefit the development itself but be limited in respect of biodiversity given the multiple use and expectations of Green Infrastructure;
 - The apparent proposals to provide dedicated areas for biodiversity are either absent or severely compromised;
 - No biodiversity metric has been submitted to demonstrate 10% net gain can be achieved.
 - The potential for any beneficial environmental use of the remainder of the field – which could potentially provide a grazing link to the Common – has not been considered. This could be subject to a S106 Agreement if this application was approved;
 - A financial contribution could be generated from the development to support conservation measures on the LNR

Given the consequences for biodiversity locally which is very close to what is in my view one of the most diverse and sensitive LWS / LNRs in the county, I am of the opinion that this should not be approved unless the above issues can be considered and satisfactorily addressed.

9.1.17.1 Herts Ecology (May 2022): [No objection in principle, more information needed]

Summary

- We have no objection in principle to residential development at this location;
- Four key issues are evident: the scope of the ecological supporting documents, the safeguard of Chorleywood Common LNR from recreational pressure, the delivery of a biodiversity net gain and the scope of the landscape strategy.
- Of these, should consent be granted, I believe the scope of the ecological reports, the proposals to safeguard the LNR and the landscape strategy are adequate for this stage of the planning process. However, all must be expanded upon to allow determination at the reserved matters stage.
- However, the biodiversity net gain assessment lacks sufficient detail to allow it to be relied upon and until such time as this is resolved, **I cannot recommend that outline consent is granted.**

Full response

Thank you for your original letters of 19 January 2022 and subsequent correspondence over the last month or so which refer, and for consulting Herts Ecology; I apologise for the delay with this reply.

We have written previously to you before on both cases (20/0882/OUT and 20/0898/OUT) on 20 July and 21st July 2020 respectively.

Contextual opinions still stand from 2020 – and are not repeated here – so please see previous letters for the necessary detail. Importantly, though, I reiterate our belief that the site remains of limited ecological interest at present.

However, our previous recommendations were that both applications should be refused unless the following issues could be resolved:

- *This undoubtedly represents a major development in a sensitive, urban fringe area. The proposals do not reflect the rather soft edge of Chorleywood Common currently present which act as low density residential buffer to the site (although for '0898' the following phrase was added) although they do provide a distinct nucleus of intense development slightly further away, which will damage the existing open greenspace);*
- *It will serve to further isolate ('degrade in 0898) Chorleywood Common LNR from its already rather tenuous links with open countryside;*
- *The development will increase the public pressure on the LNR;*
- *The landscape strategy, though welcome, will benefit the development itself but be limited in respect of biodiversity given the multiple use and expectations of Green Infrastructure;*
- *The apparent proposals to provide dedicated areas for biodiversity are either absent or severely compromised.*

The letter for '0898' also included the following points:

- *No biodiversity metric has been submitted to demonstrate 10% net gain can be achieved.*
- *The potential for any beneficial environmental use of the remainder of the field – which could potentially provide a grazing link to the Common – has not been considered. This could be subject to a S106 Agreement if this application was approved;*
- *A financial contribution could be generated from the development to support conservation measures on the LNR.*

Although expressed slightly differently, to reflect the different footprints and number of dwellings, it is my opinion that broadly, all apply equally, to both proposals and the rest of my letter adopts this position.

Since the original application, however, some circumstances have changed, notably the need to deliver a biodiversity net gain though I will return to this below.

In response to this and to reflect the evolution of the proposals, a wide range of new reports have subsequently been provided which are not listed here except to acknowledge the applicant's response to our original letters. Where relevant, all are referred to as necessary below.

Taking all this information into account, I consider the following to represent the outstanding primary issues:

- The scope of the ecological supporting documents;
- The need to safeguard Chorleywood Common LNR from increased recreational pressure;
- The need to ensure that a biodiversity net gain can be delivered;
- The Landscape Strategy is sufficiently robust to deliver the above and other aspirations;
-

These are taken in turn below:

Scope of supporting ecological documents

Whilst broadly acceptable for this stage of the planning process, **the surveys and assessments must be expanded upon at the reserved matters stage** to ensure data remains up to date and to allow the identification of exact avoidance, mitigation and compensation measures. I expect that the mitigation hierarchy is followed closely with clear evidence provided of how it has been applied.

Chorleywood Common LNR

In the responses provided, I welcome the recognition and the proposal to fund additional measures at Chorleywood Common LNR. Whilst the funding package has not yet been agreed, should meaningful and long-lasting measures be put forward and funded this would, in principle, be adequate to offset harm from increased recreational pressure. **Details must be provided at the reserved matters stage** (should outline consent be granted). I would add that as an increase in pressure is likely to be permanent, the proposed sum must reflect this.

Biodiversity Net Gain

Again, the production of a biodiversity net gain metric is welcomed, and I agree with proposal to employ the 'v2' version of the metric.

I also agree that the delivery of a 10% net gain is not yet a legal requirement. Whilst I acknowledge this is a position on which we differ from the Wildlife Trust, the Environment Act and NPPF makes clear the expectation that a gain is delivered.

Given that a considerable net gain has been suggested by the applicant and, it is anticipated, a material benefit for the applications assumed, it is reasonable to expect that an adequate justification is provided.

However, the overall assessment lacks the supporting contextual evidence or justification to support both the description of the current ecological value or that proposed. This is, in part, related to the multi-functional use of land also put forward as this may restrict the gains anticipated.

Without such evidence, the assessment cannot be relied upon to adequately inform this application. This is important as it will have a direct influence on the design of the landscape strategy and may require that offsite solutions are found if land available within the red line boundary is found to be insufficient.

A revised metric and justification must be provided. Until such time as this is resolved, **I cannot recommend that outline consent is granted**. This task should not prove insurmountable.

Should offsite measures be required, and a funding package pursued rather than actively sourcing and managing a site elsewhere, it should be noted that whilst Herts Ecology has

in the past recommended a fee of £12,000 per biodiversity unit, this is being reviewed and we expect the figure to rise.

Landscape Strategy

Broad aspirations are provided by means of landscape masterplans and associated documents. Whilst I consider these to be reasonable for this stage of the planning process, it is important to consider these will play a fundamental role in the delivery of the net gain and other ecological functions (such as providing an alternative for outdoor recreation to the nearby LNR). Consequently, I welcome the proposal to prepare a more detailed Landscape and Ecological Management Plan (LEMP) and I agree **this can be deferred to the reserved matters stage**.

Importantly, and as with the net gain section above, we expect to see proposals that deliver a meaningful and sustainable measures that take full account of the ecological setting of the site, rather than one that focuses on providing the highest numerical value.

Details must be provided at the reserved matters stage (should outline consent be granted). For the avoidance of doubt, we believe this should be developed alongside a suitable lighting strategy as described in our original letters and addressed by the applicant in their subsequent responses.

9.1.17.2 Herts Ecology (June 2022): [More information needed]

Thank you for your email of 6 June 2022 and for providing updated metrics for both applications from the applicant. My comments apply equally to both metrics and so to both applications.

These represent an improvement over those originally submitted though still fall short of the minimum required. For instance, a species lists, photographs and, most importantly, the completed and justified condition sheets are absent.

Despite these shortcomings, I can accept the description of the current sward as an example of a 'modified grassland' which is an important first step. However, the target condition of the anticipated new habitats is poorly defined. As this is an outline application, the method of how they would create and maintain these habitats could be left to a conditioned LEMP.

In contrast though, the target condition should be identified now, as this plays a key role in determining the number of biodiversity units that can be created and whether a net gain will be delivered or not. Once this is agreed, the LEMP can show how it will be delivered.

Therefore, until such time as the target condition and net gain anticipated are identified, and that these appear achievable, I still cannot recommend that consent is granted.

This should not be difficult for the ecological consultants to identify a value, but this will have to be realistic as it is frequently challenging to create high-quality and high-scoring habitats on sizeable housing estates.

9.1.18 National Highways: [Insufficient Information]

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the SRN, in particular, the M25 at Junctions 17 and 18. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.

We have now had the opportunity to review the Transport Assessment provided in support of the proposed development. Chapter 5 of this document provides an assessment of the trip generation associated with the 300 proposed dwellings. As the development is an outline planning application, we note there is little information on the breakdown of units, parking provision and other detail and as such, we have reviewed the information only as presented in this planning application.

The applicant has derived the person trip rates from TRICs for 'privately owned dwellings' and applied these to TEMPro7.2 data for the local area (Three Rivers District 005 (Chorleywood)) to understand the purpose of journeys made in the area. They have then applied 2011 Census Data and TEMPro Data to derive the percentage of vehicle trips for each journey purpose. Consequently, as a result of the development, the applicant has stated there would be 106 two-way vehicular trips generated in the AM peak and 158 two-way vehicular trips generated in the PM peak as a result of the development. Highways England is content that the trip generation methodology applied by the applicant is suitably representative of the proposed development.

Highways England has checked the vehicle routing and acknowledge that it is broadly in-line with the expected routing between Chorleywood and the 'Place of Work' 2011 census data. However, the applicant has not stated how they have routed their vehicles per the census outputs, and as such, we request details on the journey planning information used to assign the trips to the network, in the AM and PM peak hours.

The trips have been distributed onto the highway network in Table 20 under Chapter 6.2, which indicates that 28% of trips will route 'North along Green Street, then east along A404 then north onto M25', '14% of trips will route 'North along Green Street, then east along A404 then north onto M25' and '12% of trips will route South along Shire Lane, then east towards Junction 17 and south onto M25'. It is these trips that will be routing onto the SRN that will be of particular interest to Highways England.

The applicant states under Chapter 6.8 'Impact Assessment' "The development traffic has been distributed and major junctions that had 10% or more of the development flows have been subject to detailed assessment". The applicant has not provided any assessment of M25 junction 17, despite 12% of the development flows likely to route via this junction, as stated in Chapter 6.2 of the Transport Assessment. Therefore, Highways England request an assessment of this junction is undertaken, involving a suitably calibrated and validated base traffic model, to form the basis of the future year assessments (as per the other junction assessments).

We note that Paragraph 6.40 provides commentary and the results of the LinSig junction modelling undertaken at M25 junction 18. Highways England requested the modelling files on 3rd July 2020 and they were subsequently received from the Local Planning Authority on 6th July 2020. The model for Junction 18 is currently under review; we will provide our consolidated comments once we have received and reviewed the Junction 17 assessment.

The applicant has prepared a Construction Management Plan (CMP) which we have also reviewed. The CMP states that deliveries will be outside the network peak and school peaks. How this is monitored and enforced is not stated, therefore we request further detail on how this will be managed and enforced. We note that the number of employees expected to be working on site during the construction programme is not stated, nor how these trips are going to be managed to reduce the impact. Given that the construction programme for

the 300 units is anticipated to be approximately three years in duration, Highways England considers this to be of significance.

It is noted in paragraph 5.8 of the CMP that the site is will operate from 0800-1800 and the applicant states the majority of trips will be outside the peak hours. Highways England requests detail on the number of staff and the number of staff trips during construction, in particular the number and proposed routing of these trips that will be made during the peak hours.

The applicant has not made any reference to delivery and servicing arrangements. We would have expected reference to be made to this, either as part of the Transport Assessment or as a standalone Delivery and Servicing Management Plan. This would account for the trip generation associated with servicing of the proposed development, particularly given its size and scale. This would include, but is not limited to, the provision of loading bays, access, how deliveries will be managed through promoting the use of locker drop boxes to residents, reducing peak hour deliveries or similar etc. Although we have referenced more detailed information within this email, we recognise that because this is an outline planning application, some of this information may not be available at this time.

Noting the above, with a limited understanding of the potential impacts of the development, there is insufficient information for us to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 32) and we would want to have all of the additional information before issuing a formal response to you.

I trust that the above is of assistance and would be grateful if you could pass the above comments to the applicant and their consultants for further consideration and reply. This email does not constitute a formal recommendation from Highways England.

Accordingly, we formally request that your authority refrains from determining this application, (other than refusal) until such time as we have received and considered all the requested information. Once we are able to adequately assess the above and its potential impact on the SRN, we will provide you with our final formal response.

9.1.18.1 National Highways (August 2021): [No objection, Recommend conditions]

Referring to the notification of a planning application dated 18 June 2020 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

-recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions).

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the SRN, in particular, the M25 at Junctions 17 and 18. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.

We initially responded to the above application in July 2020, with a further response issued in August 2020, following the receipt of requested further information from the applicant's

agent. We noted that, on behalf of Highways England, Atkins had undertaken a review of the M25 Junction 18 model provided by the applicant. The review identified a number of issues relating to the development of the applicant's model structure and lack of sufficient calibration and validation data. Ultimately, we requested that the 2019 Base Year LinSig model is amended. In January 2021, Origin Consultants provided Highways England with updated validation model of the M27 Junction 18. Since this date, Highways England has been working directly with Origin Consultants to agree the M25 Junction 18 model.

There remains issues with the M25 Junction 18 model, and a summary of these issues are provided below:

- The methodology adopted when applying the UGT in terms of signal optimisation as incorrect application of the UGT may nullify the required effect of applying the UGT;
- There is an in-balance of flows on Arm 12 Lanes 1 & 2 (Eastbound approach at the M25 Southbound Off-slip junction) especially in the 2030 DM and DS models. This applies to two LinSig models with and without reduced saturation flows;
- For the LinSig model with saturation flows reduced, the traffic flows for the future year scenarios are not consistent with the LinSig models with no changes to saturation flows; and
- The 2036 COMET flows predicted at the junction are lower than the 2030 flows derived using the 2019 flows and TEMPro growth factors.

Despite these issues, we are able to confirm that, the morning and evening peak hour results for key performance measures at the junction in terms of DoS, MMQ, PRC and Total Delay for the 2030 DM scenario compared to the 2030 DS scenario shows that while the 2030 DS scenario is predicted to experience a small relative reduction in performance at the junction as a result of the development, this is not expected to be significant.

Further, in terms of the M25 diverges at the junction, there is minimal change in performance at both the M25 Northbound and Southbound diverges and queue lengths are predicted to be accommodated well within the available carriageway lengths with no interaction with the M25 mainline in both the morning and evening peak hours. While the issues identified in the modelling could affect the results presented, it is anticipated that the overall conclusion of the assessment is unlikely to change and therefore we will not be asking for further amendments to the model. We accept that the would be unlikely to materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

In our formal response attached, we have recommended a condition on a detailed Construction Traffic Management Plan (CTMP) and a Travel Plan (TP). This is to mitigate any adverse impact from the development on the M25 in the vicinity of the proposed development (Junction 17 and 18). It should be noted that the CTMP is related to the impacts of the construction phase of the project and the TP is related to the longer term management of impacts from the development when TP measures are introduced at the very start of the project.

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. This response represents our formal recommendations with regard to 20/0898/OUT and has been prepared by the Area 5 Spatial Planning Team.

Condition 1

No development shall take place until a detailed Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and Highways England. If the detailed Construction Traffic Management Plan demonstrates that there is the potential for a severe impact on the SRN, further assessments may be required.

Reason: To mitigate any adverse impact from the development on the M25 in the vicinity of the proposed development. To ensure that the M25 in the vicinity of the proposed development continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition 2

No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with Highways England) and implemented. The Travel Plan shall include arrangements for monitoring, review, amendment, and effective enforcement.

Reason: To minimize traffic generated by the development and to ensure that the M25 in vicinity of the proposed development continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

9.1.19 Historic England: [No comment]

Thank you for your letter of 18th June 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

9.1.19.1 Historic England: [January 2022 response: No comment]

Thank you for your letter of 19 January 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

9.1.20 National Grid: [No response received]

9.1.21 Natural England: [Objection]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - OBJECTION

Natural England objects to this proposal. As submitted we consider it will:

- have a significant impact on the purposes of designation of the Chilterns AONB

We have reached this view for the following reasons:

Chilterns Area of Outstanding Natural Beauty (AONB)

Our assessment is based both on a review of the applicant's landscape and visual assessment and associated documents, alongside conversations with the Chilterns AONB Conservation Board, who have visited the site location pre-application. It should be noted that Natural England have not visited the site due to current Covid-19 lockdown restrictions.

We propose the LPA considers both applications together, as they raise the same balancing of planning issues and cumulatively (as well as individually) represent a significant impact on the AONB.

Paragraph 172 of the NPPF states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’. Proposed developments within these protected landscapes must include an assessment and consideration of the Major Development Test (NPPF para 172 a-c), and it is also made clear within 2019 planning practice guidance that the ‘*scale and extent of development in these areas should be limited*’.

It is not Natural England’s role to advise on the merits of the case in relation to the need for development at this location, nor on alternative development solutions, the first two of the bullet points in NPPF paragraph 172. However, it is important for us to take into account these matters insofar as they set the context for our advice on the environmental effects, and should be a key consideration for the planning decision.

It is clear to Natural England that these tests cannot be satisfied at this location for the following reasons:

- (a) In terms of the need for the development, and the impact of refusing it on the local economy, no exceptional circumstances are provided. This test cannot be satisfied.
- (b) The scope or cost for developing outside of the protected landscape is not discussed. This test cannot be satisfied.
- (c) Detrimental impact on the environment and landscape and the extent to which this could be moderated. Detrimental impact cannot be moderated for such developments of this size and scale within an AONB, and cannot take precedence over the existing nationally protected landscape. This test cannot be satisfied.

Where no exceptional circumstances exist, or where it cannot be demonstrated that the development is in the public interest, planning permission should be refused for major developments.

These proposals of 800 + 300 houses fully within the Chilterns AONB constitutes a major development which harms the special qualities of the AONB in this area, in this case the rolling and undulating dip slope character adjacent to the village of Chorleywood. The site also lies within the Heronsgate Heights area of the Hertfordshire Landscape Character Assessment. This area is characterised as ‘*the plateau is a gently undulating area forming part of the Chilterns dip slope. Slopes rise from the adjacent Maple Cross slopes*’. The fact that both proposals constitute major development is accepted within the accompanying Planning Statement in Section 6.13.

The argument within the Landscape chapter of the ES that the proposed development will result in a landscape impact of ‘*minor adverse*’ is, in our opinion, erroneous. The dip slope landscape is an integral valued landscape of this part of the Chilterns, and is part of the wider Chilterns dip slope landscape as identified as a special feature in both the Chilterns AONB Management Plan (adopted 2019) and the Heronsgate Heights Landscape Character Area.

The conclusion within the Town Planning and Affordable Housing Statement that the benefits to local housing outweighs the negatives to the scenic and natural beauty of the AONB relies solely on the exceptional circumstances test within the NPPF. This cannot be justified as they fail to give the essential ‘great weight’ to the conservation and enhancement of the landscape and scenic beauty as required in the NPPF and in the CROW Act, Section 85. We are of the opinion that these applications harm the AONB, rather than conserve it, and would result in the erosion of the urban to rural AONB boundary.

The current Three Rivers Local Plan identifies the site as Green Belt land (adopted 2014). The site is considered within the new Local Plan Potential Sites Document, which has recently been consulted on. However, pre-empting the Local Plan site allocation process with a development of this size and scale within the AONB is, in our opinion, premature. We

consider it unlikely that Three Rivers Council will allocate this land for such a large quantum of development, taking into consideration its sensitive location, and this is something we would be very opposed to if it were to be allocated.

The Chilterns AONB is already under tremendous pressure across its whole area from developments of both housing and infrastructure. This pressure on the AONB is recognised within the 2019 Glover Review into protected landscapes, where he also recommends National Park status for the Chilterns. Whilst some smaller sites, carefully chosen and developed sensitively, may be considered acceptable, Natural England is of the opinion that such large scale sites as those proposed at Chorleywood would both severely damage the unique landscape and result in significant visual impacts to those who visit the AONB to enjoy its special qualities.

Natural England has had correspondences with the Chilterns Conservation Board on these applications. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan (adopted 2019), should be given great weight as it is a valuable contribution to the planning decision

9.1.21.1 Natural England (March 2022): [Objection]

Natural England objects to this proposal. As submitted we consider it will:

- Harm the purpose of designation of the Chilterns Area of Outstanding Natural Beauty (AONB)

The Chilterns AONB

The Chilterns landscape was designated as an AONB in 1965. Its designation confirms this to be one of England's finest landscapes and applies the statutory purpose of conserving and enhancing the area's natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on local authorities and other public bodies to 'have regard' for that statutory purpose in carrying out their functions. The natural beauty of the Chilterns is expressed through the area's distinctive character which features a unique interaction of geological, ecological and cultural heritage features. Particular special qualities of the AONB include the dramatic chalk escarpment, a globally rare landscape type, panoramic views from across the escarpment interwoven with intimate dipslope valleys and rolling fields, and nationally important concentrations of flower-rich chalk grassland. Other special qualities comprise significant areas of woodlands, historic commons, tranquil valleys, ancient routes, villages with brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures. The Chilterns Management Plan (2019- 2024) describes the landscape character of the Chilterns as comprising four broad character types; Scarp Foothills and Vale Fringes, Chalk Scarp, River Valleys and Plateau and Dipslope. Of particular relevance to this planning application is the landscape character of the Plateau and Dipslope, which is described thus:

'A large proportion of the AONB is covered by plateau and dipslope as the land gradually falls away to the east and Greater London. Though less visible and striking than the scarp, this landscape forms a key part of the classic Chilterns landscape.

The topography is complex, with areas of plateau dissected by long, narrow, often dry valleys. Extensive woodlands and arable fields interspersed with commons, villages, scattered farmsteads (often dating from medieval times) and designed parklands characterise the plateau. Commons, heaths and greens would once have been far more extensive. Many Chilterns commons are wooded or former wood pasture, with areas of heathland, acid grassland, ponds and other open habitats. Grazed fields can still be found on the steeper valley sides and valley bottoms where settlements often formed around water sources or stretched out along the valley roads.'

The Chilterns AONB was extended in 1990 and is currently undergoing a boundary review, with a view to a further extension of the AONB.

National Planning Policy Framework

The statutory purpose of AONBs is to conserve and enhance the area's natural beauty. Natural England's assessment of the application, based on the consultation materials made available and site visit, is that the proposed development would harm that statutory purpose by introducing substantial built development into an currently undeveloped open area and by materially harming the dipslope and dry valley special qualities of the AONB. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

Paragraphs 176 and 177 of the National Planning Policy Framework (NPPF) give the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

First and foremost the planning application should be determined against paragraph 176 of the NPPF, which states:

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵⁹. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Natural England is of the opinion that the applicant has not given sufficient weight to the NPPF policy in paragraph 176, which gives *great weight* to conserving and enhancing landscape and scenic beauty in these areas. The proposed development is entirely within the Chilterns AONB and the development proposal fails to either conserve or enhance the natural beauty of the designated area. Furthermore, the scale and extent of development proposed in this location (whether 300 or 800 dwellings) is clearly contrary to the NPPF policy that "*the scale and extent of development within all these designated areas should be limited*". Natural England asserts that the proposals will not *conserve and enhance* the Chilterns AONB landscape nor *its scenic beauty* and would clearly constitute major development within an AONB.

Paragraph 177 of the NPPF makes it clear that major development within AONBs should be refused, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It goes on to state:

'Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

In previous correspondence (ref: 20/0882/OUT and 20/0898/OUT on 20th July 2020) Natural England advised that these tests cannot be satisfied by the proposed developments, that exceptional circumstances do not exist and that therefore major development on this site should be refused in accordance with NPPF policy in paragraph 177. We emphasise that detrimental effects to the landscape cannot be moderated for developments of this size and scale within the AONB and that the proposed development therefore directly conflicts with national planning policy and Development Plan policy (as discussed later in this letter) and should be refused planning permission.

Natural England considers that the location, scale and extent of development results in significant harm to the AONB. This is confirmed by the conclusions of the applicant's own landscape assessment. In the assessment, it was found that there will be significant adverse effects to the proposal site and to its immediate setting during the eight year construction period (13.6.7), thus acknowledging the significant effect on the AONB. The assessment also found there would be permanent 'moderate adverse' effects (which based on their methodology are significant effects) on the landscape character of the AONB proposal site 15 years after completion. This is also acknowledged in the updated planning statement which states '*development of the site would by its nature result in harm to the AONB and Green Belt*' (para 5.6) and underlines Natural England's stance that detrimental effects of development of this size and scale within the AONB cannot be moderated. We would also add that NPPF paragraph 11d and its associated footnote 7 is directly relevant to determining this scheme. We refer to our advice below citing this in relation to case law and the Planning Inspectors' decisions based on this clear policy provision.

The Chilterns Management Plan, a material planning consideration to which planning weight should be attached, sets out guidance for the management of the AONB to uphold the statutory purposes of conserving and enhancing the AONB and its special qualities. It recognises that the Chilterns face unprecedented pressure from housing and transport infrastructure which impact on the natural beauty and special qualities for which the Chilterns were designated. The management plan strategic objective DO1 aims to '*ensure planning decisions put the conservation and enhancement of the AONB first.*' Policies DP1 – DP15 set out in detail how that objective should be achieved. We note that the Chilterns Conservation Board has strongly objected to this development proposal and advise that their advice regarding the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, should be given considerable weight in the determination of the proposals.

Glover Landscapes Review and the National Landscape Designation Programme

This planning consultation has been reviewed in the context of a renewed government ambition to revitalise England's protected landscapes. We highlight this important context in which this application can be considered along with setting out the established planning policy framework for determining the application, together with relevant case law and a critique of the Landscape and Visual Impact Assessment. The Glover Landscapes Review (21st September 2019) set out a compelling vision for more beautiful, biodiverse and accessible National Parks and AONBs. It recommended strengthening protection of AONBs with 'new purposes, powers and resources' (proposal 24), 'a strengthened place for national landscapes in the planning system' (proposal 6) and a new programme of landscape designations (Proposal 20.)

As a consequence of the Glover Review, on 24th June 2021, an ambitious new programme to assess four areas for possible designation as Areas of Outstanding Natural Beauty (AONB) was announced, contributing towards the Government's commitment to protect 30% of our land for nature by 2030. This programme aims to deliver on the Government's commitment for more National Parks and AONBs made in the Government's Manifesto and more recently in the Prime Minister's Ten-point plan for a Green Industrial Revolution. As part of this programme, an extension to the Chilterns AONB along with three other national designation projects were prioritised for delivery on the basis that they were areas likely to achieve the most against the key policy objectives.

Natural England, as the Government's designating body and statutory advisor for England's Landscapes, is currently working on reviewing the boundary to the Chilterns AONB, with a view to extending the AONB via a Variation Order to be confirmed, in due course, by the Defra Secretary of State.

On 15th January 2022, the Government's response to the Landscapes Review Environment set out 'ambitious proposals to strengthen our protected landscapes'. Environment

Secretary George Eustice said 'Our National Parks and Areas of Outstanding Natural Beauty are amongst our nation's greatest and most cherished natural wonders. The comprehensive set of measures set out today represents a new chapter in the story of our protected landscapes'¹

The Landscapes Review and the Governments' response to it, confirms the continuing importance of these landscapes to the nation, signalling a new approach to nationally designated landscapes and renewed vigour to protect them. It recognises both their importance in their own right as cherished landscapes, but also their strategic importance as a vehicle for delivery of measures to address the challenges we face on climate change, biodiversity loss and improving the populations health and wellbeing in the wake of the Covid-19 Pandemic.

Natural England considers that the Review and Government's response to it should be taken into account when determining this major housing development within the AONB. We note that, without exception, all the of the major development examples cited within AONBs in table 8 of the updated Planning Statement included within this planning application (November 2021) relate to allocations or permissions pre-dating both the Glover Review, the Governments' response to it, and the national landscape designation programme announcement.

Relevant Case Law

We would draw your attention to a recent planning case Hawkhurst Golf Club for a hybrid residential development proposed within the High Weald AONB. The proposal was dismissed at appeal on 2nd February 2022 on the grounds of the harm caused to the AONB. The Inspector found '*harm to the AONB both through harm to the character and appearance of the appeal site, and also through harm to some of the key characteristics of the AONB*' (para 87) and also to the '*character and appearance of the wider area and landscape in general terms*' (para 23). The Inspector ruled that landscaping treatment of the boundaries could not overcome the fundamental harms caused by the large scale proposed development and extensive engineering works required for the provision of 374 homes (para 88), finding that the proposal failed to comply with Local planning policies which sought to '*preserve and enhance landscape character*' and '*resist detrimental impacts on the landscape setting of settlements.*' The Inspector concluded

'I recognise that the identified benefits in relation to housing matters, both directly from the proposed housing and in terms of the benefits from the new road, would clearly be in the public interest. However, the reality is that the circumstances of the housing shortfall, including challenges around providing for affordable housing, self-build, custom-build, and care home housing, are not unusual. The other benefits identified are commonplace and do not add significantly to the balancing. Overall, my view is that these considerations do not together present exceptional circumstances. I conclude that when they are balanced against the harm to the landscape and scenic beauty of the AONB that I have identified, a development of this scale in this location would not be in the public interest. Consequently, the proposal does not comply with Paragraph 177 of the Framework.' (para 90)

In the planning applications at Chorleywood currently under consideration, the applicant has sought to apply the 'tilted balance' to give housing supply elevated weight in the consideration of planning issues on the premise that no harm arises to the AONB landscape. This is both erroneous and illogical, since the applicant's own landscape assessment does find harm to the AONB landscape, albeit they do not acknowledge it as such, referring rather to the site and its immediate surroundings. In Natural England's opinion the assessment summary understates the extent of the harm where it states that the development will be '*scarcely seen*', downplaying the fact that the development will be seen by significant numbers of people using Chorleywood Common, Public Rights of Way 011 and 014, and the publicly accessible path leading to St. Clement Danes School.

Natural England concur with the Chilterns Conservation Board that in this case applying NPPF paragraph 176 to give *great weight* to the AONB provides a clear reason to refuse the development under the NPPF paragraph 11d (i) presumption in favour of sustainable development and that there is no therefore no need to consider 11d) ii in deciding the planning balance. The *Monkhill v SSHCLG* High Court judgement (28th January 2021) 3 sets a clear case law precedent on this matter and in the *Hawkhurst Golf Club* case the tilted balance was also disapplied, despite the fact that the Council could not demonstrate a 5 year housing land supply. In the *Hawkhurst* case, the Inspector stated;

'Paragraph 11d) of the Framework sets out that where the application of policies within the Framework that protect areas of particular importance provide a clear reason for refusing the development, then the so called 'tilted balance' in favour of granting planning permission, which would otherwise have been engaged, does not apply. Therefore, in light of Footnote 7, given my conclusion in respect of the AONB, this case falls to be determined on the ordinary unweighted planning balance, to which I now turn.

The benefits in this case, substantial though they are, are not sufficient in this instance to outweigh the great weight to be afforded to the harm to the AONB, and the other harms set out above.

I therefore conclude, on balance, that the appeal be dismissed.' (paras 94-96)

Site visit

Natural England carried out a site visit on 7th March 2022, weather conditions were dry and visibility was good for the duration of the site visit. An experienced Chartered Landscape Architect (CMLI) conducted the site visit and contributed to this consultation response with the advice set out below:

LVIA: Approach and Methodology

A review of Chapter 13: Landscape and Visual Impact Assessment has been undertaken on behalf of Three Rivers District Council by RSK Environmental Ltd. We do not propose to undertake a full review of the LVIA, but will highlight some key points in relation to that part of the LVIA which concerns the assessment of the Chilterns AONB and any relevant documents which relate to it.

The LIVA refers to a number of published policy documents and character assessments, both within the chapter and also within Appendix 13.1, including the documents relating to the AONB (Chilterns Management Plan and Building Design Guide). Here, the special qualities of the AONB (i.e. those for which it is designated) are referred to, however there is no further mention of these in the main part of the LVIA, and no clear assessment thereof, nor any further reference to the AONB Management Plan. In Table 13.16 (p.31-2), when setting out the value of the site in relation to each of the identified landscape character areas, the LVIA refers to the site as '*not exhibit(ing) some of the more characteristic features of the Chilterns*' when referring to NCA 110 Chilterns and refers to the site as not representing '*features associated with the highest quality landscapes associated with the Chilterns*' in relation to Heronsgate Heights LCA. Neither of these documents sets out landscape characteristics in this way, nor are the special qualities identified in the Chilterns Management Plan considered in Table 13.16 or the wider assessment. The approach continues when the assessment considers the value of landform and water features, where the LVIA refers to a '*minor dry valley*'. In assessing the value of the character areas and the landscape features in this way, the LVIA has not only ignored the special qualities of the AONB, but has purported to devalue those of the site over the rest of the AONB in an attempt to convince the reader that the site is lower in landscape value. We would strongly disagree. The site visit confirmed that site topography clearly displays the characteristic Chilterns AONB dipslope character, dry valley and associated grazing pasture land use described in the Chilterns AONB Management Plan within the Landscape Character

section. In this section, it notes that the Plateau and Dipslope landscape character type '*forms a key part of the classic Chilterns landscape*' (p. 13).

The approach to the AONB in the LVIA is further highlighted by the exclusion of the AONB from the list of landscape receptors, thereby avoiding the need to make an assessment of the effects on the nationally designated landscape. Notwithstanding the above, when setting out the potential effects on landscape receptors during operation (at year 15), the LVIA appears to contradict the baseline assessment of the site, by noting that '*the dry rolling valley topography of the Site is typical of the Chilterns...*' (13.6.27). However, despite this acknowledgement, the assessment of the effect on the landform of the site is judged to be 'minor' adverse, which could not be the case once the site is developed, as the dry valley and dipslope will no longer be able to be appreciated as key landscape features of the Chilterns.

The LVIA methodology and approach is based on a series of matrices and tables. These are considered acceptable in GLVIA3 as a way of communicating complex information, but it is recommended that they are used to support, rather than replace narrative descriptive text, in particular in relation to judgements of significance (para. 8.10). The LVIA methodology states that impacts of moderate or higher are assessed as significant, which is usual industry practice. However, the matrices that underpin the methodology (both those relating to landscape and visual sensitivity matrices as well as the significance of landscape and visual effects matrices) are skewed towards the lower end of significance. We would expect these matrices to be balanced, with a roughly equal number of significant to non-significant options. Although medium-low is used extensively, there are no medium-high options and a combination of high susceptibility and medium value is deemed medium sensitivity. In relation to the significance tables, only six out of 20 options are significant effects, and again, they are skewed to the lower end of significance, such that for example, high sensitivity and medium magnitude of effect is deemed a moderate effect, as is medium sensitivity and medium magnitude of change. The matrices therefore result in a consistently lower impact assessment, compounded due to both the sensitivity and significance matrices under assessing the effect. Adding to this, we would concur with the RSK analysis that there is an over reliance on tables within the text in favour of narrative text, which results in judgements erring towards the lower end of significance. We would also note that the number of tables used make the judgements reached are difficult to easily follow, especially since those effects which are significant are not flagged beyond the reference to these in the methodology.

In the assessment landscape effects in relation to the site setting, are judged as being minor adverse at year 15. The description in table 13.21 (p. 55) concentrates on views of the development within the AONB, however there is no discussion of the effect on the landscape as a resource, nor on the special qualities/landscape character of the AONB. The judgement that a development of either 300 or 800 dwellings will result in a minor adverse effect on the site setting, which is part of the Chilterns AONB cannot be correct, and supports our assessment that the methodology and approach of the LVIA underplays the effect of the proposed development.

The LVIA has not dealt with residual, significant effects transparently. As set out in the LVIA methodology, all effects over moderate are significant. However, in the summary tables at the rear of the LVIA, not one of the construction or operational effects is identified as being residual or significant, despite the fact that a number of them are assessed as being moderate adverse. For instance, the landscape effects on vegetation at operation was judged to be moderate adverse, as were visual effects during operation on Chorleywood Common and sections of Common Road/Chess Valley Walk. These should all be highlighted as significant, residual effects in order to provide the reviewing body with the means to understand clearly what the environmental effects of the schemes would be. In addition, by under assessing the effects on the site setting in relation to NCA Profile 110, no residual significant effect has been identified here, and because the site and its setting

are assessed together, there is no facility to show the residual, significant effect on the site. The neutral to moderate adverse effect on the users of PRow 014, given the footpath's route along the site boundary and notwithstanding potential landscaping, is too wide in its scope and cannot be correct, as there will be at least glimpsed views, which would result in some effect on the users. PRow 011 has been similarly assessed and the width of the effect is non-sensical.

LVIA Omissions

GLVIA3 notes that reviewing any relevant existing assessments is the first step in preparing the landscape baseline (p. 93). There are two documents which have been prepared as part of the evidence base for the emerging Local Plan for Three Rivers District Council, which have not been referred to in the LVIA, and their omission from the LVIA appears to further under-play the sensitivity of the site. The first is the Strategic Housing and Employment Land Availability Assessment (SHELAA), which found that '*The landscape sensitivity assessment classifies the site as having a high sensitivity to built development*' (Appendix 7d – Previously Considered Sites Detailed Assessments, under reference PCS4). The other document to which no mention is made is the Landscape Sensitivity Assessment, undertaken by Place Services (published August 2019). In this document, the site (PCS4) is assessed as being of High landscape sensitivity to built development, with it noting that '*the rolling grassland hills and pasture land are characteristic of both the Hersongate Heights LCA and the Chilterns AONB*'. High landscape sensitivity is defined in the document's methodology as,

'Landscape and / or visual characteristics of the assessment unit are very susceptible to change and / or its values are high and it is unable to accommodate the relevant type of development without significant character change or adverse effects. Thresholds for significant change are very low.'

To conclude, it is clear that the proposals would cause harm to the AONB's statutory purpose to conserve and enhance the natural beauty of the Chilterns AONB. The LVIA has not assessed the special qualities of the AONB, as set out in the Management Plan, and in so doing, the effect of the proposed developments on the statutory purpose of the AONB has not been considered. As the designating authority for the AONB, Natural England would expect a high or very high sensitivity to be assigned to both landscape and visual receptors in relation to the AONB. This is due to the very high value of this landscape (as confirmed by its AONB designation as being one of England's finest landscapes, and with its landscape and scenic beauty afforded the highest level of protection by national planning policy) and its clear susceptibility to the type of development proposed. Natural England views an assessment which is based on a lesser level of sensitivity and without the strongest justification for that, as unsatisfactory. The LVIA methodology not only under assesses the effects of the schemes on the receiving landscape, but by failing to assess the effect on the AONB's statutory purpose through an assessment of its special qualities, it provides insufficient information to allow an informed determination of the schemes.

Development Plan Policy DM7

Both of the proposed developments would contravene policy DM7, set out in the Development Management Policies Local Development Document (adopted on the 26 July 2013), failing on all three requirements in terms of the Chilterns AONB.

DM7 does not support development within the AONB where it would:

- i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development.
- ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area.
- iii) Detracts from the public enjoyment of the AONB landscape.

Natural England note that the wording of the aforementioned policy encompasses all adverse impacts on views and whether or not those impacts are deemed to be 'significant' for the purposes of the Environmental Impact Assessment (EIA). Natural England's assertion that the development fails to meet these three requirements is set out in detail below.

i) Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development.

The proposed development causes material harm to the dipslope character of the AONB within the application site. The dipslope character is recognised as a defining special quality of the AONB and is associated with grazed fields found on the steeper valley sides and valley bottoms which is in evidence on the proposed development site. Replacing this rural area of grazed land, with an urban housing development would cause irreversible harm to the special qualities of the Chilterns AONB, its landscape character and its distinctiveness. The scale of each of the proposals would result in material harm to the character and appearance of the site and the AONB setting of Chorleywood Common. It would result in the permanent alteration of the site from an attractive, undeveloped area of traditional rural grazing land use to a heavily developed suburban site.

Even after the proposed screening is established 15 years post construction, the built development would be visible from the public rights of way in the immediate area of the site, as well as from Chorleywood Common, and from public streets and roads in the plateau area within the settlement around Shire Lane and Rendlesham Way. In its current form, the site offers a green and verdant character that reinforces the rural edge between the Chilterns AONB and the settlement. The proposal would fundamentally alter this edge with the introduction of substantial, urbanising, built form, irrespective of the landscape mitigation proposed. There would be material harm to the established character and appearance of the area, and to the natural beauty of this part of the AONB.

ii) Detracts from the setting of the AONB and has an adverse impact on views into and out of the area.

The site falls within the Herongate Heights Landscape Character Area, which is assessed as being in good condition and having a strong character, placing it in the highest landscape category ranking with a management recommendation to 'safeguard and manage'. The LCA comments "The area feels private and relatively remote, despite the proximity to the M25 and neighbouring settlements" and goes on to state "the area is unusual in the country with Herongate and Chorleywood Common being the most distinctive features." Our site visit confirmed that the Herongate Heights Character Area has a rural 'village' feel, which is unusual given its urban context and proximity to London. The development would compromise this character by infilling the last remaining visual connection to the rural AONB landscape from the elevated plateau at Chorleywood Common, as can be seen from viewpoint 10, and from reciprocal viewpoint 1.

The proposal site has clear intervisibility with Chorleywood Common, a popular area of Open Access land which is locally important for recreation, and where the sensitivity of visual receptors are high. Chorleywood Common is notable for its mixture of contrasting enclosed views channelled through woodland and far-reaching open views across the AONB Chilterns landscape, seen over the existing properties on the edge of the settlement, and towards wooded skylines on the horizon. These long reaching views reinforce the unusual sense of ruralness in this location on the edge of London, alluded to in the 'Herongate Heights' LCA, and reinforce the sense of historical connectivity between the Common and the AONB landscape. For this reason, Chorleywood Common can be considered to be within 'the setting' of the AONB. Development on the proposal site would

remove the last remaining gap in urban form, as seen from the Common, blocking open long distance views from the Common to the wider AONB landscape and in doing so compromising visual receptors ability to 'read' the wider AONB landscape and the classic Chilterns AONB pattern of the interaction between the local dipslope and plateaux. The Chilterns AONB Management Plan notes that commons are characteristic of the plateau and dipslope landscape, stating that '*commons, heaths and greens would once have been far more extensive*'. The result of development taking place on this site would be that, Chorleywood Common, 'the setting' of the AONB, would lose its sense of connectivity with the AONB landscape and the sense of the special relationship between the dipslope, plateau and commons.

iii) Detracts from the public enjoyment of the AONB landscape.

The residents of Chorleywood and visitors who use the public rights of way which lie in close proximity to the site (PRoW 011 and 014, the private footpath to St Clement Danes School) currently experience the AONB landscape as soon as they leave the settlement edge, with the dipslope and dry valley visible, especially through the hedgerow gaps along PRoW 014. These rights of way offer an immediate gateway from the settlement to the wider AONB landscape to the north, and the proposals will remove this early opportunity for public enjoyment of the AONB in favour of high density housing. In addition, the public enjoyment of the AONB landscape from Chorleywood Common would be lost, as discussed under policy point ii above. Natural England also note that although the site is contained by mature hedgerows along its western boundary with Green Street, at the time of our site visit (March) there were clear views into the site through gaps in the defoliated hedgerow from the footway along the road. During the site visit we both walked and drove along this road. Views into the site were particularly noticeable when driving along Green Street where the defoliated hedge branches formed a regular foreground interruption to views into the application site, which was continuously and clearly visible along the length of its boundary with Green Street.

Summary of Natural England's advice

To summarise, the proposals are made for an unallocated site that was considered at Regulation 18 consultation stage for the emerging Local Plan, but was not taken forward for allocation. This is unsurprising given its location within the AONB, and the findings within the documents produced to underpin the evidence base. The development proposals comprise major development in an AONB. Paragraph 177 of the NPPF states that such development should only be allowed in exceptional circumstances and where it is in the public interest. As established above, there would be significant harm to the AONB, both through harm to the character and appearance of the site, and also through harm to some of the special qualities and key characteristics of the AONB. Landscaping and the treatment of boundaries cannot overcome the fundamental harms caused by the large scale proposed development and extensive construction works required for the provision of 300 or 800 homes. Proposals for enhanced boundary screening and green infrastructure provision to moderate these impacts would not overcome the scale of physical and visual intrusion identified on our site visit. Given the harm caused to the AONB and its setting, it is difficult to envisage how a development of this scale in this location would be in the public interest, and therefore how it could comply with Paragraph 177 of the Framework and local plan policy DM7 which seeks to conserve and enhance the character of the AONB, its setting and the public's enjoyment of this nationally designated landscape. No exceptional circumstances have been demonstrated.

The LVIA does not provide a transparent assessment of the facts. It does not directly assess the effects of the development proposals on the AONB or its special qualities, it ignores published documents which assess the site as sensitive, and given that methodology is skewed towards the lower end of significance, consistently under plays the significance of the effect on the designated landscape.

9.1.22 NHS Herts Valleys CCG: [Comment received]

I understand that this site is subject to CIL rather than S106, however, due to the large number of dwellings proposed, I would like to make you aware of its potentially significant impact on NHS services in the area.

Despite the fact that local GP surgeries have some capacity to absorb growth in patient numbers, there are factors, which intensify its impact:

- Firstly, there is a major housing growth planned in the area according to the draft LP.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

In light of the above, and in the absence of S106, HVCCG would like to reserve an option to seek a CIL contribution at the later date towards additional health facilities in the vicinity of this development.

To give an indication of the financial impact that this development is likely to bring to the NHS, I can share our formula for S106 requests in relation to Primary Care.

800 dwellings x 2.4= 1,920 new patients
1,920/ 2,000 = 0.96 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)
0.96 x 199m2 = 191.04 m2 additional space required
191.04 x £3,150 (build costs including land, fit out and fees) = £601,776
£601,776 / 800 = £752.22 ~ £752 per dwelling

This calculation is based on the impact of this development only, on the number of dwellings proposed.

In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

Acute Care £2,187.69

Mental Health £201.38
Community Services £182.03

I trust this information is sufficient for you to proceed.

9.1.22.1 NHS Herts Valleys CCG: [January 2022 response: Comment received]

Thank you for your consultation in relation to the above planning application for 300 dwellings on Land East of Green Street And North of Orchard Drive Chorleywood.

I understand that this site is subject to CIL rather than S106, however, due to the large number of dwellings proposed, I would like to make you aware of its potentially significant impact on NHS services in the area.

Despite the fact that local GP surgeries have some capacity to absorb growth in patient numbers at the moment, there are factors, which intensify its impact:

- Firstly, there is a major housing growth planned in the area according to the draft LP.
- Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

I would like to take this opportunity and expand on the latter point.

For some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

In light of the above, and in the absence of S106, HVCCG would like to reserve an option to seek a CIL contribution at the later date towards additional health facilities in the vicinity of this development.

To give an indication of the financial impact that this development is likely to bring to the NHS, I can share our formula for S106 requests in relation to Primary Care.

300 dwellings x 2.4= 720 new patients

720/ 2,000 = 0.36 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”)

0.36 x 199m2 = 71.64 m2 additional space required

71.64 x £5,410 (build costs including land, fit out and fees) = **£387,572.40**

£387,572.40 / 300 = £1,291.91 ~ **£1,290 per dwelling**

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

This calculation is based on the impact of this development only, on the number of dwellings proposed.

In addition to the above, we would like you to consider the impact on NHS community, mental health and acute care services. Detailed calculations of the capital impact can be provided and I have summarised the cost per dwelling based on 2.4 occupancy below:

Acute Care £2,187.69
Mental Health £201.38
Community Services £182.03

East of England Ambulance Service NHS Trust (EEAST) have commented as follows:

EEAST is impacted by new housing developments and assessment of the suitability of existing ambulance station(s) within the locality, with potential to redevelop or extend and in certain instances relocate to a more suitable location as well as the need to increase the number of ambulances and medical equipment to manage increased number of incidents to the growing population in order to maintain mandated ambulance response times and treatment outcomes.

The proposed development will impact on EEASTs' ability to provide nationally set response times for accident and emergency services around the geographical area associated with the proposed application site. EEAST does not have capacity to meet the additional growth resulting from this development and cumulative development growth in the area.

Non-emergency patient transport services are commissioned by Hertfordshire and West Essex CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

The proposed development will impact on the NHS funding programme for the delivery of emergency and non-emergency healthcare service provision within this area and specifically within the health catchment of the development. EEAST would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The Sustainability Assessment indicates the site in in Flood Zone 1 at low risk of flooding. EEAST would welcome utilisation and catchment of grey water is considered by the developer to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse grey water for community gardens instead of entering main sewers. Appropriate use of living green roofs can also reducing the potential for localised flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off would be welcomed. In addition, ensuring sufficient green space curtilage and alongside residential roads helps reduce the risk of localised flooding.

EEAST supports the proposed open space and the establishment of seating, community garden/allotments as these help community cohesion as well as support physical and mental health and wellbeing. EEAST would encourage developers to planting of wildflower grassland to encourage local flora and fauna. EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light on local wildlife.

EEAST would also highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient

to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being. The potential for community gardens/ planting areas would also be welcomed to support community physical and mental health and well-being.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed development combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.

Therefore, a contribution is sought to make this scheme favourable to the NHS services commissioner and we propose a charge is applied per dwelling towards providing additional ambulance service provision. Table 1 shows the capital required to support the population arising from the proposed development and is calculated to be £72,900.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

<i>Additional Population Growth (300 dwellings) 1</i>	<i>Rate2</i>	<i>Ambulance Cost3</i>	<i>Total</i>
720	0.15	£675	£72,900

Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

Calculated using per head of population in Hertfordshire & West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066)

Calculated from EEAST ambulance data

The formula is based on the number of units proposed and therefore related in scale, not taking into account any existing deficiencies or shortfalls.

EEAST therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission to support EEAST provide emergency and non-emergency ambulance services to this new development.

9.1.23 Three Rivers District Council - Conservation Officer: [Objection]

The outline application is for the demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

The site is located to the north west of the Chorleywood Common Conservation Area and to the north of the Chorleywood Station Estate Conservation Area. Within the Chorleywood Common Conservation Area are a number of listed buildings, the two within closest proximity to the site are situated on the western side of Common Road. Berkeley House is Grade II listed (list entry no. 1348212) and dates to the early-mid seventeenth century with substantial nineteenth century alterations. It was formerly the Berkeley Arms Public House and is prominent element of the streetscape overlooking the Common. Further north on Common Road is the Grade II listed building of The Old Cottage and Pond Cottage (list entry no. 1296284) with a sixteenth and seventeenth century timber framed core encased in red brick in the eighteenth century and with subsequent alterations in the nineteenth and twentieth centuries. The Conservation Area also includes a number of locally listed buildings including the Rose & Crown Public House, a building with seventeenth century origins fronting the Common, and The Cottage located on Homefield Road which is a good example

of early twentieth century design typical of the growth of the area following the opening of Chorleywood Station.

A cluster of four Grade II listed buildings forming the historic core of Great Greenstreet Farm, including the farmhouse (list entry no. 1124748) and three barns (list entry nos. 1332569, 1252815 and 1252819), is situated to the north of the site on the western side of Green Street. These buildings are located outside the Three Rivers District boundary within Buckinghamshire, but their wider setting is impacted by the proposal.

The heritage assets impacted are the Chorleywood Common Conservation Area and the four Grade II listed buildings at Great Greenstreet Farm. The proposal is not considered to individually impact the settings or significance of the listed and locally listed buildings within the Conservation Area. These buildings and the spaces between them form part of the Conservation Area.

Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) on The Setting of Heritage Assets has been considered in assessing the proposal.

Chorleywood Common Conservation Area

Chorleywood Common Conservation Area was designated in 1976 and amended in 1991. The special interest of the area is defined within the Chorleywood Common Conservation Area Appraisal (2010):

Chorleywood Common Conservation Area is of both historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding the Common creates an area of architectural interest. The variation in character of the buildings located around the Common, ranging from 16th and 17th Century to 19th Century buildings demonstrates the growth of the area throughout history... The special interest of the Conservation Area relates to the types of buildings and how the built form surrounding the Conservation Area has developed and grown throughout history. The original buildings consist of the farm cottages. These buildings reflect the historical agricultural use of the Common... Chorleywood Bottom reflects the early village settlements of the Conservation Area. The arrival of the Metropolitan Railway line resulted in a change in the urban form particularly around Station Approach. The north eastern part of the Conservation Area has an urban character created by the development of Rickmansworth Road (A404)...The juxtaposition of low density home and gardens with more intensive terraces or rows of houses does impart a special character to the area. (pg.3)

The Common was historically used as agricultural land for the grazing of animals. Some of the earliest buildings within the Conservation Area are dispersed farm cottages reflecting the agricultural use of the Common. Development around the edge of the Common, particularly to the south west of the Conservation Area, intensified in the nineteenth century following the construction of Chorleywood Station. However, the Conservation Area retains its open and rural character and appearance.

The setting of the Conservation Area contributes to an appreciation of its significance as a historic rural settlement centred on the open land of the Common within a wider agrarian landscape. Areas of open landscape have survived to the north and south, but the former open landscape has been eroded to the east with the growth of Rickmansworth and the construction of the M25, and the west with development around the station. The site is an important area of open land to the north west of the Conservation Area forming part of the surviving agrarian landscape. The site in its present undeveloped form is considered to make a positive contribution to the setting of the Conservation Area.

Due to the unique topography of the area there are clear views of the site from the eastern part of Chorleywood Common looking north west beyond the buildings on Common Road. These views provide an appreciation of the historic landscape setting of the Conservation Area and the development of the settlement within an agrarian landscape. They are an

important aspect of the setting of the area. Whilst views from the west of the Common looking north west towards the site are not included on the 'Important Views' map within the Appraisal (Appendix 8), it should be noted that the Appraisal is not an exhaustive record of every element contributing to the area's significance (stated on pg. 4).

One of the views from the Common towards the site is illustrated in View 10 (Figures 13.20 and 13.21) of the Environmental Statement. The wireframe overlay demonstrates that this view of the open landscape setting from within the Conservation Area will be lost and replaced with a view of the proposed housing development. The undeveloped nature of the landscape to the immediate north and east of the site which will be unchanged by the proposal is not appreciated in this view. The urbanising effect to the setting of this part of the Conservation Area and the environmental changes including the change in the use of the land, light spill and movement are all attributes of the proposal which will detract from the setting of the Conservation Area and the appreciation of its significance. The proposal is considered to result in considerable less than substantial harm to the significance of the Conservation Area. Planning Practice Guidance (para. 018) recommends that the level of harm is clearly articulated. If this harm were considered on a spectrum of low, medium and high, the harm would be at a low to medium level as the proposed development is positioned to the west of the site and the open fields to the east and north are partially retained.

Great Greenstreet Farm (Grade II listed buildings)

The four Grade II listed buildings comprising Great Greenstreet Farm include the former farmhouse and three associated barns. These assets form a group and have been assessed as such. The farmhouse is of seventeenth century origin with alterations and extensions dating to the eighteenth and nineteenth centuries. The three barns are all timber framed and weatherboarded and date to the eighteenth century. The barns have been converted to residential use but retain their legibility as former agricultural buildings within a farmstead. The buildings are all of architectural and historic interest and their setting contributes to an appreciation of their significance as part of an isolated historic farmstead within an open, agrarian landscape. The site forms part of the wider agrarian landscape setting of the listed buildings but it is unknown whether there is any functional link. There is no indication within the Historic Environment Desk-Based Assessment (DBA) of the historic ownership of the land forming the site; the Tithe map of 1838 has been provided but the accompanying apportionment, which shows the ownership and use of the land parcels, has not been included. Given the absence of other farms in the area, as shown on nineteenth century OS maps, it is possible for the site to have been in the same ownership and cultivated as part of Great Greenstreet Farm.

The former farm buildings are located to the north of the site and are separated from it by Green Street and an area of open land between the north of the site and Stubbs Farm. There are some glimpsed views from the site to the listed buildings (as shown in Figure 10 of the Historic Environment DBA), however, the intervisibility is limited because of the existing hedgerow and tree planting along Green Street. The proposal will result in a change to the wider setting of the historic farmstead through the loss of an open field, however, it is considered that mitigation measures including a robust landscaping scheme, appropriate site layout and sensitive building heights to the north of the site could minimise the impact. The consideration of mitigation measures contained within Step 4 of the Historic England guidance. This step has not been fully explored within the DBA and further demonstration of the mitigation measures specifically regarding the group of listed buildings at Great Greenstreet Farm is required.

Due to the immediate setting of the listed buildings within an open landscape being unchanged by the proposal, their distance from the site, the intervening open land south of Stubbs Farm, the existing hedgerow along Green Street, and the potential for mitigation, the proposal is not considered to cause harm to the significance of these four heritage assets.

Conclusion

An objection is raised to the proposal as it will result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of part of its open, agrarian landscape setting and the adverse impact of the environmental changes of the development. There is also an adverse impact on views from the eastern side of the Common within the Conservation Area looking north west towards the open landscape of the site. The harm is at a low to medium level, if it were considered on a spectrum of low, medium and high.

Whilst the proposal only removes part of the open landscape setting to the west of the Conservation Area, the wireframe diagram shown in View 10 illustrates the visibility of the proposed development and the negative impact of urbanising this aspect of the Conservation Area's setting.

Paragraph 196 of the NPPF should be applied. Consideration should also be given to paragraph 193 which affords great weight to the conservation of heritage assets.

9.1.24 Three Rivers District Council - Environmental Health: [No objections, subject to conditions]

Air Quality

I have reviewed Environmental Statement Chapter 7: Air Quality prepared by Hawkins Environmental Ltd. I have also reviewed Appendix 7: Air Quality.

The assessment indicates that the impact of the operational phase of the proposed development will be "negligible". Mitigation is not considered to be necessary. The impacts of the demolition and construction phases will see the site designated as a high risk site. However, with mitigation the residual effects are not considered to be significant.

I would recommend that conditions requiring the following be applied to any permission granted:

A Construction Environment Management Plan (including a Dust Management Plan);
Wheel Washing;
Provision of EV charging points.

I would suggest informatives relating to the following:

The use of Euro 6 vehicles where possible;
Following relevant guidance such as the IAQM guidance.

Contamination Land

I have reviewed the Preliminary Contamination Risk Assessment (Report ref. P19-224pra_3) and the Ground Investigation (Report ref. 19-224gi_v2.3) prepared by Paddock Geo Engineering.

It would appear that Appendixes D and E appear to be missing.

The investigation undertaken did not identify concentrations of contaminants of concern that pose a risk to future users. However, the consultant states that due to the significant size of the site and that the objective of the investigation was to undertake an initial screening to inform the outline application, it is possible further focused and detailed investigation will be required (i.e. beneath the hardstanding of the yard, barn and silo etc.).

I would recommend the following conditions:

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

i) A further site investigation, based on the Preliminary Contamination Risk Assessment (Report ref. P19-224pra_3) and the Ground Investigation (Report ref. 19-224gi_v2.3) prepared by Paddock Geo Engineering, 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.

ii) The site investigation results and the detailed risk assessment (i) 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.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

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

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced 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 approved monitoring and maintenance programme shall be implemented.

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

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

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9.1.25 Three Rivers District Council - Landscape Officer: [No Objection]

This application relates to the proposed development of up to 300 residential dwellings. It is accompanied by a tree report, including a method statement and arboricultural implications assessment.

The site has relatively low impacts from existing trees as most are located around the edges of the site. The only significant area of concern is the access off Green Street. Unfortunately, the tree report does not show the master layout plan, which makes an assessment of the likely impacts to trees difficult to assess. It is also rather concerning that at this stage of the planning process, the tree survey is not based upon a topographical survey (section 1.5), which would be an expectation of the council in respect to an outline or full planning application.

It is unclear whether the tree report has an error, resulting as a roll over from a related application (20/0882/OUT), or as a result of the current masterplan not being overlaid with the tree data. However, the report states that trees T57-T59 need to be removed to facilitate construction off Green Street (section 3.3.2). However, the masterplan for the current application does not show an access point adjacent to these trees.

In light of the above, I have no objections to the proposal per se, although it seems a shame to lose T40, but would have to raise objections to the recommendations currently made within the tree report, in respect to tree removals.

9.1.26 Three Rivers District Council – Landscape Consultant (to review LVIA): [Comment received]

1.1 Scope of Technical Chapter

1.1.1 The scope of the LVIA, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis appears appropriate for the scale of the proposed development.

1.1.2 Details have been provided on consultation with the local planning authority and relevant stakeholders and the response of consultees with regard to the scoping opinion. Table 13.1 provides a useful summary of the scoping opinion comments and locations within the document that provide the applicants response. This table records the comments and requirements with regards to the methodology, planning policy and guidance, study area, viewpoint locations and the approach for visualisations.

1.2 Policies, Guidance and Standards

Planning Policy

1.2.1 The document provides an up to date review of relevant national, regional and local planning policy including:

- The National Planning Policy Framework (NPPF) (February 2019);
- The National Planning Practice Guidance (NPPG) (October 2019);
- The National Design Guide (September 2019);
- Landscapes Review: Final Report ('Glover Report', 2018);
- Local Development Framework Core Strategy (Three Rivers District Council, Adopted October 2011); and
- Development Management Policies Local Development Document (Three Rivers District Council, July 2013).

1.2.2 The planning policy and Landscape Institute Guidance is appropriate for the purposes of the assessment. Appendix 13.1 sets out the published guidance relating to landscape

and visual matters. Whilst this provides good coverage of the planning policy and published guidance, it would have been more useful if the applicant could have provided a detailed commentary as to how the proposed development was compliant with this policy and guidance. It has not, and where provided, the information must be picked out of the LVIA text.

1.2.3 The LVIA provides clarity in terms of the requirements to protect and enhance the landscape of the site as a nationally designated valued landscape in accordance with NPPF Chapter 15 para.170. Further clarity is provided in paragraph 172 which states that the scale and extent of development should be limited within Areas of Outstanding National Beauty (AONB). In particular, planning permission, “should be refused for ‘major development’ other than in exceptional circumstances,”. What constitutes ‘major development’ is a, “matter for the decision maker, taking into account its nature, scale and setting, and whether it could have significant adverse impact for the purposes for which the area has been designated...Consideration of such applications should include an assessment of...c) any detrimental effect on the environment , the landscape and recreational opportunities, and the extent to which that could be moderated.””

1.2.4 As stated within the LVIA submission, the Chilterns Conservation Board considers the proposed development does constitute a ‘major development’.

1.2.5 The starting point for the assessment of landscape and visual effects is therefore as a proposed development that constitutes a major development within a nationally protected landscape considered as valued in NPPF terms. This ‘sets the bar’ very high in terms of protecting and enhancing the landscape and visual resource.

1.2.6 Other planning policy, such as the NPPG and local planning policy, reiterates the requirement to afford significant protection and enhancement to these particularly important landscapes.

1.2.7 The ‘Landscape Strategy’ (2001), referenced within the Local Development Document (LDD July 2013) states that the Council will, “ensure that development complements the surrounding local landscape of Three Rivers as identified in the current Landscape Character Assessment, through the siting, layout, design, appearance and landscaping of development” and will consider:

- The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change
- The pattern of woodlands, fields, hedgerows, trees, waterbodies, walls and other features
- The topography of the area.” (p.28)

1.2.8 The landscape strategy must therefore clearly demonstrate that these criteria are fulfilled

Guidance and Standards

1.2.9 The document provides an up to date review of relevant and guidance including:

- The third (2013) edition of ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA3), produced by the Landscape Institute with the Institute of Environmental Management and Assessment;
- The Landscape Institute, Visual Representation of Development Proposals Technical Guidance Note (2019); and
- Visual Representation of Development Proposals: Camera Auto Settings (Landscape Institute Technical Information Note 08/19, September 2019).

1.2.10 A description of the accurate visual representation (AVR) production methodology is provided in Appendix 13.2 which describes how the wireline model has been

located within the photograph. A combination of annotated photographs (Type 1) and wireline images (type 3) have been used as appropriate to the visibility of the scheme.

1.2.11 In the case of an LVIA prepared as part of an Environmental Impact Assessment (EIA), the Regulations (Reg. 18 (5)) stipulate that the developer must ensure that the ES is prepared by 'competent experts' and that the developer must include a statement "outlining the relevant expertise or qualifications of such experts". No such evidence is provided as part of the LVIA.

1.3 Assessment Methodology and Significance Criteria

1.3.1 The assessment methodology within the ES LVIA section is based on the principals contained within the GLVIA 3. The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA 3.

1.3.2 The LVIA defines the sensitivity of landscape and visual receptors as dependent on the importance / value of the receptor and its susceptibility to change. This approach is considered appropriate and based on guidance within GLVIA 3.

1.3.3 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape or view. Explanation is provided in terms of the factors that enable the levels of magnitude to be judged. Sensitivity and magnitude are then combined to provide an overall level of landscape and visual effects in the form of significance of effects matrices in Tables 13.9 and 13.1. Likely significant effects are identified as those of 'moderate' significance or above. Assessment of nature of effect relies on what distinguishes effects as beneficial (resulting in enhancement), adverse (resulting in harm) or neutral (neither beneficial nor adverse). This approach is generally consistent with GLVIA 3.

1.3.4 Whilst the methodology is broadly in accordance with GLVIA3, it is noted that the significance of effects matrices do not allow for intermediate judgements to be made. Where this is the case it is more helpful for the matrices to provide the opportunity for judgements to be decided between a higher and lower level of effect; intermediate judgements are provided for the lower levels of the sensitivity matrices only. The matrices provided therefore tend to provide judgments that are towards the lower end of significance; GLVIA3 explicitly warns against an over reliance on matrices and tables (para 3.35, p.41). In the case of the assessment, judgements are all too readily defined by the matrices with no discretion used by the assessor to weigh the assessment through professional judgement.

1.3.5 For example, where a receptor of high sensitivity experiences a medium magnitude of change, the assessor would more usefully be allowed the discretion to assess the effect as moderate or major depending on reasoned judgement. In this instance, the LVIA always defines the levels of significance to the lower end of the assessment. It is therefore considered that the methodology is overly prescriptive and does not enable sufficient weighting of judgements to be made by the experienced professional. The latest Highways England guidance, LA 107 Landscape and Visual Effects, 2020, provides a useful clarification in terms of this approach for matrices in Table 3.8.1.

1.3.6 A description of the AVR production methodology is provided in Appendix 13.2 as described above wherein it is stated that the latest guidance from the Landscape Institute (TGN-06-19 Visual Representation of Development Proposals) has been followed. However, this guidance sets a higher standard in terms of presentation of the photographic views than is presented within the LVIA. The views should be presented as Type 1 annotated viewpoint photographs at a scale and size that, "aids clear understanding of the view context". The LI guidance states a 'mathematically correct' image for a single image (of 39.6 degrees Horizontal Field of View) equates to a size of 390mm x 260mm on an A3

sheet, which should be held at a distance of approximately 550mm from the eye. Instead of this the photographic views have been presented as wider panoramas of unspecified field of view to be held 300mm from the eye; the views, as presented, significantly reduce the scale of view and are considered unhelpful and possibly misleading in terms of illustrating the view context.

1.3.7 Similarly, whilst the Type 3 visualisations provided may be accurately produced their presentation results in the same issues as the annotated AVR1 views; namely, that the extent of development within the view appears to be less than would actually be experienced when standing at the viewpoint. This is particularly important when considering that the assessment stage where extent of the development in view effects the overall level of significance of effect. Whilst it may not be the case that the assessor has erred in using the AVR3 images to assess views (although when accurately scaled they can be an extremely helpful tool) the images are misleading for other readers of the ES (officers, consultees and the general public) for whom it is particularly important that presented images aid clear understanding of the view context; essentially, the views as presented, appear to significantly underestimate the extent of the proposed development within view.

1.3.8 It is typical for the temporal scope of major developments to be assessed in terms of effects experienced during construction, winter year 0 (worst case scenario) and summer year 15 to allow for mitigation planting to be considered at a reasonable level of maturity. However, whilst the LVIA provides an assessment at construction and year 15 it completely omits a separate assessment at year 0. This is a major flaw in the assessment as this would be the point at which the development results in maximum potential impacts upon the identified sensitive receptors. The report states that, "It is assumed that the landscape and visual effects at Year 0 (at completion) will be the same as during construction, so these have not been separately assessed."

1.3.9 In the opinion of this reviewer this assumption cannot be not justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

This reviewer therefore has concerns that the methodology and presentation of AVRs have deficiencies in terms of how overall levels of significance are assessed and presented and in particular, that this has led to an under assessment of the worst-case scenario for both schemes.

1.4 Baseline Conditions

1.4.1 The LVIA provides an adequate description of the baseline conditions including a review of landscape character areas within the study area. The LVIA makes use of previously published landscape character assessments from a national and local level. These include discussion of the key characteristics, condition and sensitivity of the existing landscape context. This approach enables an understanding of the effect of the development on the existing landscape context within the study area and provides a suitable level of detail for the assessment of landscape effects.

1.4.2 Both the national (NCA110) and county (Hertfordshire Landscape Character Assessment Character Area 2 Herongate Heights) assessments describe the landscape as enclosed and visually contained due to the gently undulating topography, hedgerow enclosed fields and generally well wooded nature of the landscape. The Herts LCA assesses the landscape to be of the highest condition and strength of character for which the management strategy is to safeguard and manage.

1.4.3 With the exception of the golf course, the landscape to the west of Green street is similar in nature to that of the site and is relatively enclosed and of a somewhat rural and peaceful character. The Chilterns LCA (2011) covers the landscapes to the west of Green Street and describes the landscape (LCA 18.3 Little Chalfont Rolling Farmland) as of small

to large sized pasture fields with hedgerows interspersed with woodland within a rolling landscape.

1.4.4 The land to the north extends to pasture fields and discrete residential and business developments of some former farm buildings. South of the site is identified as urban area which the LVIA describes as of low to medium density and single to two storey outside of the village high street. To the east are large detached properties in a wooded setting beyond which lies Chorleywood Common area of Open Access and Local Nature Reserve.

1.5 Assessment of Effects

1.5.1 The LVIA provides a value judgement of landscape receptors and of views in the form of Tables 13.16 and 13.17. The judgements with regards to landscape receptors are agreed to as they primarily respond to the LCA and designated landscape assessments. There are, however, inconsistencies with the value of views for the users of the 'private' footpath to the north of the site and of properties to the east and south of the site which have views into the AONB. A 'worst case' scenario should be taken in terms of properties which may have seasonal views from the property or its curtilage to within the AONB, which, as elsewhere in the assessment, should result in a high value of view and of sensitivity.

1.5.2 The judgements with regards to susceptibility are also questioned. GLVIA3 provides a useful categorisation of the scale over which effects may be experienced: the site; its immediate setting; the landscape character area within which the proposal lies; several LCAs. In the case of the proposed development the scale of effect is primarily the site and its immediate setting although the impact on the LCA is also important. The assertion that the levels of susceptibility for the immediate site setting are lower than for the site itself are predicated on the overall visibility of the site. However, as per GLVIA3 para 5.40, the judgement should relate to the susceptibility of the receptor to the 'absorb' the changes to the landscape baseline. This reviewer would argue that, where these changes are perceived from within the immediate site setting, which includes parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths, the susceptibility and therefore overall sensitivity should remain high.

Construction

1.5.3 The assessments within the LVIA during the construction of the 800 unit scheme are generally agreed to, with the exceptions of the landscape impacts on the immediate site setting, for the reasons above, and for the effects on landform and the pasture field, which this reviewer would describe as major. The latter assessments are based on the significant scale of changes required by SuDS design as illustrated in the Flood Risk Assessment document and the total loss of pasture field.

1.5.4 The provision of an indicative phasing programme would have helped in the understanding of construction impacts on a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be major significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 800 unit scheme. Although 'temporary' in nature, this can be considered a medium to long-term significant adverse effect for the landscape and visual receptors effected.

1.5.5 The assessments of the 300 unit scheme have been substantially reduced for a number of receptors within the LVIA. This would appear to be on the basis of the reduced construction period (3 years) and in some part the reduced scale of the development (as per the revised AVR3 images). The reviewer is not in agreement that this would result in reduced judgements for all but a small number of visual receptors within Chorleywood (viewpoint 12).

1.5.6 Based on the assessment for the construction phase, the reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the

site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

Completed Development

1.5.7 It has been described in section 1.3.8 – 1.3.9 how the assessment is deficient in assessing the worst case completed development scenario. Neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed developments. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not reported within the current document.

1.5.8 These include landscape impacts on NCA10, LCA Area 2 Heronsgate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.5.9 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.

1.5.10 These effects would equate to considerable harm of the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance.

Cumulative Effects

1.5.11 Cumulative effects have been considered for the proposed recreational development to the west of Green Street which would include a golf driving range and protective netting, and a plateau for football pitches and floodlighting. The assessment for both submissions appears to minimise the suburbanising influence these two features would have together, positioned either side of Green Street on the entrance to the village of Chorleywood. This would particularly be the case during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

1.6 Design and Mitigation

1.6.1 The LVIA chapter includes a description of the landscape strategy in terms of section 13.5 Inherent Design Mitigation, which are intended to reduce landscape and visual impacts.

1.6.2 Both applications are considered a large-scale major development because the residential units to be constructed are in excess of 200 units. The vision and objectives should set out the design quality and expectations for the extension to Chorleywood and how its edge of settlement relationship with the AONB, Greenbelt and Conservation Areas will affect the future character and existing communities.

1.6.3 Although the illustrative layout and DAS attempt to achieve this it cannot be avoided that this is a major proposed development in a sensitive area. This includes the 300-property scheme for which the design element should be reassessed within its own right and not as a 'first phase' of a larger development, which is how it is currently presented.

1.6.4 The DAS which accompanies the ES should reflect the 10 characteristics set out in the National Design Guide to set the parameters for the design quality. These include context, identity, built form, movement, nature, public spaces, uses, homes and buildings,

resources and lifespan. A review of the landscape strategy for both developments is provided below.

Application 20/0882/OUT 800	Application 20/0898/OUT 300
<p>This is a major urban extension to Chorleywood in an edge of settlement, AONB and Green Belt location and is therefore not appropriate.</p>	<p>This layout appears to be 'cut-out' from the larger 800 property scheme with a few minor edge amendments; it essentially appears as a first phase of the bigger development whereas it should have been considered as a standalone scheme. It is still considered as large-scale major development and therefore not appropriate to the site.</p>
<p>The layout sets the vision for the site at 35dph which appears to account for the whole site including open space (22.6ha). This should be separated into a developable area to give a realistic understanding of the densities in each character zone and how they interact with the surrounding densities. If this is calculated on the developable area the dph is broadly estimated to be in the region of 45dph. This is considered an overly high density in a sensitive edge of settlement location; an edge of village density within an AONB would be expected to be around 20dph. The expected developable area should be approximately 60%, however this development does not achieve this percentage.</p> <p>The proposal indicates movement and green infrastructure and the arrangement of buildings, streets and public realm and to some extent responds to the local vernacular. However, the DAS does not always reflect good quality design and vernacular examples.</p> <p>Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.</p>	
<p>The development edges do not sufficiently consider breaking up the urban form, access roads and parking facilities into smaller groups sensitive to the context. Instead the structural planting to the edges simply attempts to 'hide' the scheme but the development should better respond to its context with lower densities and greater green infrastructure.</p> <p>The eastern boundary is adjacent to large detached properties in large plots with substantial gardens. There has been no attempt to consider similar detached dwellings set in an informal manner to compliment the transition the vernacular and contribute to the local character.</p> <p>The habitat corridor and buffer planting to the eastern boundary attempt to compliment the neighbouring informal setting, but the undoubted high usage of such an area by residents would significantly effect wildlife and it is unclear how the existing sensitive wildlife will effectively be protected.</p>	
<p>The parameters plan erodes the potential for green infrastructure linking and breaking up the urban form of the development area, instead it appears to provide one surrounding buffer zone around the entire site and therefore not enhancing engagement with the context as the earlier design principals start to indicate.</p>	<p>The red line boundary and the parameters plan miss an opportunity to link the housing directly with the public right of way to the north. The design fails to demonstrate that other options have been explored for indicative access roads which have better responded to the edge of settlement vernacular.</p>

Indicative Form, Scale and Housing Mix

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The scale and extent of this scheme should be limited given its sensitivities with the landscape and designations. The application fails to demonstrate how appropriate 3 storey apartments blocks are within the setting of the AONB. The justification needs to respond to the Chilterns Building Design Guide to review the distinctive character that could be created.	
Potential Height of Buildings, Core Policy CP3 Housing Mix and Density states 'Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District'. At this outline planning stage, it is indicated how tall the proposed houses and apartment blocks are likely to be (2.5-3 storey) however the predominant scale of the area is 2 storey, again more variety could be introduced especially where there is proximity to established housing and the more rural edges of the AONB. I would like to see it suitably proportionate so as not to dominate the overall landscape character and urban context.	
The scheme comprises of residential use only and is lacking in social infrastructure except for the open space and play facility. This does not appear to be a well thought out and sustainable approach to development.	
House types appear limited with semi-detached, terraced, maisonettes and apartment properties proposed, more variety should be explored to reflect the evolution of settlement patterns and future needs of communities of all ages.	

Materials and Detailing

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The DAS does not go far enough to demonstrate and ensure design quality, future adaptability and sustainability, it needs to be expanded to respond to the national design guidance and the Chilterns Building Design Guide.	
Explore materiality and how this will be developed in line with MMC (Modern methods of construction) especially carbon neutral targets.	
Hard landscape materials only refer to concrete paving and asphalt as option which does not demonstrate a high-quality scheme within an AONB.	

Movement

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The layout is of a dense suburban type when it should respond to a rural edge settlement vernacular within an AONB. The north south link from the park to the upper edge has missed an opportunity to extend the park inclusive of pedestrian and cycle links. The primary street should be wider to accommodate trees to both sides of the street; there is a conflict between the DAS which show trees to one side and the illustrative masterplan that shows a tree lined route to both sides.	Vehicular access options are not demonstrated in the design evolution of this area and therefore do not really respond to the context. The layout is of a dense suburban type when it should respond to a rural edge settlement vernacular within an AONB.
Pedestrian access and cycle paths only follow the eastern boundary, the park and the primary streets, the north and south links utilise existing PRoW's. Again, extending the Park would expand the opportunities for internal circulation free from vehicles.	Pedestrian access and cycle paths are not shown within the site and do not internally link the existing PRoW to the north and south of the development

Green Infrastructure and Open Space

Application 20/0882/OUT 800	Application 20/0898/OUT 300
The open space appears low for the scale of the development considering it will have to combine SUDs, biodiversity, play facility and physical activity. This multifunctional space needs to demonstrate how all these aspirations will be co-ordinated; it is not sufficient to label areas as habitat/ecological areas when heavy recreational use is likely to preclude this. The proposed scheme fails to quantify these areas. The SUDs appears particularly problematic with large areas required for attenuation basins as set out in the FRA which would require significant earthworks within an existing archetypal dip-slope landform within the AONB. No sections are provided to illustrate how this could work and it is considered that the necessary earthworks would cause significant harm to the existing landscape resource of the site.	
Open space should extend in a linear form from the open space to the northern boundary to help break up the dense urban layout and reducing the impact of the development edge and introduce an uninterrupted green corridor. The design principals and rationale suggest this, but the illustrative masterplan does not develop this sufficiently.	
There is no indication as to how the scheme will achieve a biodiversity net gain. The SUDs park area is unlikely to be suitable as high value habitat given their primary function as dry attenuation basins (not suitable for great crested newts)	
The eastern edge of the site is likely to be heavily used for recreation therefore other areas will need to be developed to prioritise nature.	
The open space requirements of the site should be fully considered at this outline stage.	
The landscape strategy should put more emphasis on tree lined infrastructure to help address climate change, water management, reflect village character and respond to policy and design guidance.	
The current application shows 1 NEAP, 5 LAPS and a trim trail.	The current application shows 1 LEAP, 1 LAP and a trim trail. There is a contradiction in the DAS between figure 3.20 Play area locations and the text.
The LAPS do not demonstrate appropriate location and should be located within the urban blocks and not the wider landscape as they are aimed at very young children; informal play for all ages should be woven into the circulation around the whole site making elements of play integral to the scheme and the landscape strategy.	

1.6.5 To summarise, both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.6.6 This is aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links.

1.6.7 Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

1.7 Overall Conclusions Scope & Guidance

1.7.1 The scope of the LVIA has been developed in conjunction with the LPA and is generally sufficient for the level of development; table 13.1 provides a useful reference to locate the applicant's responses to information requests. The planning policy and guidance is appropriate for the purposes of the assessment, however, a similar table would have been useful to provide a commentary as to how the proposed development was compliant with planning.

1.7.2 The LVIA is clear from the outset that the site is located within an NPPF designated valued landscape and that both of the developments constitute 'major development'. There is, therefore, an implicit requirement that the proposed developments demonstrate that they protect and enhance the landscape and visual resource of the valued landscapes.

1.7.3 Although Green Belt is not a landscape designation, a commentary on how the proposed development effected its key attributes would have been appropriate in this location. No such review is provided.

1.7.4 The author of the LVIA should be identified as a 'competent expert'. No such evidence is provided as part of the LVIA.

Methodology

1.7.5 There are a number of issues with the methodology which question the validity of the LVIA.

1.7.6 Overall, there appears to be a somewhat over reliance on matrices that steer judgements towards the lower end of significance. In the view of this reviewer, there is insufficient professional judgement applied to view the assessment 'in the round'.

1.7.7 The presentation of the photography and AVRs appears to fall well short of the standards expected within the latest LI guidance with the result that the images do not aid clear understanding of the view scale and context that would be experienced in the field. Images of the site and proposed development extents are therefore illustrated as misleadingly small.

1.7.8 Most notably, the assessments completely omit a separate worst-case assessment of effects of the operational development that should be made as of winter year 0. In the opinion of this reviewer this cannot be justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

Assessment of Effects

1.7.9 The reviewer finds that the judgements for a number of local visual receptors (parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths) with potential views into the AONB should be of high and not medium sensitivity.

1.7.10 The LVIA demonstrates that there would be a major significant adverse impact experienced at the level of the site and its setting for the eight year construction period for the 800 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.11 The reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.12 As described, neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed development. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not fully reported within the current document.

1.7.13 These include landscape impacts on NCA10, LCA Area 2 Heronsgate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.7.14 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.

1.7.15 Even so, the LVIA as they stand, find that there will be significant adverse long-term/permanent and irreversible landscape and visual impacts within the site and its setting. These effects would equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. In other words, the proposals do not demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

1.7.16 Cumulative effects have been considered for the proposed recreational development to the west of Green Street. The assessment appears to minimise the suburbanising influence these two features would have together, particularly during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

Design and Mitigation

1.7.17 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.7.18 This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links.

1.7.19 Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

Summary conclusions

1.7.20 The competence of the assessor must be stated.

1.7.21 The reviewer questions the application of the assessment methodology in terms of an assessment that is overly reliant on matrices and tables with insufficient room for professional judgement in the round.

1.7.22 The AVR1 and AVR3 images presented appear misleading and should be sized correctly.

1.7.23 The LVIA omits an assessment of the worst-case scenario (year 0 winter) which should be standard for a development of the scale proposed. The LVIA should not be considered as complete without this.

1.7.24 This reviewer considers that there will be significant adverse long-term/permanent and irreversible landscape and visual effects in addition to those reported to within the LVIA.

1.7.25 Cumulative impacts with regard to the proposed recreation development to the west of Green street appear under reported.

1.7.26 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location and it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

1.7.27 Even considering the level of effects reported to within the LVIA, these equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. The proposals do not, therefore, demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

9.1.27 Three Rivers District Council – Leisure Development Team: [Comment received]

Officers would require further details on the proposals for all outdoor leisure facilities and landscaped areas. In summary, Officers are happy with the outline plan, but would not be able to further support it in its current format, due to the lack of details. Officers would be keen to meet with and work together with the developer on this.

9.1.28 Three Rivers District Council – Local Plans Team: [Comment received]

The application proposes the construction of up to 300 dwellings at an overall density of 35 dwellings per hectare. The application site is located on the edge of the Key Centre of Chorleywood and is wholly within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB).

The National Planning Policy Framework (NPPF) (2019) states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The statutory status of AONBs is confirmed at Paragraph 172 of the NPPF, which states that AONBs have the highest status of protection in relation to issues of conserving and enhancing landscape and scenic beauty in AONBs. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in this landscape designation. The Chilterns AONB is therefore considered to have the highest status of protection in relation to the issue of conserving and enhancing landscape and scenic beauty. The NPPF goes on to state that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development*, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest (Paragraph 172). It is not considered that the existing proposal for up to 300 dwellings is likely to constitute a limited scale and extent of development and therefore exceptional circumstances and a demonstration that the development is in the public interest must be shown.

*[*For the purposes of paragraphs 172 (and 173), whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined]*

In addition to the above, Policy DM7 of the Development Management Policies LDD (2013) states that in considering proposals for development within or near the Chilterns AONB, the Council will support development unless the proposal would:

- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type of form of, development
- ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- iii. Detracts from the public enjoyment of the AONB landscape.

The NPPF states the requirement for an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (Paragraph 172).

The considerations set out above should be taken into full account in determining the exceptional circumstances necessary to justify major development in the AONB.

The application site is located in the Metropolitan Green Belt. The NPPF states that the construction of new buildings in the Green Belt is inappropriate. The exceptions to inappropriate development are not considered to apply to the proposal and therefore, the proposal is considered to propose inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. It is considered that a major development comprising of up to 800 dwellings would be likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Additionally, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). '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 considerations (Paragraph 144).

In light of the above exceptional circumstances and a demonstration that development would be in the public interest are necessary to justify approval for the major development proposed in the AONB (Paragraph 172). As well as this, it is important to consider that any full application would be required to assess the cost of and scope for developing land outside of the designated AONB area, which may accommodate a proportion of Three Rivers' housing need that is proposed on the application site. an assessment of the scope for meeting the housing need in some other way (e.g. through an alternative site) must be made in order to justify development within the designated AONB area (Paragraph 172). Additionally, unless the potential harm to the Green Belt is judged to clearly outweigh other considerations, very special circumstances must be shown to exist to justify inappropriate development in the Green Belt.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market and affordable sectors' dwelling size within Three Rivers as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

The table below sets out the proportion of dwellings in the proposal:

Market 50%			Affordable 50%		
1 & 2 bed flats	58 units	35%	1 bed flat	41 units	30%
			2 bed flat	47 units	35%
3 bed house	74 units	45%	3 bed house	40 units	30%
4 bed house	33 units	20%	4 bed house	7 units	5%

The proposal is not in accordance with Policy CP3 which seeks a lower proportion of 1 bedroom dwellings and a higher proportion of 3 and 4 bedroom dwellings. Whilst not complying with indicative targets, current market conditions need to be taken into consideration.

Policy CP4 of the Core Strategy states that the Council seeks a provision of 45% of all new housing as affordable housing. As a guide, the Council seeks 70% of all the affordable housing provided to be social rented and 30% to be intermediate. The development proposes 50% affordable housing, therefore complying with Policy CP4.

9.1.29 Three Rivers District Council – Housing: [Comment received]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

You are proposing a total of 300 dwellings with 45% Affordable Housing 135 units. The Affordable Housing also includes a good mix of different sized properties and family sized accommodation which is urgently needed in the district. We would welcome these general needs properties particularly if, as proposed there would be 70% available for Social rent.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

9.1.30 Thames Water: [No objection]

Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Wastewater - There is insufficient capacity within the existing public foul water sewer network to accommodate the proposed discharge. An impact study will be required to determine the extent of offsite reinforcement.

9.1.30.1 Thames Water: [January 2022 Comment – No objection]

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

9.1.31 Transport for London: [Comments received]

Thank you for consulting Transport for London (TfL). Due to the proximity to Chiltern Rail and Metropolitan Line services from Chorleywood station we have reviewed both of the above applications in terms of access to and capacity of public transport. We have also identified opportunities for mitigation where impacts are expected

Access

The route to the station from the site for pedestrians and cyclists is undulating and indirect and there is no frequent bus connection. There is likely to be a need for improvements to existing walking / cycling infrastructure in and around Chorleywood to accommodate increased trips. This could include improved all weather surfacing, lighting and crossing facilities, removal of vegetation and improved personal safety or security measures. Additional cycle parking in and around the station should also be provided. A lack of alternatives to access the station may lead to an increase in car use which we would not want to encourage. The existing station car park is regularly full to capacity on weekdays so further restrictions to prevent parking on streets in a wider area around the station may be required.

Capacity

The Transport Assessment quotes Metropolitan line additional capacity of 33% by 2023. This may be true in aggregate, but not at Chorleywood, where frequency in Chiltern Railways and Metropolitan line trains taken together will increase from 11.25 tph to 12 tph in the peak, an increase of 7%. Pre-covid, all Metropolitan line fast trains between 07:15 and 08:19 left Chorleywood station full and standing. TfL would expect an application of this size to have carried out an assessment of line loading and station capacity which is restricted by the entrance gates. The transport consultants should be making use of station planning standards to ascertain the capacity utilisation parts of the station and of line loading now and after the addition of the expected demand from this development. This is a straightforward exercise which will be needed to determine whether the development raises any concerns for rail operations or station management that may require mitigation.

9.1.31.1 Transport for London (April 2022): [No objections]

Thank you for consulting Transport for London (TfL) on the amendments to the above application. Since submitting our initial comments we have been in communication with the applicant's transport consultants about the need to provide mitigation for the impact of additional trips generated by the development on gate capacity at Chorleywood station.

As a result of those discussions we understand that the applicant has agreed to provide funding for an additional access gate at Chorleywood station as part of the section 106 agreement. This agreement is set out in paragraph 5.6 of the Technical Note 9 – Residual Matters - October 2021. We endorse the findings of the technical note regarding impacts on Chorleywood station.

Providing a commitment to provide full funding for the access gate is included in the section 106 agreement we are satisfied that the impacts of the development on the station can be managed.

Appendix 2 – Other Consultation Responses

10.1 Chorleywood Golf Club [Supports]

- Golf club is long established used regularly by 300 players, many are local residents.
- Recognised as a Community Association Sports Club
- Whilst located on the Common since 1890, nature of the Common has changed, with more non-golf use of the common which causes difficulties and incidents.
- If housing is approved, owners have committed to providing substantial new assets to community including new football facilities for Chorleywood Common Youth Football Club and a new golf course for Chorleywood Golf Club, which would be provided on a long lease at a peppercorn rent which would provide golf facilities in an environment far more suitable than the common, particularly in terms of safety, security and sustainability, with space for practice facilities to support younger and newer players.
- With this, the Common would be freed up for walkers and other recreational users.

10.2 Chenies Parish Council [Objects]:

- Chenies Parish directly faces the application sites along its boundary with Green Street. The land on both sides of Green Street (including the entirety of both application sites) is within the Green Belt and within the Chilterns Area of Outstanding Natural Beauty. These facts alone must result in a refusal.
- Strongly object on the basis of a lack of sufficiently robust infrastructure to serve a community of the size proposed. The A404 is already at full capacity along with J18 of the M25, which results in unsuitable use of narrow lanes as cut-throughs.
- Water resources are under stress and local sewage treatment works are already at full capacity.
- Local schools are oversubscribed.
- Residents of Chenies Parish typically use the amenities of Chorleywood and parking spaces are already at a premium and the station car park is often full.
- The land on the west side of Green Street is currently subject of an application for comprehensive redevelopment as a golf driving range and for football pitches. Chenies Parish Council have objected to this application due to the increased traffic it will generate and the pressure it will place upon the dangerous junction with the A404.
- Development of the scale proposed would significantly change the entire character of the local area and the relationship between nearby settlements.
- The main purposes of the Greenbelt are for the preservation of the openness of the countryside and for the separation of settlements from each other. There is nothing in either application which would justify removing the sites from the Green Belt..

10.3 Campaign to Protect Rural England Hertfordshire

We are responding to both applications together as, apart from the quantum of housing, the support documentation for both applications is essentially the same and the justifications for the developments are identical. The layout of 20/0898/OUT has been extracted from the masterplan of 20/0882/OUT with minor adjustments to the eastern boundary (this is demonstrated in figures 3.2 and 3.3 of the Design and Access Statement accompanying 20/0898/OUT) and will facilitate future development of the 800 dwellings should the 300 be approved.

This site is currently open farmland on the eastern side of Green Street, outside the Chorleywood settlement boundary and not included in the current Three Rivers Site Allocation LDD. It lies entirely within the Green Belt and the Area of Outstanding Natural Beauty. As such, under the provisions of the NPPF and the Three Rivers Development Plan, the applicant has to demonstrate very special circumstances sufficient to overcome the resulting harm of development to the Green Belt and exceptional circumstances and national interest in the case of the AONB.

To get the location of this site in context, in the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that “In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn’t just accept this as sadly unavoidable.”... “The ‘exceptional circumstances’ provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation.”(pages 102 and 107). These applications fall into this description.

The documentation accompanying both applications is voluminous, but essentially the planning balance rests on NPPF para. 11(d) (Presumption in favour of sustainable development) and NPPF Sections 13 (Protecting Green Belt Land) and 15 (Conserving and Enhancing the Natural Environment).

NPPF Para. 11(d) Presumption in favour of sustainable development

The interpretation of NPPF para. 11(d) has been clarified in a comprehensive and lucid way following the judgement in *Monkhill Ltd v SoSCLG* [2019] EWHC 1993 (Admin):

(a) Where the relevant development plan policies for determining the application are out-of-date planning permission should be granted, unless either sub-section 11(d)(i) or 11(d)(ii) is satisfied. Footnote 7 makes it clear that policies are to be treated as out of date where a local authority cannot demonstrate a 5 year housing land supply or meet the Housing Delivery Test.

Three Rivers cannot currently demonstrate a 5 year supply. However, it should be noted that the most recent 2018-based household projections for Three Rivers, issued by The Government’s Office for National Statistics on 29 June 2020, indicate a highly significant 13% reduction when compared to the 2014-based projections on which the Council’s current assessments are based. This will substantially impact on the Council’s 5 year housing land supply, which needs to be taken into account in determining this application.

(b) Sub-section (i) takes precedence over (ii).

(c) If either (i) or (ii) is satisfied, the presumption in favour of sustainable development ceases to apply.

(d) Sub-section (i) refers to policies within the Framework that protect areas or assets of particular importance which, if satisfied will exclude the application from a presumption in favour of sustainable development. (Footnote 6 lists the areas covered by the relevant policies. These include both Green Belts and AONBs).

Sub-section (ii) requires any adverse impacts of the application to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

(e) Where more than one “footnote 6” policy is engaged, sub-section (i) is satisfied, and the presumption in favour of sustainable development overcome, where the individual or cumulative application of those policies produces a clear reason for refusal.

(f) In applying (i) only the policies in footnote 6 can be taken into account.(NPPF 172 on the AONB can fall within (i), even if the application is not for major development)

(g) The application of the policies requires all relevant planning considerations to be weighed in the balance.

The Applicant argues that neither Sub-sections (i) or (ii) are satisfied and consequently the presumption in favour of sustainable development applies and the applications should be approved. We do not agree.

If we return to NPPF footnote 7 regarding out of date policies, the judgement in *Wavendon Properties* [2019] EWHC 1524 (Admin) requires the Local Planning Authority to take a global view of the most important policies. It is not enough simply to say that one of the policies is out of date (as the applicant does here). The decision-maker must consider which are the most important policies and determine which of them are out of date. In our view the most important policies applying here are those for housing supply, those relating to the Green Belt and those relating to the AONB.

It is not the case that in the absence of a 5-year housing land supply all Development Plan Policies are superseded. The Supreme Court (in the case of *Suffolk Coastal DC v Hopkins Homes Ltd.* [2017] UKSC 37) held that Local Plan policies to protect the countryside from development (such as those relating to the Green Belt and the AONB) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight. In other words the presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission. Similarly NPPF para. 213 says that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

We need, therefore, to discuss the applications against NPPF Sections 13 and 15.

NPPF Section 13 Protecting Green Belt Land

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 states that, apart from a limited number of exceptions, which these applications do not meet, the construction of new buildings should be regarded as inappropriate in the Green Belt.

It is the view of the Applicant that the policies which protect Green Belt land “do not provide a clear reason for refusing the developments proposed”. (Planning Statement para 7.10) and yet in para. 7.5 they say that “this [Planning] Statement demonstrates that whilst development of the site would by its nature result in harm to the Green Belt, this harm would be localised and limited given the individual site circumstances.” This is tacit agreement that as the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the developments would cause harm through inappropriateness and damage to the openness of the Green Belt.

In para. 6.11 the Applicant acknowledges that the proposal does not meet any of the criteria in NPPF para. 145 and consequently would be inappropriate development. However, in their view, as the site is adjacent to the built up area of Chorleywood “the harm arising from the development would be limited and have no significant adverse effect on the wider rural character.” (para. 6.15) Harm to openness has both a spatial and a visual aspect, a point specifically made in para 001(2) of the National Planning Practice Guidance. *Timmins v. Gedling Borough Council* [2014] EWHC 654 and *Lee Valley Regional Park Authority v Epping Forest District Council* [2016] EWCA Civ 404 held that: “[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.” That point was endorsed by the Supreme Court in *Samuel Smith*

Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKSC 3. The Supreme Court also accepted the judgement in Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466 that “The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs.” At the present time this part of the Green Belt is free of any development. Should the proposal for 800 dwellings go ahead it will be almost entirely covered. Should the 300 dwelling scheme proceed, the encroachment of open countryside, as perceived from Green Street, would be comparable to the 800 dwelling scheme.

NPPF para. 134 sets out the purposes of the Green Belt:

(i) to check the unrestricted sprawl of large built-up areas;

The Applicant argues that being on the urban fringe of Chorleywood and protected by strong defensible boundaries, the site’s development would not result in the unrestricted sprawl of Chorleywood. (Planning Statement Table 7) The NPPF does not define sprawl, but it is generally taken as the contiguous expansion of an existing settlement into the surrounding countryside. These developments would do precisely that.

b) to prevent neighbouring towns merging into one another;

The Applicant does not consider Chorleywood to be a town and so this purpose does not apply. This depends on how strictly you define ‘town’. As even the most cursory glance at a map will illustrate, Chorleywood is part of a conurbation which includes Rickmansworth and Croxley Green. The Green Belt separates that conurbation from those consisting of Amersham and Little Chalfont and the coalesced settlements along the A413.

c) to assist in safeguarding the countryside from encroachment;

“Development of the site would ... result in minimal and constrained encroachment into the countryside.” We are not sure how any encroachment into the countryside, however minimal and constrained, safeguards the countryside from encroachment. We do not accept that an encroachment of 300m as viewed from the public highway of Green Street frontage could be in any way be viewed as ‘minimal’.

d) to preserve the setting and special character of historic towns;

and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

“The clear and significant need to deliver more housing in Three Rivers demonstrates that sufficient land within the urban area is not available to meet current housing need in the District. Development of the site would therefore not discourage urban regeneration.” This is a somewhat convoluted argument which doesn’t actually address the Green Belt purpose. The development of the site would not assist in urban regeneration.

The Applicant considers that the site is poorly performing Green Belt which does not contribute to the landscape. (Planning Statement para.7.2). However it is not the quality of Green Belt land which is protected but the function it fulfils. The land is currently used for grazing, which is not an inappropriate use in the Green Belt. The Applicant considers the present use is not ‘optimal’. We assume that this is intended to mean not the ‘best’ or ‘most favourable’ use, which begs the question ‘for whom?’. Residential development, which is

inappropriate, would certainly not be the optimal use for either the purposes of the Green Belt or the AONB., but would give a financial return to the Applicant. The Applicant's intention is to "Make most efficient use of poorly performing Green Belt and land which does not contribute to the landscape and scenic beauty of the AONB." However the site fully performs its Green Belt purposes and the quality of the landscape of an area should not be a consideration when assessing the contribution of Green Belt to the fulfilment of those Green Belt purposes. The arguments used by the applicant are frequently applied by developers to urban edge sites in the Green Belt; if accepted they form a circular argument. The site is released from the Green Belt and the next site up then becomes the urban edge and the same argument is then applied to that and the Green Belt is gradually eroded.

In terms of the visual impact on openness, the Applicant considers that this will be extremely limited, but then acknowledges that "there will be some significant changes to the views of adjacent residents and recreational users of the Common. Similarly, views will significantly change from the public footpath immediately to the south of the site and Orchard Drive beyond as well as the two footpaths around the field to the north of the site." In other words, there will be significant impact when viewed from three of the four sides of the site, including from Public Rights of Way (Prows 11 and 014) and longer distance impact from other parts of the Green Belt. This is borne out by the photographs of receptor sites included in the documentation. Apart from the receptors mentioned above, the development would also be clearly visible from a number of other sites. e.g. View 5 Amersham Road where it is claimed that "the site is screened by hedgerow vegetation even during the late winter", (except, unfortunately, in this photograph.)

The Planning Statement says that the focus of these planning applications is not the removal of the land from Green Belt (para 6.28) but that is precisely what they will do. NPPF Paragraph 136, states that Green Belt boundaries should only be altered where exceptional circumstances are "fully evidenced and justified" and such alterations should be carried out through the Local Plan process. We agree, fundamental strategic planning should be undertaken through the local plan process, not ad hoc speculative applications.

At the present time the Council is developing its emerging Local Plan. Given the recent dramatic reductions in future household projection for Three Rivers, the impact that the proposals will have on the Green Belt and the national status of the AONB, approval would have a significant effect on the Local Plan process by predetermining decisions about the scale, location and phasing of new development that are central to an emerging plan, and NPPF para. 49 on prematurity may be engaged.

NPPF Section 15 Conserving and Enhancing the Natural Environment.

This section of the NPPF includes the protection of the AONB. Much of the argument put forward by the applicant for developing on it is the same as that discussed above under Green Belt and we will not repeat those points here. There are additional points, however.

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance.

Section 84 of the Act states that a Local Planning Authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of that area. That includes prohibiting inappropriate development.

Section 85 of the Act places a statutory duty on all relevant authorities requiring them to have regard to the purpose of AONBs when coming to decisions or carrying out their activities relating to or affecting land within these areas. This is known as the 'duty of regard'. It is the responsibility of the Local Planning Authority to fully justify its recommendations for

approval of development proposals by referring to the criteria for the AONB's special qualities.

NPPF para. 172 limits the scale and extent of development within AONBs. There is a clear emphasis for a higher level of importance to be placed on the purpose of the designation when assessing development proposals that impact upon it. Major development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. 'Exceptional' circumstances are more onerous than 'very special' circumstances. (As so often, the NPPF does not define 'Major' development but footnote 55 states that it is to be assessed by reference to the nature, scale, setting and effect of a given proposal and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.) Clearly an estate of 300 houses, far less 800 houses, is major development.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:

(a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

The Applicant, rightly, draws attention to the national pressure for more houses and the deficiencies in the Council's supply of housing. The Government's focus on increasing housing supply often seems to dominate Local Planning Authorities' thinking (and that of Applicants) and results in an assumption that objectively assessed housing needs must be met, or exceeded, at all costs. National planning policy does not require development that causes harm to nationally designated landscapes to be automatically approved. Planning Practice Guidance, as revised in July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas [AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas". Paragraph: 041 Reference ID: 8- 041-20190721.

While there is reference in the documentation to the potential positive impact on the local economy should the developments be permitted, there is little on the impact if it is refused, or analysis of any negative impacts. In assessing the planning balance the Local Planning Authority need to take into account the negative impacts of the proposed developments on the 13 benefits of the AONB listed in pages 15-18 inc. of Natural England document 'NCA 110 Chilterns'. The assessment of public interest must also take into account the value that people place on nationally important landscapes and the impact on them of its loss.

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

The Final Report of the Landscapes Review National Parks and AONBs says that "AONBs should not be the place for major intrusive developments unless, as is stated in the NPPF, they are truly in the national interest without any possible alternative locations being available".

Regulation 18 (3)d of the Environmental Impact Assessment Regulations 2017 requires a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way.

In considering alternative site options, the Environmental Statement Non-Technical Summary says : “The 2017 Regulations do not require the full assessment of all potential alternatives, only a reasonable account of those actually considered by a developer prior to the submission of the planning application. For this Site there are two realistic types of alternatives, the ‘do nothing’, where the existing site remains in its current state, or alternative layouts to the Proposed Development submitted for planning approval. Under the ‘do nothing’ scenario, there would not be development and the Site would remain underused in terms of its economic and social potential. The Site would not contribute to the local and regional housing needs of both private and affordable tenure and there would be no socio-economic benefit from the Site. This is not an alternative option that has been considered further.” (paras 1.81 - 1.83). This is inadequate and self-serving. There are references in the Planning Statement to other sites which were brought forward in the Council’s call for sites consultation, but no objective, rigorous analysis as required by both the Regulation and the AONB Management Plan.

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The Applicant’s response to this is essentially the same as those outlined under ‘Green Belt’ above. It is considered that “the land does not contribute to the landscape and scenic beauty of the AONB” (Planning Statement para. 7.2); “harm to the AONB would be localised and limited”. (para. 7.5) The Design and Access Statement says that the site “does not have a remote feel or many characteristics typical of the Chilterns [AONB].”(para. 1.10.79). There are many different characteristics in different parts of the AONB and we fail to see the relevance of whether a part of it has a remote feel or not. Again, none of these comments is supported with rigorous, objective evidence.

The applicant puts forward a series of points which they consider to be either ‘very special’ or ‘exceptional’ circumstances to meet the requirements of the NPPF policies. These distil into the following headings.

(a) the amount of housing which will go towards national and local need.

This is considered to be an exceptional circumstance and is rightly a material consideration of significant weight, but, as we have pointed out, Planning Practice Guidance says policies for protecting the AONB may mean that it is not possible to meet objectively assessed need for development in full and the AONB is unlikely to be a suitable area for accommodating unmet needs and the extent of public interest in the need for housing has to be balanced against that in the Green Belt and the AONB.

(b) the amount of affordable housing;

This too is a material consideration, but what is being proposed is no greater than the requirement in the Council’s Development Plan.

(c) the proposal is sustainable;

In most respects this is true, but there are areas of concern, such as the fact that within a 2 km walkable catchment from the Site there are four primary schools which were assessed

to have no spare capacity. It is estimated that this will have a negative impact on the primary school pupils in the Walkable Impact Area resulting in a major adverse effect over the long term.(Design and Access Statement para. 1.10.4) and similarly the proposed development is estimated to have a negative impact on secondary school pupils resulting in a moderate adverse effect over the long term. (para 1.10.9). It is proposed that this will be mitigated by a suitable financial contribution to allow the local planning authority to fund places elsewhere. In other words pupils will have to go out of the area for education, which is not satisfactory for them and will exacerbate car use.

(d) the land doesn't contribute to the scenic beauty of the AONB;

This is covered above. There is no justification for this opinion and it cannot be considered as a very special circumstance. Rather the proposals detract from the setting of the AONB and have an adverse impact on views into and out of the area.

It is interesting that the Applicant holds this view. Recently they submitted a planning application for the golf course on the other side of Green Street, directly opposite this site, which is also in their ownership. (Application no. PL/20/0429/FA to Buckinghamshire Council Chiltern Area) The Landscape and Visual Impact Assessment accompanying that application says that that site “enjoys many of the special qualities of the Chilterns AONB”, “ has unique landscape characteristics defining the region” and “many attractive elements relating to the landscape context”. It seems strange that those special, unique and attractive landscape qualities evaporate when you cross the road.

(e) peppercorn rents for the Chorleywood Common Youth football club and Chorleywood golf club to use land on Chiltern Hills Golf Club and the construction of a clubhouse for the football club.

These are acceptable benefits to the local community, but raise other issues.

The application to Buckinghamshire Council Chiltern Area includes the erection of a temporary clubhouse and a ‘Green plateau’ for use as football playing pitches. That application is as yet undecided. Consequently the offer is speculative and cannot at this stage be considered as a genuine ‘very special circumstance’

As mentioned Chiltern Hills Golf Club is also the Applicant for the current applications under discussion here. They have a vision for the future development of the Golf Club site into a community sports hub. The development proposes a new golf driving range, a public running track and completion of the previously approved 9-hole golf course as well as the football pitches and clubhouse. It already has permission for a new golf clubhouse and parking. The Council will have to satisfy itself that the current applications are not intended to be enabling development to facilitate the expansion of the golf course into a community sports hub. If so, then other factors come into play in determining the planning balance.

(f) new open space for young people.

There is a recognised need for such a facility in Chorleywood. The Council will have to decided how much weight can be given to this circumstance and whether it is ‘very special’

We note that on page 4 of the Statement of Community Involvement the applicant has given an undertaking to withdraw the application for 800 units should the Council resolve to grant planning permission to the 300 unit scheme. These applications are not a binary choice. Each must be considered on its own merits and the council could (and should) refuse them both. It also begs the question of what happens to the residual farm land in the case of the approval of the 300 unit scheme. That would leave the bulk of the existing field unused for development. Will it continued to be farmed or will it be used for some other purpose? That

point is not addressed in the documentation. Either way, it leaves the possibility for further development in the future, which would negate the offer made in the Statement.

In our view, contrary to the Applicant's assertion, the individual and cumulative application of the policies in NPPF foot note 6 produce clear reasons for refusal and we urge the Council to reject these applications.

10.4 The Chiltern Society:

The Chiltern Society have considered the above planning applications and strongly object to these developments at the 300 homes and 800 homes level. Our comments are grouped under three main headings.

- 1) The relationship with overall planning documents – namely the National Planning Policy Framework (NPPF); the Chilterns AONB Management Plan and the Chorleywood Neighbourhood Development Plan (NDP).
- 2) The impact on transport and local infrastructure
- 3) The Applicant's Overall Planning Statement

Even at the 300 homes level, this application constitutes a major development considerably adding to the size and population of Chorleywood adversely impacting the local environment and as such requires detailed scrutiny. The 300 homes level will ultimately lead to the 800 homes level; thus this objection covers both applications - 20/0898/OUT and 20/0882/OUT.

1. Green Belt and AONB Issues

The land in question is designated both Green Belt and Chilterns AONB land. These designations are there for a purpose – to protect outstanding areas of the UK countryside and to prevent urban sprawl maintaining an environment vital to public enjoyment and health. The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The key characteristics of the Green Belt are its openness and permanence. In our view, both of these characteristics would be adversely affected by the development. In particular, the sheer scale of the development would have a significant impact on the Green Belt.

The Town Planning and Affordable Housing Statement accompanying the application seeks to address issues in relation to the Green Belt and to justify why the applicant considers that very special circumstances exist.

Firstly, it is necessary to determine whether the proposal would be considered to be 'inappropriate development' in the Green Belt under paragraphs 143-146 of the National Planning Policy Framework (NPPF). The applicant does not dispute that the development would be inappropriate in the Green Belt under paragraph 146.

Secondly, the applicant is required to demonstrate that 'very special circumstances' exist, demonstrating that the benefits of the proposal 'clearly outweigh' the harm to the Green Belt. The key aspects of the Green Belt that need to be assessed are their openness and permanence. We do not understand how it can be considered that the development of 300/800 homes on a greenfield site can be considered not to impact significantly on openness. Openness should be interpreted as land free from development. As there is currently no development on site, the development must impact negatively and substantially on openness. The Green Belt designation is considered to be permanent, unless it is altered through the preparation of a Local Plan.

Also, the development would clearly conflict with the purpose of the Green Belt that relates to safeguarding the countryside from encroachment. The site is a green field that forms part

of the edge of the Chilterns and is therefore of local landscape importance. The proposed development would give the site a more urban appearance. The proposed development, particularly at the 800 homes level, will be visible from the Chorleywood Conservation area.

Therefore, we conclude that the development must be considered to be 'inappropriate development' and that the onus is on the applicant to demonstrate why very special circumstances exist. The harm in this case is substantial due to the current open appearance. The landscape impacts, as identified in the Landscape and Visual Impact Issues Chapter of the EIA, are largely negative and will need to be given considerable weight against the development.

The applicant has tried to argue that very special circumstances exist based mainly on the need for housing across Three Rivers District. Whilst these are valid arguments that have to be given some weight in favour of the application, they do not, in our view, clearly outweigh the significant harm to the Green Belt that would be caused by this development.

The NPPF, paragraph 172, recognises the importance of AONBs and major development should only be considered in exceptional circumstances and where the area can be enhanced and improved. "Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty". This exceptional situation is not presented, and no case is made for this development.

In relation to the Chilterns AONB, this proposal has to be considered to be a major development under paragraph 172 of the NPPF. The onus is on the developer to demonstrate that the requirements of the NPPF in relation to major developments have been complied with and they must demonstrate why exceptional circumstances exist for allowing the development, and why it is in the public interest.

Again, the applicant is relying on the need for additional housing in the District, and Chorleywood in particular, being the main reason that they consider exceptional circumstances exist and that the development is in the public interest. In our view, this reason alone is not sufficient to justify a significant loss of open land within the AONB. Whilst the applicant suggests that the impacts would be limited by landscaping, there is no doubt that this part of a nationally important landscape would be severely harmed.

Should the Council be minded to approve this application in the Green Belt and AONB against our advice, we would wish the development to be an environment-led scheme, which takes full account of environmental impacts and includes a comprehensive structural landscaping scheme and habitat creation works that would lead to a net gain in biodiversity. The use of features such as green roofs, permeable surfaces and sustainable drainage systems should be a key part of the design of the development. Key views should be identified and both on-site and off-site mitigation measures incorporated to minimise the impacts. Lighting schemes would also need to be carefully designed to minimise light spillage.

The Chorleywood Neighbourhood Development Plan (NDP), part of the Government's determination to ensure that local communities are closely involved in the decisions which affect them, has been widely consulted across the community. This plan is to "protect the Parish from uncontrolled, large scale, or poorly placed development;

- ensure development is sympathetic to, and improves, the look and feel of the Parish;
- minimise the loss of greenfield sites by, where possible, using previously developed sites;
- give the Parish the potential to access Community Infrastructure Levy funding to improve facilities; and
- identify additional actions to improve Chorleywood's facilities, services and local environment".

The NDP concludes that the Parish's key feature is its 'rural feel' which makes Chorleywood distinct and provides environmental, leisure and aesthetic benefits to the Parish and its community.

Loss of AONB and Green Belt land to this proposed development, the extent of the development itself and the negative impacts on infrastructure as outlined below, are in direct conflict with the NDP and clear reasons for objection.

2. Local Infrastructure

The scale of this development, even at the 300 homes level, will have a considerable adverse impact on local infrastructure.

Roads

The Chorleywood area is characterised by narrow single carriageway lanes and only a few minor A-Roads. The A404, a narrow single two-way carriageway road, is already saturated particularly in peak hours. The road links towns to the west (the Chalfonts' and Amersham area) with access to the M25 at J18 and will be the road most affected by this development. Proposed development in the Chalfonts' and Amersham will add further (as yet unconsidered) congestion. The M25 itself is currently overloaded in the sector M1 to M4 junctions. There is little scope at J18 or J17 for greater traffic capacity.

There will inevitably be traffic spill-over into the network of narrow lanes around Chorleywood which today are often severely grid-locked. Examples are Long Lane connecting to M25 J17 and Berry Lane/Stag Lane/Dog Kennel Lane connecting to Rickmansworth, all of which are narrow and with only occasional and ad-hoc passing places restricting two-way traffic.

Traffic is more than just from the inhabitants of the development but will include service and delivery vehicles, etc which are a rapidly increasing component of road transport.

In addition to narrow country lanes, there are limited and narrow crossings over or under the rail line. This constricts traffic further and adds to the problem of grid-locked roads.

The traffic analysis appears to have been conducted declaring 'peak travel' between 07:15 to 08:15 and 16:15 to 17:15. What evidence supports the selection of these time periods? We do not believe these times represents the true peak of local travel and therefore the basis of the analysis is likely to be flawed.

Rail Transport

Peak hours rail travel to London is now on over-congested trains with 'standing all the way'. London bound trains arrive already full and situation which will get worse given proposed housing development further up the line towards Amersham and Aylesbury. The local rail network cannot sustain further commuters. The proposed direct connection to Watford appears dead. Chorleywood station parking is already full with no obvious solution and to say everyone will walk or cycle to the station is an unrealistic assumption.

Village Parking

Despite recent steps to improve parking in Chorleywood village, there is little space with no easy solution. This housing development will overwhelm the current parking arrangements. Again, assuming people will always walk is unrealistic.

Schools & Nurseries

Schools in the area are currently saturated with Primary schools full and Secondary near full capacity. While St Clement Danes is within close walking distance of the proposed housing development, this school has been expanding over the years and there is little scope for further expansion. This housing development will dramatically impact the catchment area, resulting in displacement of many local pupils to other distant schools

causing further road congestion particularly in the 'lanes' around Chorleywood. A point not addressed in the application. No mention of nursery facilities.

Health Facilities

Primary healthcare facilities are already close to being overloaded and will be unable to meet the increased demand caused by the scale of this housing development. The assessment is shown to be flawed with an incorrect analysis of the Gade Surgery capacity.

Leisure Facilities

The submission states that new golf and football facilities will be aided by this development. But Chorleywood already has these facilities (which are underused if anything), so this 'additional benefit' is overstated.

Wastewater and Flooding

It is understood that the local wastewater treatment site cannot cope with this development (ref Thames Water statement) and no solution is proposed. Chorleywood has had a history of surface water flooding with recent measures seemingly managing the situation. However, with the proposed development site sloping towards the centre of Chorleywood, this development will pose a new risk and any mitigation measures will need to be independently assessed to ensure no incident of future flooding can arise.

3. Applicant's Planning Statement

The applicant's overall planning statement is a list of carefully selected assertions without clear evidence intended to show the benefits of the development. In many cases the information submitted is misleading, highly selective, or poorly researched (e.g., health and transport).

Given the major nature of this development(s) and in the absence of a relevant Local Plan, we believe it is impossible to assess the impact and benefits of these applications fairly and fully. The applications are therefore premature at this time.

Sustainability is a frequent word used in the applicant's submission. Sustainability is not just a having a housing development at any cost, but a consideration and mitigation/enhancement of other issues that affect normal life – the need for open space, good transport and roads, good access to schools and health facilities, etc. This application fails to adequately address the adverse impact on these other important aspects.

Summary

In summary, this major and high density development, uncharacteristic for the area, does not respect the Green Belt and AONB designations and will adversely affect the already creaking infrastructure around Chorleywood detracting from the rural character, the quality of life and sustainability of the area.

No convincing case is made for this development and balancing arguments on sustainability are not considered. Analyses presented is often flawed and insufficient.

The application is made in advance of a relevant Local Plan and because of the large extent of this proposed development this would appear a to be a major issue as there is no proper framework to consider and balance the conflicting issues raised.

On the grounds presented in this letter, the Chiltern Society strongly object this this application.

Little Chalfont Parish Council, although not a standard consultee, objects strongly to both the above applications and requests Three Rivers District Council to take the following reasons into account.

Residents in Little Chalfont already suffer unacceptable congestion and pollution from the A404 which passes directly through the village centre and shopping area. This harm would be increased if a large housing development is permitted near the A404 in Chorleywood, as residents there would use the road to travel to points west including the M40. Increased congestion in Chorleywood, especially at the Dog Kennel Lane junction and at the M25 Junction, would also materially harm the amenity of Little Chalfont residents.

Little Chalfont Parish Council strongly supports the case made by the Chiltern Society in their objection, and objects particularly to the proposed destruction of green belt and AONB.

PLANNING COMMITTEE – 23 MARCH 2023

PART I - DELEGATED

7. 22/1148/FUL - Demolition of existing buildings and structures and construction of a 43-unit retirement living scheme (Use Class C3) with car parking and associated landscaping at BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1DS (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 05.10.2022
Extension of time: 01.05.2023

Ward: Rickmansworth Town
Case Officer: Matthew Roberts

Recommendation: That planning permission be granted subject to the completion of a Section 106 Agreement in respect of an occupancy restriction, restriction on ability for future residents to apply for parking permits/contribution towards traffic regulation order amendment, waste management scheme for private collection and an affordable housing contribution.

Reason for consideration by the Committee: Called in by Batchworth Community Council due to concerns that not all aspects from the previous refused application have been overcome. See detailed comments at paragraph 4.1.1.

1 Relevant planning history of the application site

- 1.1 8/393/76: Erection of porta-cabin for office use, timber storage sheds, two lavatory buildings - Refused.
- 1.2 8/545/78: Change of use light industry to offices for W.A.Heaphy - Permitted.
- 1.3 8/796/77: Retention of three temporary storage buildings – Permitted.
- 1.4 8/575/80: Erection of single storey warehouse (outline) – Refused.
- 1.5 8/799/81: Change of use of first floor from offices ancillary to builder's yard to independent offices – Refused.
- 1.6 8/65/84: Conversion into 5 factory units. Withdrawn.
- 1.7 8/46/93: Change of use of first floor to independent offices. Subsequent appeal against conditions which was allowed subject to further condition on 12 October 1993.
- 1.8 96/0117: Erection of non-illuminated signs. Approved.
- 1.9 02/00049/FUL: (1 Beesons Yard) Renewal of planning permission 8/00046/93: First floor offices. Permitted.
- 1.10 04/1204/FUL: Retention of part first floor for independent office use – Withdrawn.
- 1.11 16/2620/FUL: Demolition of existing single storey temporary storage building and construction of four storey commercial building connecting to the existing two storey commercial building. Withdrawn.
- 1.12 21/1971/FUL: Demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping. Refused, for the following reasons:

R1: *The proposed building by virtue of its excessive height, elevated bulk and massing which is exacerbated by the use of large crown roofs would result in an unduly prominent form of development which would have a significant harmful impact on the character and appearance of the area and adjacent street scenes. The development is therefore contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

R2: *The proposed building by virtue of its height and the lack of separation distances to Chesswood Court would significantly alter current privacy levels enjoyed by the occupants of Chesswood Court and would also unacceptably impact the level of light reception to a number of flats within the adjacent flatted development. The reduced privacy levels would adversely affect the occupants of Chesswood Court while the loss of light would further impact the residents' enjoyment of the flats to such an extent that their living conditions would be unacceptably eroded to the detriment of their residential amenity. The development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

R3: *In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Rickmansworth Town Centre locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

1.12.1 The appeal (APP/P1940/W/22/3300549) was allowed on 4 November 2022. Works have not commenced to date.

2 **Description of Application Site**

2.1 The application site comprises two buildings in commercial use (mixed employment use; Class E, B2 and B8) accessed by a long drive from the western side of Bury Lane in Rickmansworth.

2.2 The two buildings within the site include Enterprise House, a large two storey pitched roofed building with a yellow buff brickwork exterior which sits relatively centrally within the plot and a warehouse building towards the western part of the site. The warehouse historically formed stables and has a buff brickwork exterior with blue brickwork surrounds to the principle front windows and doors and a tackle hoist.

2.3 Within the confines of the site, parking is laid out immediately in-front of Enterprise House, within the north eastern corner and seven spaces are also laid out along the access drive. The majority of the site is hard surfaced.

2.4 The access drive abuts Gables Cottage (a Locally Important Building) and its associated garden, Chesswood Court and Bury Mews. Chesswood Court comprises two flatted developments, a two storey building fronting Bury Lane and a three storey building with its associated parking and communal gardens, the latter of which abuts the eastern boundary of the application site. Bury Mews is a collection of two storey dwellings, two of which front Bury Lane with three immediately behind.

2.5 To the immediate south of the site there is a large garage court which is accessed via Goral Mead. Further garage courts adjoin the north western boundary of the site, also accessed via Goral Mead. Within Goral Mead there are a number of three/four storey buildings with parking bays abutting the application site. To the north is the Town Ditch which separates the site from the gardens of two storey dwellings which front Ebury Road.

2.6 In terms of policy designations, the application site falls within the Principle Town, Source Protection Zone 1, Flood Zones 2 and 3 and parts of the access drive fall within the Rickmansworth Town Centre Conservation Area, the boundary of which abuts the Town Ditch to the immediate north of the application site.

3 **Description of Proposed Development**

3.1 This application seeks planning permission for the demolition of the existing buildings and structures and the construction of a 43-unit retirement living scheme (Use Class C3) with car parking and associated landscaping.

3.2 The scheme will comprise of 43 flats with a mix of 25 x 1 bed flats and 18 x 2 beds (a ratio of 58:42). The development would be age restricted, exclusive to the over 60s (a partner can be over the age of 55).

3.3 The new building will comprise of a part four and three storey building with an 'L' shaped footprint, running parallel with the southern and eastern boundaries of the site. The building would have a flat roof design at a maximum height of 12.8m (south eastern corner) dropping down to 12.6m and then 9.8m at its lowest point (northern aspect of the building closest to the eastern boundary). In terms of its design the building would take on a simple Georgian inspired approach using two contrasting bricks: the use of red facing brick and contrasting London stock brick (reflecting the brickwork of the existing buildings on site) including string courses and metal railings to the balconies along with privacy panels to a number of balconies.

3.4 The eastern section of the building would have a stepped form, both to its footprint and height, the latter of which would comprise a combination of three and four storeys with the four storey elements towards the southern end of the elevation as well as being recessed back behind the three storey element towards the north. There would be a minimum distance of approximately 17m between the eastern elevation and the boundary with Chesswood Court.

3.5 The northern section of the building would also be stepped at four storeys in height. This elevation would face towards the rear of properties on Ebury Road and would be set in from the northern boundary of the site by approximately 8m at its minimum. A number of windows would be inserted serving communal hallways and a stairwell. A number of false, blocked up windows are also proposed.

3.6 The western elevation would be four storeys in height, set in a minimum of 2.3m from the closest part of the western boundary to the north but increasing to approximately 16m. It would include raised balconies with red multi facing brickwork to its exterior.

3.7 The southern elevation would also be four storeys in height and would be set in 3.2m from the southern boundary. The western end of the eastern elevation would be set in from the boundary with Goral Mead by a minimum of 2.9m. The southern elevation would be constructed predominately out of red multi facing brickwork and would include external balconies.

3.8 Internally within the building at ground level there would be a main entrance, lounge, guest suite, plant room, refuse store, buggy store as well as various one and two bed flats. The first, second and third floors would provide for flats with lifts and stairwells providing access.

3.9 All ground floor flats would have their own small private amenity area while all first floor flats and above would be served by external balconies or Juliette balconies.

3.10 Approximately 58-60 solar panels are proposed on the flat roof, at a 5 degree angle, facing south.

- 3.11 Externally within the circulation space around the building there would be 4 parking spaces within the access drive and 26 spaces (including 2 disabled spaces and 2 electrical charging spaces) between the eastern elevation of the building and the boundary of the site with Chesswood Court. A cycle stand would also be erected to the south of the building, accommodating up to 4 bikes.
- 3.12 A ramped access would lead towards the main entrance within the central part of the eastern elevation.
- 3.13 Around the majority of the building there would be communal amenity space complimented by a path, new landscaping and a wetland/pond (within the north western corner) to facilitate storm water run-off. New trees are also proposed along the boundary with Chesswood Court.
- 3.14 The access into the site would remain and the internal road would be a shared surface with a demarcated footpath zone. The 'Beeson's Yard' sign is also to be retained.
- 3.15 At the end of the internal road and adjacent to the parking area, a sub-station is proposed, measuring 3m in width by 3m in depth. It would have a height of 2.5m.
- 3.16 During the course of the application the plans have been amended as follows:
- Solar panels shown on roof plan;
 - Addition of 'false' windows to north facing elevation
- 3.17 The main differences between the refused scheme 21/1971/FUL (allowed at appeal) and current scheme are as follows:
- Different use class, new development would fall within C3 (residential) rather than C2 (residential institution);
 - Removal of a number of communal facilities
 - Now age restricted to over 60s (noting that a partner can be over the age of 55) rather than 70+
 - 43 flats instead of 48 (a reduction of 5 flats);
 - Removal of hipped and crown roof sections;
 - Increase in parking spaces from 20 to 30;
 - Greater separation distance between Chesswood Court and the proposed building as well as the inclusion of new trees along the eastern boundary

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

On behalf of Batchworth Community Council (BCC) we acknowledge the changes made by the applicant in comparison to the previously refused application 21/1971/FUL and that some of the points raised have been accounted for.

BCC however does not believe that all aspects of the comments from the residents, planning officers, other thirds parties and BCC have been accounted for and we further comment as follows:

1. The boundary wall of the proposed development, to the north of the site, closest to Ebury Road, is still located too close to the amenity space of the existing houses and should be designed to step back further at second floor & above to ensure it does not impact on the privacy of these existing homes at 9-19 Ebury Road.

2. *Windows on the North elevation should be removed or frosted / opaque.*
 3. *We still believe that the overall height and scale of the development is excessive for this site and the surrounding areas, even with the change in the roof design and needs further reducing.*
 4. *Whilst it is acknowledged that this application has gone some way to reduce the bulk of the previous proposal, the scale & continued height of the building will still have a negative influence the Conservation Area as a whole and some buildings including The Gables and Beresford Almshouses. Furthermore, the design is not in keeping with the surrounding Conservation Area and the properties on Bury Lane & Ebury Road.*
 5. *With this development no longer aimed at the “Extra Care sector in Use Class C2 “and now aimed at the “retirement living scheme in Use Class C3” thus reducing the age group the development is aimed at. This has resulted in the removal of certain facilities such as staff accommodation, staff rooms etc. This is in affect a normal block of residential flats with one or two additional services and should be subject to CIL.*
 6. *With the change of design and proposed use there will also be a significant need for greater car parking as the occupants are likely to be a lot more mobile, car owners etc. In addition, there will be the need for visitor car parking for family and friends visiting, on top of the needs for spaces for staff, visiting doctors and health visitors, day to day deliveries and general maintenance vehicles. This leads us to be believe that there is still significant insufficient car parking on site (even with a small increase from the previous application). This needs to be resolved before consent can be given. We are of the opinion that the transport report significantly underestimates the car parking needs and trip generation.*
 7. *BCC questions the need for another retirement development of this nature with several existing facilities already operating in Rickmansworth as shown by the applicants own Marketing literature), rather than elsewhere in Three Rivers, (and currently with another 75-bed development under construction in Church Street.*
- Whilst we accept the need to meet the requirements of an aging demographic, but question the addition of a further 42 properties, and the care home being built in Church Road when already there are significant properties catering for this demographic.*
8. *Before any application is approved, we would seek agreement with the TRDC Planners Officers that a detailed Construction Management Plan is prepared, shared with neighbours and the appropriate authorities including BCC to comment upon before finalising.*
 9. *No construction should be allowed to take place (including demolition) in the quiet Town Centre location which is accessed via narrow one ways routes at any time at weekends and bank holidays. During Monday to Friday access and movement should be restricted to 9.00 AM – 6.00 PM so as to ensure that the extensive neighbours located close by are not disturbed.*
 10. *The retention and the maintaining of the existing entrance is essential and a written plan should be requested to ensure it is not only maintained but becomes a feature of the entrance to the final eventual development.*
 11. *We are still of the opinion that the removal surplus water from the site has not been resolved sufficiently and does not account for the potential knock-on effects in the immediate flood area. At the time of our submission, we note that the necessary authorities have yet to comment on this new application. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment & follow up our review.*

12. At the time of our submission, we note that the Conservation Officer is yet to comment on this new application. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment & follow up our review.

13. We await the comments from Hertfordshire County Council in respect of the traffic plan and a more realistic expectation of the real movements this development can anticipate having. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment & follow up our review.

Finally, we repeat that we would ask that this application is called in for decision by the Planning Committee unless Planning Officers are minded to refuse.

Officer comments: In response to the above points it has been confirmed by the CIL Officer that the development of this nature should not attract a payment in respect of CIL as it relates to retirement housing.

Additionally, for clarification purposes, the development permitted and currently under construction at Bridge Motors, Church Street, Rickmansworth (20/0098/FUL) was for a 42 bed care home within a C2 use class. Consequently, it is considered that there is a clear material difference between a care home, which provides significant on-site care to those in need of assistance and an age restricted retirement development, subject to this application. This point is expanding upon in more detail within the analysis section below.

4.1.2 Hertfordshire County Council (HCC) Local Lead Flood Authority (LLFA): [Comments from previous application 21/1971/FUL - no objection]

“Following a review of the submitted Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 04, dated: July 2021) and the response to the LLFA’s Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022), we can confirm that we have no objection in principle on flood risk grounds.

Subject to the conditions recommended below we can advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. The proposed drainage strategy is based upon attenuation via lined geo-cellular crate storage with a flow control device restricting discharge to 1.0l/s and lined permeable paving with discharge to the Town Ditch (a main river) via a pond/wetland area. The surface water drainage strategy will provide a minimum attenuation volume of 159.5m³.

Within our previous response (dated: 11.01.2022), we required that all proposed SuDS features are lined in order to mitigate groundwater contamination and be stable due to the potential for groundwater lifting. We are pleased to understand that all proposed SuDS features will be lined to prevent groundwater ingress.

We also highlighted that the site is currently located within Flood zones 2 and 3.

Following review of the provided response to our comments, we understand that the change in ground levels proposed on the site (which the applicant has stated that the EA have accepted in principle) will mean that the car park and all of the SuDS features are outside of the 1 in 1000 AEP flood extent and an attached plan showing an Extreme Flood Outline (equivalent to flood zone 2) along with proposed site levels (drawing no. 003, dated: Jan 22). Whilst we acknowledge that the changes to the levels may have been accepted by the Environment Agency in principle, we will require the applicant to provide confirmation from the EA that the changes and therefore the changes to their records of Flood Zones have been accepted and are represented as part of the official modelling, to be clarified by way of condition. Therefore, we have included a request for detailed modelling to be submitted and accepted by the EA within our recommended conditions below. As LLFA, we would be

looking at further detailed design stage for all SuDS features to be located outside of Flood Zone 2, following acceptance of the new modelling by the EA.

The applicant should also provide pre- and post-development modelling calculations utilising the existing and proposed ground levels. In order to confirm the final details, we therefore recommend the conditions to the LPA should planning permission be granted.”

Officer comment: The above suggested conditions are attached to the recommendation.

During the application process the Council’s appointed drainage consultant was consulted and provided a response. They commented that the principles for development in terms of SuDS have already been defined. They also noted that there are a number of outstanding comments to address from LLFA’s stipulated conditions. However, as per the previous application the same pre-commencement conditions will be recommended.

4.1.3 HCC Highway Authority: [No objection, subject to conditions (Travel Plan Statement, Provision of Parking and Servicing Areas & Construction Management Plan) and informatives].

The application comprises of the redevelopment of an existing industrial use site to a 43 unit retirement living scheme (use class C3) made up of 25 one-bed and 18 two-bed units at Beeson’s Yard, Bury Lane, Rickmansworth. The site would be accessed via Bury Lane, which is a one-way road and designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

A Transport Statement (TS) has been submitted as part of the application.

Access Arrangements

There is an existing vehicle access into the site from Bury Lane through the provision of a dropped kerb / vehicle crossover (VXO), which is proposed to be retained for the proposed use. Whilst HCC as HA would normally recommend a kerbed access for a development of more than five dwellings, the existing arrangement would be considered to be acceptable when taking into consideration the expected low number of vehicle movements associated with a use of this type and the existing VXO being part of wider shared dropped kerb. The retainment of a dropped kerb arrangement would also have the benefit of giving greater priority to pedestrians using the existing highway footway.

Subsequently there are no proposed alterations to the existing highway land nor any requirement for the applicant to enter into a Section 278 Agreement with HCC as Highway Authority.

The proposed internal layout of the site is shown on submitted drawing no. PL500, which includes a shared surface access road with a width of between approximately 4m and 6.2m. Following consideration of the size and nature of the proposals, the main access road arrangements would be acceptable and enable two vehicles to pass one another along the majority of the length. The dimensions of the proposed perpendicular parking spaces and adjacent carriage width fronting the building are acceptable and in accordance with MfS.

Furthermore the length of the proposed parallel parking spaces along the access road are in accordance with guidance as recommended in MfS,

Section 8.3.48, Fig. 8.1. Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas for delivery, service and emergency vehicles.

There are existing footways on either side of Bury Lane fronting the site with a 2/2.5m wide footway on the east side of the road and 1/1.5m wide footway on the west side of the road (the redevelopment side). Whilst HCC as HA would normally require all pedestrian footways to be 2m wide, it is acknowledged that it is an existing footway and would not be feasible to increase the width of the full length of the footway as part of a development of this size.

HCC as HA would not have an objection to the proposed shared use access and is supportive of a defined pedestrian route / contrasting block pavements, although it would recommend that appropriate signage and lighting is provided to ensure that vehicles are clear that other users would also be using the shared space access.

Refuse, Service and Emergency Vehicle Access

A swept path analysis plan (drawing number 504.0036.003) has been submitted for a 8.75m long refuse vehicle as part of the TS illustrating that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear. It has previously been raised that Three Rivers District Council (TRDC) uses a 12m long refuse vehicle. However as it has previously been confirmed by the applicant proposes to use a private contract for refuse collection and therefore the Highway Authority would not have any further comment or objection in this respect.

A swept path analysis plan (drawing number 504.0036.003) has been submitted for an 8.1m long fire tender illustrating that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear and get to within 45m of all parts of the footprint of the building and be able to turn around and egress the site in forward gear whilst also not having to reverse more than 20m.

Hertfordshire Fire and Rescue have previously stated as part of the previous application that access for a pump appliance (as opposed to an aerial ladder appliance) would be sufficient for a building of this size and therefore the swept path details are considered to be acceptable in this respect.

As previously referred to, consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas for delivery, service and emergency vehicles.

Trip Generation and Traffic Impact

A trip generation assessment has been included as part of the TS (Section 3) and based on trip rate information from the TRICS database. Based on this approach, the proposed use is stated as generating 6 two-way vehicle movements in the AM peak, 5 two-way vehicle movements in the PM peak and 88 vehicle movements across a 12 hour period.

Following assessment of the details and size of the overall development, the trip generation and distribution would not be considered to be significant enough to have a safety or severe impact on the surrounding highway network, particularly as the trip rates would be lower than for the current use of the site. Therefore there is no objection to the submitted details in this respect.

Parking

The proposals include the provision of 30 car parking spaces. Following consideration of the nature of the use, parking details as submitted in the TS (including the comparison with similar developments) and potential for sustainable travel options within a town centre location, HCC as Highway Authority would not have any particular objection to the proposed level of parking.

The proposals include two car parking spaces with active electric vehicle charging provision (EVCP), which HCC as Highway Authority is supportive of encourage electric vehicle use in accordance with Hertfordshire's Local Transport Plan (LTP4) and Sustainability Strategy. A larger level of active provision would however recommended in addition to passive provision for the remainder of the parking areas. The Highway Authority is supportive of the proposed electric vehicle car club to reduce the level of car ownership whilst also providing a facility for those who need to use a car infrequently, further details of the management of which would need to be included in the recommended Travel Plan Statement.

The proposals include the provision of 8 cycle parking spaces through the provision of one space and 2 sheffield stands. The Highway Authority would recommend a higher level of secure, convenient and covered cycle parking to promote and maximise cycling as a form a travel to and from the site for residents, visitors and staff (albeit taking into consideration the nature of the use).

Three Rivers District Council (TRDC) as the planning authority for the district would ultimately need to be satisfied with the overall level of parking.

Sustainable Travel & Accessibility

The site lies approximately 150m to 250m from the High Street in Rickmansworth and therefore close to the town centre amenities and facilities, many of which are within an easy walking distance. Rickmansworth Railway Station is located approximately 500m from the site whilst the nearest bus stops are located 300m and 500m from the site. Following consideration of this, the location is considered to be acceptable with the potential to facilitate good sustainable travel options.

Following consideration of the size and nature of the proposals, a Travel Plan Statement would be required to ensure that opportunities to promote and encourage sustainable modes of travel to and from the site have been maximised. Further information on this can be found at www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx .

HCC's Travel Plan team can also provide further advice at travelplan@hertfordshire.gov.uk

Drainage / SUDs

The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to the drainage strategy or SUDs at: FRMconsultations@hertfordshire.gov.uk

Conclusion

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. Therefore HCC has no specific objections on highway grounds to the outline application and would not wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions and informatives.

Officer comments: Following a number of objections by local residents it was recognised that visibility adjacent to the access is restricted when looking left. This is due to a neighbouring hedge which falls in private ownership. The question concerning the pavement condition and widths was also posed.

In response, HCC provided more comments and stated:

The challenge is that it is limited what can be done in relation to widening the existing pavements etc. and I do not think there are reasonable enough reasons to recommend refusal for the specific proposals in this context and the NPPF. I do not consider that the visibility for pedestrians would be significant issue when taking into consideration it is an exiting access that functions safely and vehicles would be existing the site at a very slow speed (it could be argued that vehicles using the proposed use would be safer than for the existing permitted use). Ideally the hedge would be lowered but as you refer to it is 3^d party land so there is very little we would be able to recommend or insist as part of highway's response.

Hertfordshire County Council (HCC) as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111, National Planning Policy Framework (NPPF) (update 2021), which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Following consideration of the anticipated trip generation for the development, the number of vehicle trips associated with the proposed use would not be considered to be severe nor significant. Indeed the anticipated number of vehicle trips is less than for the currently approved use of the site and the site is in a sustainable location in close vicinity to the town centre of Rickmansworth with the potential to reduce the need to travel and maximise / promote sustainable travel options for residents, visitors and employees of the site. The proposal are therefore in accordance with Hertfordshire's Local Transport Plan (LTP4) and the NPPF.

4.1.4 HCC Fire and Rescue: [Previous comments under 21/1971/FUL - No objection, subject to condition]

This development will require a condition for the provision of fire hydrants, including the cost and installation of fire hydrants.

This is to ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

4.1.5 Herts Ecology: [Initial objection]

Thank you for consulting Hertfordshire Ecology on the above. We previously commented on similar proposals at this address (LPA ref: 21/1971/FUL on 07/12/2021) and I have the following, updated, comments to make now:

Summary of advice:

- *Bats - the application should not be determined until the recommended bat roost activity survey has been undertaken and the results submitted to the LPA for written approval.*

If / when approval is granted, I advise the following by condition:

- *A Landscape and Ecological Management Plan (LEMP) to demonstrate delivery of biodiversity mitigation, enhancements and net gain.*
- *A Construction Environmental Management Plan (CEMP) to protect the brook from dust, runoff, pollution.*

Comments

An ecological report has been submitted in support of this application – Preliminary Ecological; Appraisal dated 27 April 2022 and prepared by Greenlink Ecology. This appears

to be the same report from 2021 (3rd August) based on a site visit carried out in July 2021. The site comprises several commercial buildings with associated hardstanding, some ruderal vegetation and sections of hedgerows, trees on/close to the boundaries, and a shallow water course (Town Ditch) I have no reason to consider conditions at the site have changed over the last 14 months.

The site is considered to be of limited ecological value, with the main interest being the hedges/trees having potential for nesting birds and the two-story brick buildings having low potential for roosting bats.

Sensible precautionary measures are provided to avoid disturbing nesting birds.

One follow-on bat emergence/re-entry roost activity survey is recommended to further inform any use of the buildings by bats, and to provide appropriate mitigation to safeguard bats if present and affected by the proposal. Roost activity surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. This survey appears to be outstanding. As it is not considered best practice to condition bat surveys, and I am no longer accepting outline bat mitigation strategies in the bat 'off-season', I advise the bat activity survey is carried out this month as a matter of urgency if possible and whilst the weather remains warm.

The results should then be submitted to the LPA as additional information prior to determination. Otherwise, I have no alternative other than to advise there is insufficient information on bats for determination.

Reasonable enhancements have been proposed in the form of native planting / hedges and wildflower sowing (including plants attractive to pollinators), and a pond and wetland SuDS feature. Mention is made of wall-integrated bat and bird boxes throughout the new building.

The mitigation and enhancement measures in the ecological report should be followed to achieve net gain from the development. To bring all these biodiversity aspirations together, I advise a Landscape and Ecological Management Plan (LEMP) is secured by condition. This should describe the tree/shrub/hedge species that will be planted (not indicative as in the Landscape Masterplan), the species for wetland planting, the wildflower seed mix(es) that will be sown, the location of any bat and bird boxes (and any other features for protected species, e.g. invertebrate homes, log piles, hedgehog highways, etc); and how the site will be managed and maintained for biodiversity in the long term (at least 5 years). The location of any bat and bird boxes / habitat features should consider the lighting plan to avoid unnecessarily illuminating potential roost/nesting sites. Finally, the ditch should not be polluted by run off from construction activities and specific advice has been provided by Thames Water and Affinity Water. It may be appropriate to condition a CEMP to describe how the watercourse habitat will be protected from any adverse impact.

4.1.5.1 Following the submission of a further bat report, further comments were received [No objection, subject to conditions]:

Thank you for your email dated 12/09/2022. Following my comments submitted on 08/09/2022, I am pleased to see a second bat report has now been submitted in support of this application -

Bat Survey Report, 27/04/2022 prepared by Greenlink Ecology.

Summary of advice

- There is now sufficient information on bats for determination. Follow recommendations in the report.*
- My previous advice (on 08/09/2022) for a LEMP and CEMP by condition are still valid.*

Comments:

One emergence bat survey was undertaken on 30 August 2021. Low activity of three species of bats were recorded flying (foraging/commuting) across the site, but no bats were recorded emerging from the buildings previously identified with low roosting potential. As roosting is not confirmed, no further surveys or mitigation licence is required for this proposal. I consider the LPA now has sufficient information on bats to satisfy the third test of the Habitats and Species Regulations 2017 (as amended) and for determination. The Recommendations / Mitigation in section 6 on page 6 of the report are reasonable and should be followed.

My previous advice (on 08/09/2022) for a LEMP and CEMP by condition are still valid.

4.1.6 HCC Archaeology: [No objection]

The proposed development site lies less than 100m west of Area of Archaeological Significance (AAS) No. 12, as specified in the Local Plan, which represents the centre of medieval Rickmansworth. Lying downslope from the medieval core, with a nearby water source, it may be the kind of location where medieval industrial activities such as metalworking, tanning or dyeing could have taken place. In the later post-medieval period, the site was agricultural land, until development took place in the 20th century. There is therefore potential for earlier, unknown archaeological remains to survive within the site, particularly where works associated with the Town Ditch may have raised ground levels.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological field evaluation, via trial trenching, of the proposed development site, prior to development commencing, but further to the demolition of the existing buildings at the site to slab level;

2. Such appropriate mitigation measures indicated as necessary by this evaluation.

These may include:

a) the preservation of any remains in situ, if warranted,

b) appropriate archaeological excavation of any remains before any development commences, with provisions for subsequent analysis and publication of results,

c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),

d) such other provisions as may be necessary to protect the archaeological interests of the site;

3. The analysis of the results of the archaeological work with provisions for the subsequent production of a report(s) and/or publication(s) of these results and an archive;

4. Such other provisions necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

I hope that you will be able to accommodate the above recommendations.

4.1.7 TRDC Local Plans Section: [No objection]

The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- i. the location of the proposed development, taking into account the Spatial Strategy*
- ii. the sustainability of the development and its contribution to meeting local housing needs*
- iii. infrastructure requirements and the impact on the delivery of allocated housing sites*
- iv. monitoring information relating to housing supply and the Three Rivers housing target.*

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The application site is located in Rickmansworth and is comprised of previously developed land and subsequently the

proposal would comply with the Spatial Strategy. The proposal would result in a net gain of 43 dwellings and would subsequently make a positive contribution to meeting the District's current local housing need figure of 630 dwellings per year. There is a lack of a five year housing land supply in Three Rivers so the proposed development would also positively impact this position.

Policy CP3 of the Core Strategy states that the Council will promote development that caters for a range of housing needs, including the provision of housing for the elderly and supported and specialist accommodation. Planning Practice Guidance for "Housing for older and disabled people" at paragraph 014 states: "It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwelling-house) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided". Paragraph 010 of the PPG states that retirement/sheltered living housing usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.

Following from the above guidance, it is important to consider whether the proposed scheme comprises of C3 retirement living, as set out in the PPG. The planning application supporting documents state a communal residents' lounge and gardens, guest suite, Housing Manager's office, mobility scooter store, refuse room and an emergency helpline within each residents' dwelling and in communal areas, are proposed. Taking into account the above definition set out in Paragraph 010 of the PPG, it is considered the proposed development would comprise of retirement living accommodation, so long as the proposed services and facilities set out in the application document are implemented in any future scheme. Appropriate conditions should therefore be imposed to ensure that the retirement living facilities as set out in the submitted documents are integrated and retained in the development.

The South West Hertfordshire Local Housing Needs Assessment (LHNA, 2020) considers the need for units classified as 'housing with support' (retirement/sheltered) and indicates a notable need in the future for 782 retirement living units (231 rented units and 551 leasehold units) over the period 2020-2036. The scheme would positively contribute towards meeting this need and in an urban and sustainable location. The provision of these 43 retirement units may also encourage downsizing and reduce the need for additional larger dwellings, which the LHNA states should be prioritised in Three Rivers, as the district contains high rates of under-occupation of retirement living housing.

Policy CP4 of the adopted Core Strategy (2011) requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. The application would result in a net gain of 43 dwellings and subsequently would be required to contribute to affordable housing provision. For sites delivering a net gain of ten or more dwellings (i.e. the proposal site), on-site provision will be required.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floorspace within the district. The existing buildings on site comprise an office building (E(g)(i)) and a warehouse/storage building (B2/B8). The redevelopment of the existing office and warehouse/storage buildings would result in the loss of an existing business location as well as 835sqm of office floorspace and 431sqm of storage/warehousing floorspace, which would fail to meet Policy CP6. Given the significant need for industrial floorspace estimated in the South West Herts Economic Study Update (2019), it is important to safeguard existing industrial/warehousing floorspace in order to not exacerbate demand for

industrial floorspace. In terms of industrial/warehousing floorspace, the South West Herts Economic Study Update (2019) estimates a need for 21,945sqm of industrial floorspace over the period 2018 to 2036 whilst for offices, there is estimated to be an oversupply of 6,263sqm during the period. This demonstrates a need to increase employment space during this period and to safeguard existing employment floorspace, particularly in respect of industrial/warehousing uses, of which there is a significant need estimated. The planning application form states there are 34 full-time employees on the existing site and there would be a total of four full-time equivalent employees as part of the proposed development. The development of this site would result in a loss of employment and therefore, exacerbate employment needs.

The site is also located in Flood Zone 2 and 3a. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere. Advice from the Environment Agency and the Lead Local Flood Authority should be taken into account when considering the extent to which Sequential Test considerations have been satisfied and to ensure that any potential development would be flood resilient and resistant, that residual risks could be managed and that the risk of flooding would not be exacerbated elsewhere.

4.1.8 TRDC Landscape Officer: [Previous comments under 21/1971/FUL - No objection]

The site, located within the town centre adjacent to the Conservation Area currently has few trees or shrubs, the majority of which according to a desk-top study are noted as being of poor quality.

The proposal will result in their removal, as the site is particularly constrained by size. The BS5837 survey has properly considered trees growing in adjacent properties, and the resultant Tree Protection plan should provide sufficient protection for them.

The landscaping proposals are somewhat limited, specifying small, short-lived species, (and confusingly, the Landscape Masterplan drawing ref. MCS2338710 shows a picture of birch trees when none appear to be specified) however, given the constraints of the site in respect of its size, it would be difficult to amend this. Neighbouring trees have the potential to soften the hard landscaping on the eastern aspect. If the decision is made to grant consent, any trees within 15m of the site shall be protected in accordance with BS 5837(2012) Trees in Relation to Design, Demolition and Construction'.

4.1.9 TRDC Environmental Protection: [Advisory comments provided]

Looking at the Vehicle tracking I am not sure this is achievable for our dustcarts. They have used different dustcart dimensions to the ones we use (Length 8.750 actual is 10.850, Width 2.250 actual 2.500 and height 3.162 actual 3.540)

We, as a local authority, have a statutory obligation to provide a domestic waste collection to the residents of Three Rivers therefore we cannot consider passing this undertaking over to a private contractor. We are able to sub contract this undertaking in its entirety to an external service provider but we would not be prepared to transfer this undertaking to the developers who in turn may engage the services of a waste collection contractor.

The majority of our collection vehicles are of a similar type and size. We do have 2 smaller vehicles however these are fully utilised on servicing existing properties with restricted access. We will not consider purchasing additional smaller vehicles to simply accommodate a developers wish to build as many properties as possible in a smaller space as possible.

Please note that the vehicle specification and dimension contained with Appendix G of the Transport is incorrect. Please refer to the link below for the correct information (however this needs updating/tidying up) and these need to be complied with.

We also have concerns over access due to the limited amount of car parking spaces proposed. We feel that this will lead to vehicles being parked on the access road.

4.1.10 Conservation Officer: [No objection]

The site is located in close proximity to the boundary of the Rickmansworth Conservation Area and to the west of two locally listed buildings; Beresford Almshouses and The Gables. The access road lies partly within the Conservation Area boundary.

Following the refusal of 21/1971/FUL additional pre-application advice was provided on a revised scheme (19/1845/PREAPP). The revised design introduced a flat roof rather than the initially proposed pitched roofs to reduce the height and massing of the building. A flat roof design is now proposed.

In regards to the impact on the Conservation Area, there has always been a concern about the scale of the building and the view from Bury Lane looking into the site. However, due to the limited visibility (primarily from the access point on Bury Lane), the existing surrounding building stock and the set-back position of the proposed building, no objections were raised.

The revised proposal for a flat roof block further reduces its height and massing, and it is sympathetically detailed behind a parapet. Whilst the proposal introduces a roof form that is less common in the locality, the reduction in massing is considered beneficial to views of the site from the Conservation Area (which are already limited). Therefore, the proposal is not considered to have a harmful impact on the significance of the Conservation Area or the locally listed buildings and the character and appearance of the Conservation Area is preserved, in accordance with Chapter 16 of the NPPF and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If approved, it is recommended that further details of external materials (including windows, doors and balcony balustrades) are reserved by condition.

4.1.11 Environment Agency: [Initial objection]

Having reviewed the information submitted online in support of this application, we object to the planning application because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.

Objection – Unacceptable risk to groundwater quality

We object to the planning application, as submitted, because the proposed development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis. This is in line with Paragraph 174 of the National Planning Policy Framework (NPPF) and Policy DM9 of the Three Rivers Local Plan (2013).

Reasons

Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 (SPZ1) and located upon a Secondary Aquifer A within the superficial deposits, underlain by a Principal Aquifer within the Chalk

Our approach to groundwater protection is set out in “The Environment Agency’s approach to groundwater protection” (Feb 2018 V1.2). In accordance with the position statements in this guidance, we will oppose development proposals that may pollute groundwater, especially where the risks of pollution are high and the groundwater asset is of high value.

In this case position statements A4 (Responsibility for assessments) and N8 (Physical Disturbance of aquifers in SPZ1) apply.

To ensure the development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. The proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality for the following reasons:

- Currently there is insufficient information to demonstrate that risk posed by the use of piled foundations can be managed.*
- Piled foundations can result in creation of preferential pathways through confining layers. In this location there is likely to be a low permeability of layer of weather "putty" chalk separating groundwater within the superficial deposits and the underlying chalk.*
- Piling itself can cause turbidity which can impact potable abstractions and surface water features.*
- Piling fluids such as polymers and cements can contain substances which present a risk to controlled water*

Overcoming our objection:

In accordance with our Groundwater Protection: Principles and Practice guidance, we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

In the first instance, the use of a shallow foundation design would be considered preferable, particularly one which does not involve penetrating the base of the River Terrace gravels. If such a foundation design is not feasible, then we will require additional information to demonstrate that the risk associated with piling have been considered and can be addressed.

Based on experience of piling works within similarly sensitive locations (with respect to controlled waters), the level of investigation and monitoring can be extensive and have significant impacts on construction schedules. In order to ensure our requirements for the protection of controlled waters are met and that disruption to the construction schedule is minimised, it is considered pragmatic to request that a scheme of works is submitted prior to approval being granted. This should demonstrate how the following will be addressed:

- 1. Establishment of baseline groundwater conditions within the superficial and deeper aquifer system. For the deeper aquifer, this is likely to require 12 months of pre-piling monitoring. Boreholes will need to be screened at least 5m deeper than the proposed pile depth, with a minimum of 3 monitoring locations required (1 up and 2 down gradient). Boreholes will need to be retained for long term, post piling monitoring and should be located accordingly. Analytical suites should be appropriate to the industrial nature of the surrounding area include physiochemical parameters and turbidity.*
- 2. Borehole construction and management plan, to demonstrate that boreholes will be appropriately screened to target the superficial and deeper aquifers and constructed in a manner to ensure that they do not act as preferential pathways. Where boreholes are damaged or subject to relocation, details of how decommissioning of deeper boreholes will be undertaken along with details of alternative locations is required.*
- 3. Trigger values, based on the baseline conditions within the deeper aquifer. Where concentrations of compounds identified within the superficial deposits are below the LOD within the deeper aquifer, trigger values should be set at the LOD.*
- 4. Where concentrations are present above the LOD, trigger values should be set at an appropriate percentage increase of the baseline conditions.*
- 5. Mitigation measures- details should be provided for viable mitigation measures, to be implemented should trigger values be breached*

6. *Monitoring: During piling works, it is likely that monitoring will be required on a weekly basis and include any identified contaminants of concern and physio chemical parameters. Post piling, long term monitoring may be required*
7. *Timeframe for the submission of monitoring results, exceedances of trigger values and mitigation measures implemented should be detailed, to ensure that the Environment Agency is kept up to date any impacts on groundwater quality*

We understand that at this current stage it will not be possible to provide all the relevant information, therefore submission of a scheme of works detailing how these points will be addressed is considered sufficient. It is important to note, there is no guarantee that we will agree to the use of piled foundations at this location, if it cannot be demonstrated that the risks to controlled waters can be mitigated.

Following the submission of further details, the EA commented further and removed their objection:

*Based on the information provided we are now in the position to **remove our objection**. It is confirmed that shallow piling (Vibro Concrete Columns) will be used, without disturbing the chalk bedrock. Also, there won't be any infiltration of surface water into the ground.*

The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- *within source protection zone 1*
- *located upon a principal and secondary aquifers*

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Three Rivers Local Plan (2013) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 - Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. *A preliminary risk assessment which has identified:*
2. *all previous uses*
3. *potential contaminants associated with those uses*
4. *a conceptual model of the site indicating sources, pathways and receptors*
5. *potentially unacceptable risks arising from contamination at the site*
6. *A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
7. *The results of the site investigation and the detailed risk assessment referred to in (2) 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.*
8. *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and*

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

9. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2 - Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Long-term monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 5 - SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 6 - Piling/boreholes/tunnel shafts/ground source heating and cooling systems

Piling/ other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework

Condition 7 - Decommissioning of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework.

4.1.12 Thames Water: [No objection, informatives added]

Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection->

position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

4.1.13 Affinity Water: [No objection, subject to conditions]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (1) (SPZ1) corresponding to our Pumping Station (BATC). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

1. Contamination through Ground Works

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation

strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Contamination through Surface Water Drainage

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and ensure that sufficient capacity for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme should be provided that prevents contamination of any public water supply abstractions present. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

4.1.14 National Grid: [No objection, informative added]

4.1.15 Hertfordshire Constabulary Design: [Advisory comments provided]

Communal door sets:

Certificated to BS PAS 24: 2016, or LPS.1175

Access Control to block of flats:

Audio Visual. Tradespersons release buttons are not permitted.

Individual front entrance doors:

Certificated to BS PAS 24:2016

Windows:

Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies:

Dwelling security lighting:

Communal entrance hall, lobby, landings, corridors and stairwells, and all

entrance/exit points. (Dusk to dawn lighting).

Bin stores:

Secure lock on bin store

5 **Public/Neighbour Consultation**

5.1 Number consulted: 153

5.2 No of responses received: 67 objections including from The Rickmansworth and District Residents Association (RDRA) and The Chiltern Society.

5.3 Site Notice: Expired 10.08.2022.

5.4 Press Notice: Expired: 19.08.2022

5.5 Summary of Responses:

- Concerns regarding flooding in Bury Lane
- Privacy and overlooking issues for Ebury Road and Chesswood Court
- Proposed building is excessive in scale and not in keeping
- Harms the Rickmansworth Conservation Area and locally important buildings
- Additional pressure on local services, such as GP services
- Lack of outdoor amenity space
- Noise and light pollution impacts
- Existing character buildings should be retained
- Question as to the need for the development
- No benefit or enhancement to the locality
- Poor design / featureless
- Impacts light to Chesswood Court and Goral Mead
- Loss of trees and green space
- Density is too high
- Will shadow across the rear of properties on Ebury Road
- Ecological impact to the Town Ditch

Officer comment: The above material planning considerations will be discussed within the following planning analysis sections.

6 **Community involvement:**

6.1 Prior to the submission of this application a public consultation meeting was held by the applicant on 24th May 2022 at Rickmansworth Baptist Church.

7 **Relevant Planning Policy, Guidance and Legislation**

7.1 Legislation

7.1.1 Planning applications are required to be determined in accordance with the statutory development unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

7.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.1.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

7.1.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7.2 Policy / Guidance

7.2.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 5; Chapter 9; Chapter 11; Chapter 14; Chapter 15 & Chapter 16.

7.2.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

7.3 Other

Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993)

Affordable Housing Supplementary Planning Document (adopted June 2011)

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (February 2022)

South West Hertfordshire Local Housing Need Assessment (September 2020)

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)

Housing Delivery Test Action Plan (June 2022).

Housing Land Supply Update (December 2022).

Technical Housing Standards – nationally described space standards (March 2015).

8 Reason for Delay

8.1 Time given to overcome technical objections, viability issues and waste collection matters.

9 Planning Analysis

9.1 From the comments received and considering the previous refused planning application 21/1971/FUL it is apparent that the key areas of importance are as follows:

- Whether there is a need for retirement housing;
- Overdevelopment and impact on heritage assets;
- Impact on adjacent residential properties;
- Highway safety and parking levels.

9.1.1 The reasons for refusal pertaining to 21/1971/FUL were not upheld at appeal with the Inspector making the following points of interest within the decision letter:

- *The proposed building would be much larger than the existing buildings within the appeal site and would inevitably change the character and appearance of the area. However, a particular characteristic of the area is that the buildings are varied, with no dominant style, footprint, scale or massing. Particularly due to the five-storey element of the building, it would be higher than buildings in the immediate locality and significantly taller than the single storey garage blocks adjacent to the site. The proposed materials would be in keeping with the local area. (Paragraph 9).*
- *The proposal would make efficient use of land whilst respecting the distinctiveness (Paragraph 14).*
- *Consequently, I am satisfied that the proposed development would not adversely affect the living conditions of the occupiers of Chesswood Court to a degree that would warrant planning permission being refused, particularly in an urban area such as this. The proposed development would not have an unacceptable effect on the living conditions of the occupants of Chesswood Court, with particular reference to privacy, sunlight and daylight (Paragraph 35).*
- *The Highway Authority did not object to the proposal, and they did not challenge the findings of the transport statement or trip generations data. The number of vehicle trips associated with the proposed use would not be severe nor significant. Furthermore, the anticipated number of vehicle trips is less than the current use of the site and the site is in a sustainable location in close vicinity to the town centre with the potential to reduce the need to travel and maximise/ promote sustainable travel options for residents, visitors and employees of the site. Accordingly, the proposed development would not have an unacceptable impact on highway or pedestrian safety and would comply with both local and national planning policy. (Paragraph 44)*
- *The appellant has clearly set out benefits of the proposal in their submission. The main parties agree that the Council cannot demonstrate a 5 year housing land supply, and the Council has a 1.9 year supply. They consider that the scheme would contribute towards the Council's housing land supply by way of the provision of between 35-37 market dwellings. The development would free up market housing and provide for an identified need for C2 housing within the district. (Paragraph 52)*
- *There would also be social benefits arising and on-site care could assist to reduce the need for hospital and GP services as well as health and well-being benefits. In addition, there would be economic benefits through the construction process, job creation and use of local amenities and services. There would also be biodiversity/ environmental benefits. Collectively these benefits carry substantial weight. (Paragraph 53)*

9.1.2 The following sections set out the planning assessment of the proposed scheme against national and local planning policies and any relevant material planning considerations.

9.2 Principle of development

- 9.2.1 The application site is located within Rickmansworth, the Principal Town in Three Rivers District with the largest town centre providing a good range of services, facilities and public transport. The area is considered appropriate for continued infilling, primarily on previously developed land, subject to material planning considerations.
- 9.2.2 The application site can be considered previously developed land given it is occupied by permanent structures in commercial use. However, it should not be assumed that the whole of the curtilage should be developed.
- 9.2.3 The NPPF at paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Additionally, paragraph 123 states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs, in particular they should support proposals to 'use retail and employment land for homes in areas of high housing demand'.
- 9.2.4 In respect of achieving appropriate densities the NPPF at Section 11, paragraph 125, emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 9.2.5 At local level, Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. This includes provision of housing for elderly and supported and specialist accommodation which will be encouraged in suitable and sustainable locations.
- 9.2.6 The Council's Core Strategy is considered out-of-date as it is over 5 years old and the Council cannot currently demonstrate a 5-year supply of deliverable housing meaning paragraph 11 of the NPPF is engaged. As a consequence, developments should be granted planning permission unless it conflicts with the policies in the NPPF that protect areas or assets of particular importance which provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, taken as a whole.
- 9.2.7 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 and 3.25 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land' and 'The Council will need to consider solutions to accommodate more housing in the District's urban areas such as increasing density through delivering more flats and smaller homes to increase housing delivery.'
- 9.2.8 The development proposes 43 flats. The previous refused application (allowed at appeal) proposed 48 flats, but due to its C2 use classification and having regard to the Council's conversion ratio of 1:9:1 it would have been the equivalent to 35 market dwellings towards the Council's housing supply. However, in this case all 43 flats pertaining to the current scheme would positively contribute towards the Council's housing land supply given its C3 use.

- 9.2.9 It is therefore considered having regard to the location of the site which is largely residential in character, that it is a both suitable and sustainable location for a retirement development. The principle of the development would accord with the thrust of Policy CP3.
- 9.3 Need for retirement housing
- 9.3.1 Policy CP2 sets out that in assessing windfall sites applications will consider the sustainability of the development and its contribution to meeting local housing needs.
- 9.3.2 The Planning Practice Guidance (PPG) states that providing housing for older people is critical and offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems (001 Reference ID: 63-001-20190626).
- 9.3.3 The South West Hertfordshire Local Housing Need Assessment 2020 (LHNA) states that when compared with data for other areas that South West Herts has a slightly lower proportion of older persons (aged 65 and upwards), although the highest within South West Herts is Three Rivers which follows the national average (18%).
- 9.3.4 In terms of projected change in the population of older people in South West Herts it is expected that between 2020 and 2036 that there will be a 44.2% change for those 65 and over, with a 76% change for those 85 plus. When looking at the data for Three Rivers between 2020 and 2036 it follows the average detailed above. The New Local Plan Regulation 18 consultation version (June 2021) also confirms that there is a trend towards an aging population which will have implications for housing needs, health and support care needs as well as the economy and access to services.
- 9.3.5 The LHNA considers the need for units classified as ‘housing with support’ (retirement/sheltered) and indicates a notable need in the future for 782 retirement living units (231 rented units and 551 leasehold units) over the period 2020-2036. The scheme would positively contribute towards meeting this need within an urban and sustainable location.
- 9.3.6 It is also important to consider the characteristics of older person households which shows for Three Rivers that there is a very high percentage of older persons in under-occupied homes (approx. 86%) leading the LHNA to conclude that the District should be prioritising retirement villages with a range of different house typologies, tenures and a level of care.
- 9.3.7 Whilst the Parish Council have questioned the need for “another retirement development” it would appear that planning policy should be planning for a varied mix in housing options for the elderly population. The development currently under construction in Church Street, is a C2 use care home which will differ significantly in terms of its use and function when compared with a retirement living complex as proposed.
- 9.3.8 Based on the evidence to date, it is clear that the development would be contributing to meeting local housing needs within a sustainable location. Other benefits would arise which are discussed at paragraph 9.24. The development would therefore comply with Policy CP2.
- 9.4 Loss of commercial units
- 9.5 Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements and to provide for a range of small, medium and large business premises to future.
- 9.5.1 The development would result in the loss of two existing local businesses (office and warehouse/storage), neither of which are protected by an Article 4 Direction. Nevertheless, their loss would inevitably conflict with the aims of Policy CP6.

- 9.5.2 The South West Herts Economic Study Update (2019) states that it is important to safeguard industrial floorspace whilst recognising that there is an oversupply of office space of 6,263sqm. The demolition of the warehouse/storage building would result in the loss of 431sqm. Whilst recognising this loss and future need, there is some tension between Policy CP6 and the NPPF. As highlighted above, paragraph 123 of the NPPF seeks that local planning authorities support proposals to 'use retail and employment land for homes in areas of high housing demand'. In addition, there is a clear need for housing across the District.
- 9.5.3 On the basis that Three Rivers cannot meet its 5 year housing land supply, the loss of the 431sqm warehouse/storage building is considered acceptable to enable the land to come forward as housing.
- 9.6 Affordable Housing
- 9.6.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures. Having regard to the Affordable Homes Update Written Ministerial Statement (24 May 2021), this mix of tenures must include First Homes. The guidance requires that 25% of all affordable housing units secured through developer contributions should be First Homes. Therefore, in respect of major planning applications we require First Homes to be provided and expect the 45% affordable housing contribution to comprise 70% social rented, 25% first homes, and 5% intermediate. Major developments are expected to provide affordable housing units on-site. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.
- 9.6.2 The AHSPD notes that the viability implications of affordable housing provision on a development proposal will be considered by the Council where it is supported by a robust evidence base, and only where it can be demonstrated and robustly justified by viability evidence will the Council consider reducing the 45% target.
- 9.6.3 The proposed development would provide for residential flats within a C3 use class meaning that it would trigger the requirement to provide for affordable housing. In this case, policy compliant on site provision would equate to the provision of 19 affordable flats. The applicant initially proposed no affordable housing on the basis it was not viable. However, the application has been accompanied by a Viability Assessment which has been independently reviewed. Upon initial review the Council's Independent Viability Assessor concluded that the applicant should provide the full provision of 19 1 bed and 2 bed flats with a tenure split of 70/30. However, the applicant disagreed with the assessor's Benchmark Land Value (BLV) amount of £750,000. Due to the disagreements, an Independent Commercial Expert was instructed to review the BLV. The findings of the Commercial Expert agreed with the applicant and thus it meant that it would not be viable for the scheme to provide a policy compliant amount of affordable housing. However, the Independent Viability Assessor through his amended review concluded that the scheme could provide for 5, 1 bed flats and 5, 2 bed flats for shared ownership.
- 9.6.4 Nevertheless, due to the nature of the development whereby service charges will be applied to future residents as well incorporating the cost of the private waste collection, on-site affordable units are not considered appropriate in this instance. With this in mind and further to additional guidance received from the Council's Independent Viability Assessor, it is considered that an off-site financial contribution of £549,603 (index linked from the date of the deed), as concluded by the Independent Viability Assessor in their final review, would be the most appropriate means of securing affordable housing (a policy compliant off-site contribution would equate to £3,316,612.5). It has been agreed that the contribution should be paid in two instalments, 50% at commencement and 50% prior to occupation, in lieu of any late stage review mechanism. The Council having discussed the matter at length with

the Independent Viability Assessor consider that the above is an appropriate outcome to secure the maximum reasonable contribution, having regard to the latest viability assumptions and economic conditions.

9.6.5 In light of the above and subject to the signed and completed Section 106 Agreement, the development would accord with Policy CP4 of the Core Strategy (adopted October 2011).

9.7 Housing mix

9.7.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent LHNA advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

9.7.2 The development would provide 25 1-bed units and 18 2-bed units (a split of 58:42). Due to the nature of the development and its geographical location it is expected that smaller housing types would be provided. This is supported by the LNHA which identified a need for smaller homes (one to three bedrooms) across tenures in order to widen the choices of new homes in the District. Nevertheless, by introducing smaller flats this would encourage older people to downsize and release larger homes onto the market. Consequently whilst the development would not provide the required housing mix, given the nature of the development it is considered that the development would be acceptable and would provide the right type of housing to meet future need.

9.8 Design, impact on the character of the area and towards heritage assets (Rickmansworth Conservation Area and Locally Important Buildings)

9.8.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

9.8.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.

9.8.3 Policy DM3 of the Development Management Policies document states that within conservation areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area and does not harm important views into, out of or within the Conservation Area. The policy is silent with regards to the impact on the setting of Locally Important Buildings (referred to as non-heritage designated assets within the NPPF).

9.8.4 The NPPF at paragraph 130 sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate

and effective landscaping; sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In respect of a non-designated heritage asset paragraph 203 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.

- 9.8.5 When considering the location of the application site, both within and adjacent to the Rickmansworth Town Centre Conservation Area and adjacent to Locally Important Buildings the development must be designed carefully to avoid harming heritage assets.
- 9.8.6 The only part of the application site which falls within a conservation area is the access close to Bury Lane. No physical changes are proposed and the existing signage at the entrance will remain following completion of development.
- 9.8.7 In close proximity to the application site and fronting Bury Lane are Beresford Almshouses and The Gables, both Locally Important Buildings (non-designated heritage assets), which given their vicinity to the site have the potential to be affected by the proposed development as a result of change within their respective settings.
- 9.8.8 The application site is currently largely tarmacked with the two buildings dating from the early-mid 20th Century when the site was first developed. The narrower L-shaped building towards the west of the site is the older of the two (1911-1912) which has been subsequently altered. The larger building was added during the inter-war period and formed part of a much wider complex of industrial/commercial buildings which now make up Goral Mead and Chesswood Court. From site visits the existing buildings are not detractors within the setting of the conservation area but it was evident that they had been significantly extended which has eroded any heritage potential (i.e. to consider them as non-designated heritage assets) that the buildings may have once had. As such it is considered that the site as a whole makes a neutral contribution to the significance of the conservation area and the setting of the locally important buildings mentioned above. The Conservation Officer agrees that the site makes a limited contribution to the setting of the heritage assets and thus the loss of the existing buildings on site would not be unacceptable.
- 9.8.9 The surrounding area is extremely mixed with traditional two storey development (some with roof accommodation) dominating the Bury Lane and Ebury Road frontages which fall within the Rickmansworth Conservation Area. However, the flatted development of Chesswood Court immediately behind Bury Lane is evidently present given its three storey height and design including a mix of gabled and hipped roofs and a turret style feature. To the south of the application site there is a four storey flat roofed flatted development (Bury Meadows) while to west Goral Mead is made up of a cluster of three and four storey pitched roofed flatted developments. To the south of the internal access track there are five dwellings, two stories in height (Bury Mews); two fronting Bury Lane and three set back. As such, the application site is infilled by development to all sides although building heights, designs and densities are extremely varied with limited uniformity excluding Ebury Road.
- 9.8.10 The proposed building is sizable and significant objection has been received concerning the overall scale of the development. This revised scheme has been considerably altered since the refusal of 21/1971/FUL in an attempt to mitigate the overall height, bulk and massing of the new building. The revised scheme now introduces a flat roof to the building, removing the hipped and crown roof sections which added significant elevated bulk. This has also in turn reduced the height of the building by approximately 1m and up to 4m in some areas. The proposed design is now influenced by Georgian architecture with the use of different brickwork and parapet walls and is far more simplified in its approach than the previous scheme. Whilst it is regrettable that the more traditional roof forms have been removed from the scheme, a flat roof building would not appear out of place given the variety of built form within the vicinity including the four storey flatted roofed building within Bury Meadows to

the south. It is accepted that the presence of another untraditional flat roof scheme adjacent should not automatically mean that a similar building should follow. However, it is considered that the use of red brick with complementary use of London stock brick and stone copings will ensure that an acceptable level of visual interest is retained within the facades to prevent the building from adversely affecting the visual amenity of the area.

- 9.8.11 The most visible aspect of the building from the conservation area is via the internal access track from Bury Lane. This corner aspect of the building, now flat roofed, would comprise of red brickwork (a commonly used material within the area), string courses and Juliette balconies with metal balustrades which provides an acceptable level of visual interest. When considering its considerable set back from Bury Lane, whilst four storeys in height, it would not have an unacceptable impact on the setting of the Rickmansworth Conservation Area and its reduced height would sit comfortably within the context of the area.
- 9.8.12 It is also noted that views from within the conservation area will be possible from the properties fronting Ebury Road to the north which comprise of two storey dwellings, some with roof accommodation. It has previously been recognised under planning application 21/1971/FUL that these views are sensitive so the scale of the building had been adjusted at this point to ensure it steps down to three storeys with the northern elevation stepped and hipped. Due to the revised design of the building, the northern elevation would now be four storeys in height, albeit with a flat roof rather than three storeys with a hipped roof form. Nevertheless, the most northern elevations would be stepped, would have a varied external appearance and would be separated by a distance of at least 30m to the rear of the dwellings on Ebury Road, coupled with the vegetated buffer of the Town Ditch which would be enhanced internally within the bounds of the application site. Whilst far more visible than the existing buildings from Ebury Road and private vantage points, given the separation distance and flat roof design, it is considered that the proposed building would preserve the character and appearance of the conservation area and would not have an overbearing or visually incongruous impact from adjacent neighbouring outlook.
- 9.8.13 With regards to the impact on the non-heritage assets, it is considered that in respect of Beresford Almshouses (sited in-front of Chesswood Court) that it's setting is already impacted from Chesswood Court which is a three storey building. Consequently, when considering the separation distance of the development coupled with the intervening development of Chesswood Court it is not considered that any impact on the setting of Beresford Armhouses would occur. In respect of The Gables, there will be a far more noticeable change given the co-visibility with the site in views from Bury Lane and the scale of the building within the south eastern corner. However, as highlighted above, the external appearance of the building at this visible point would be of brickwork, so as not to draw significant attention away from The Gables with the proposed building appearing in the backdrop of houses fronting Bury Lane. Furthermore, the change to a flat roof design would ensure that the building is also not as prominent as the former refused scheme.
- 9.8.14 In respect of archaeology, the Archaeological Desk Based Assessment concluded that the site is unlikely to have a significant impact on heritage assets of archaeological interest. As part of the previous planning application process, Herts Archaeology commented that as the site lies less than 100m west of an area of archaeological significance (centre of medieval Rickmansworth) it may have potential for unknown archaeological remains. As such, due to this likely impact, a number of conditions, including the requirement to submit an Archaeological Written Scheme of Investigation would be imposed.
- 9.8.15 In summary, it considered that the replacement of the existing buildings with the proposed revised building would preserve the significance of the Rickmansworth Conservation Area and would not result in any harm to the setting of the non-designated heritage assets.
- 9.8.16 Towards the southern part of the application site, away from the conservation area, the building will be highly noticeable from within Bury Meadows, a four storey flat roofed flatted development. However, given the heights of adjacent developments within Bury Meadows

and Goral Mead and the presence of garage courts to the immediate south, it is not considered that the building would appear so out of character and unduly prominent that it would harm the visual amenities of the area.

- 9.8.17 To the west, the building would be sited close to the boundary with Goral Mead and thus will significantly alter the character of the streetscene. The street facing elevations with Goral Mead (south western corner) will be stepped and will each comprise of different brick to enable a degree of variety across the elevations and add visual interest within the streetscene which is currently absent given the dominance of high boundary treatments and corrugated structures within the application site. Whilst the building will be far more dominating than the existing buildings on site, given its stepped footprint and relationship with the flatted buildings within Goral Mead, it is not considered that the new building would be unacceptable and result in an unduly prominent form of development. Further, the large garage court within Goral Mead ensures that the widest western facing elevation of the building is well set back from the road and would be viewed in conjunction with Chesswood Court and other above mentioned properties.
- 9.8.18 Within the internal access road and within the circulation spaces around the proposed building low level bollard lighting will be erected with bulkhead lighting physically attached to the lower part of the building. The details are considered acceptable and would ensure that any external light spill is kept at a lower level and to a minimum.
- 9.8.19 Whilst acknowledging the strong level of objections against the scale of the development, due to the variety and height of buildings within the immediate context and having regard to the siting and layout the proposed building with its flat roof approach, it would not appear out of character and would preserve the character and appearance of the Rickmansworth Conservation Area and the setting of Locally Important Buildings. For these reasons, the development is considered acceptable and complies with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and DM3 of the Development Management Policies LDD.

9.9 Impact on neighbouring amenity

- 9.9.1 Policy DM1 and Appendix 2 (Design Criteria) of the Development Management Policies LDD states that new development should take into consideration impacts on neighbouring properties, both within and surrounding the development. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene.
- 9.9.2 Given the location of the application site adjacent to neighbouring residential development, any proposal will be sensitive, especially in respect of the impact on properties to the north, which front Ebury Road, and the flatted development, Chesswood Court to the east. As highlighted above, the previous scheme was refused by virtue of its impact on the residents of Chesswood Court due to its former height and lack of appropriate separation distances with this flatted development it was determined that it would unacceptably harm their current privacy levels and unacceptably impact the level of light reception to a number of rooms, to the detriment of their residential amenity.
- 9.9.3 To assist in safeguarding privacy, preventing development from resulting in a loss of light or appearing un-neighbourly, the Design Criteria states that as an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which directly face one another.
- 9.9.4 The previous refused scheme had a separation distance of between 25-27m with Chesswood Court, below the guidance figure of 28m. The current proposal would have a separation distance of between 29-30m, in addition to the height of the building being reduced. All flats facing Chesswood Court would have Juliette balconies. The fourth storey

element fronting Chesswood Court is recessed back from the main principal eastern elevation by 1.6m and thus would exceed the 28m figure further. These flats would also have Juliette balconies and a condition would be recommended to ensure the flat roof could not be used for amenity purposes. In light of the above changes the revised building would exceed the guideline figure. It is important to note that the Inspector when considering the planning merits of the refused scheme in respect of neighbouring amenity stated:

“It is important to acknowledge that the Design Criteria applies a standard across the entire district which comprises both high and low densities, but predominantly is covered by low density development. The appeal site is located within the town centre where there is a higher density than other parts of the district. In urban areas such as this, the area is characterised by tighter, higher densities where there are greater degrees of overlooking than in low density areas. Furthermore, the distance is indicative. There is also competing requirements with the Design Criteria and the Council’s Housing Delivery Test Action Plan which encourages higher densities. In this regard the appellant has also drawn my attention to the National Model Design Code, the status of Appendix 2 and a legal judgement.

The separation distance between the proposed building and Chesswood Court would not be considerably less than the indicative 28m figure. Thus, having regard to the distance between Chesswood Court and the proposed building, the density of the local area (where there is an inherent degree of overlooking and separation distances which are less than 28m) and the requirements of the Housing Delivery Test Action Plan, the development would not result in unacceptable overlooking (including perception of overlooking). The distances between the buildings would be sufficient to maintain acceptable standards of privacy for the occupiers of Chesswood Court.”

- 9.9.5 Having regard to the appeal decision and the reduced distances to Chesswood Court it is considered that the proposed building would not significantly affect neighbouring privacy levels.
- 9.9.6 In respect of loss of light a Day & Sunlight report was submitted. The report comments that all but one room retains more than 80% or more of their existing levels of daylight distribution. Only one room, on the ground floor of Chesswood Court, retains 77%; however, this is not considered to result in unacceptable impacts on their living conditions.
- 9.9.7 To the southern part of the eastern elevation, a number of external balconies are proposed. However, importantly the flats within this section would overlook the car park associated with Chesswood Court and the internal access road.
- 9.9.8 In respect of the impact towards those properties on Ebury Road, the northern elevation of the building which will be four stories high would be separated from the rear of those properties by approximately 30m. This relationship is neither back to back nor face to face so a distance of at least 30m ensures that no unacceptable impacts would arise. In terms of overlooking, the windows within the northern part of the north elevation will serve either communal hallways or stairwells units. These windows will be obscurely glazed within the first and second floor levels to ensure that no direct overlooking would occur.
- 9.9.9 A distance in excess of 50m will exist between the building and the boundary with The Gables ensuring that no unacceptable levels of overlooking would arise.
- 9.9.10 To the immediate south of the access track is a small residential development known as Bury Mews, a collection of five two storey dwellings, a pair of semi-detached dwellings fronting Bury Lane and three terraces immediately behind. Due to the siting of the proposed building there will be a separation distance from the eastern elevation and the rear elevation of No.5 Bury Mews of approximately 38m. Whilst there would be external balconies are to remain towards the southern aspect of the eastern elevation, the obscurely glazed panels to the flanks will ensure that views from the terraces will not be directly towards their rear amenity garden.

- 9.9.11 Due to the relationship with the buildings on Goral Mead, the windows within the four storey western elevation of the new building would not directly face the neighbouring flats given they are orientated in a south easterly direction. As such, all outlook from the proposed windows would be across the road and parking areas with distances in excess of 28m. In terms of prominence, the corners of western end of the building will be set in approximately 20m and 15m from the flats within Goral Mead. However, given the orientation of the sun and relationships between them, it is not considered that the building would appear unacceptably prominent to the flats or result in an unacceptable loss of light to the occupiers.
- 9.9.12 To the south of the proposed building the existence of the garage courts enables separation distances in excess of 50m between the new building and Bury Meadows. As such, no harm would arise.
- 9.9.13 In terms of noise pollution Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable impact on the indoor and outdoor acoustic environment of existing or planned development. The proposed parking area for the development will be concentrated between the building and the communal garden of Chesswood Court, which is physically enclosed by close boarded fencing. As it stands this area is made up of parking spaces serving the office building which extends towards the north boundary. Whilst it is accepted that on-site movements will occur throughout the day and night it is not considered that the level of movements would arise in any unacceptable harm through noise and disturbance.
- 9.9.14 A small enclosed sub-station is proposed; however, given it would be adjacent to existing boundary treatment and would be built significantly away from residential properties it is not considered that it would harm residential amenity.
- 9.9.15 It is accepted that given the scale of the development that the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further details concerning timing of construction activities and deliveries to avoid unacceptable impacts.
- 9.9.16 To summarise, the proposed building due to its reduction in height and greater separation distance with Chesswood Court ensures it complies with the Design Criteria. In addition, given the siting and layout of the building it is considered that no other harm would arise to neighbouring amenity. The development is therefore considered to comply with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.
- 9.10 Living conditions of future occupants
- 9.10.1 Policy CP12 of the Core Strategy states that development must protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 9.10.2 In terms of room sizes local policy is silent; however, the nationally described space standards can be used as a guide. The proposed one and two bed rooms would all exceed the guidance as they range in size from 52sqm to 80sqm.
- 9.10.3 In respect of outlook, the majority of views from the units will be across the parking area towards Chesswood Court, over the garage courts to the south and north west and the communal amenity space. It is considered that outlook will be adequate given the constraints of the site and existing adjoining developments.
- 9.10.4 It is fully noted that developments should be ensuring good design and that extends to spaces surrounding the building. The level of amenity space provision has been highlighted in more detail below. Whilst concerns are acknowledged regarding the extent of outdoor space, there are a number of distinct areas whereby residents will be able to use, including

a landscaped garden with benches/covered seating, and areas of lawn areas. Whilst not sizable in their own right, they will provide spaces for residents to use and full walking connectivity around the entire building will be possible. Consequently, it is not considered that the level of external communal space, combined with the fact that the majority of units will have their own private external amenity area, will be detrimental to the living conditions of future residents.

9.11 Impact on highway safety and parking

- 9.11.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.11.2 The application site is served by a single vehicular access from Bury Lane which is to be retained for the new use. As such, no alterations are proposed nor does the Highway Authority require any further upgrading works to occur as a result of the site's redevelopment.
- 9.11.3 Internally within the site and along the access road there will be a shared surface which would be acceptable to enable two vehicles to pass one another along the majority of its length with the parking spaces proposed parallel to the access road meeting the recommended standards at 6m in depth. The Highway Authority are also supportive of a defined pedestrian route (subject to appropriate signage and lighting) which will aid connectivity between the building and Bury Lane.
- 9.11.4 As part of the submission swept path analysis plans have been submitted which confirm that refuse vehicles and fire tenders will be able to access the site and egress the site in forward gear. The Fire and Rescue service have not objected.
- 9.11.5 During the application process there has been significant objection concerning the impact on the highway and lack of appropriate visibility upon leaving the site northbound along Bury Lane.
- 9.11.6 It should be recognised the planning permission under 21/1971/FUL for a 48 extra care unit was not refused on highway grounds or due to its parking shortfall. Whilst recognising that the proposed development falls within a different use, the level of vehicular activity would likely be less given the reduction in visits from members of staff, deliveries etc.
- 9.11.7 The submitted trip generation assessment which forms part of the Transport Assessment states that there will be an estimated 88 trips generated across a 12 hour period (0800-1800). Based on the existing lawful use of the site, the proposed development is highly likely to result in fewer trips than the existing use (as well as far less than the predicted trip rates under 21/1971/FUL within the same 12 hour period). The Highway Authority agree that the trip generation and distribution would not be considered to be significant enough to have a safety or severe impact on the surrounding highway network, particularly as the trip rates would be lower than for the current use of the site.
- 9.11.8 It is acknowledged that a hedge on neighbouring land (outside the control of the applicant and HCC) limits visibility for those walking towards the access into the application site. However, following dialogue with the Highway Authority they have confirmed that they do not see this as a significant issue when taking into consideration that it is an existing access that functions safely and that vehicles would be exiting the site at a very slow speed.

- 9.11.9 With regards to parking, Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the car parking requirements for the District. Unlike the previous C2 schemes, the zonal adjustment is not applicable to C3 uses; however, there is acknowledgement that in areas of high accessibility and good service provision a reduction in the levels of parking for C3 residential may be appropriate. As the site is located within the town centre of Rickmansworth a reduction in the level of parking should be provided.
- 9.11.10 The parking standard states that for C3 residential (elderly person's accommodation / retirement dwellings) there should be 1.5 spaces per unit for 1 and 2 beds flats which includes a 0.25 allowance for a visitor space. When applied to the proposed development there would be a requirement to provide 65 spaces (rounded up from 64.5). The development will provide for 30 on-site parking spaces (including 2 disabled spaces and two electric charging spaces), therefore resulting in a shortfall of 35 spaces.
- 9.11.11 Objections regarding the level of parking have been received. Whilst acknowledged, a number of factors should be considered. Firstly, it is accepted that visitors will attend the site; however, the surrounding roads are all permit parking (or 1 hour no return within 1 hour (Mon-Sat 8.30 to 6.30pm)) meaning the majority of visitors will either park on site, use the parking bays on local roads for an hour or use the local public car parks, of which there are plenty within a short walking distance. The existence of permit parking and 1 hour return will also deter future residents from parking here as they would need to park outside the parking zone which is a significant walk from the site. Notwithstanding the above, to ensure that residents and staff are unable to park on the surrounding road networks, a legal obligation will be included with the S106 preventing those associated with the development from applying for a permit. This will prevent the permanent use of the permit parking spaces along Bury Lane and other nearby roads as well as ensuring that parking in the area is not displaced or put under further pressure as a result of this development. Secondly, the development will be age restricted where car ownership is statistically lower. Additionally, all residents will be aware of the parking requirements on site; however, importantly the site is well connected to local amenities and transport connections. Lastly, the applicant will be providing an electric car club space on site which will enable a vehicle to be shared and offer greater choice for future occupiers. The details of the car club are to be secured by condition. The Highway Authority have also therefore recommended that a Travel Plan Statement is secured by condition so as to promote and encourage further sustainable modes of travel to and from the site.
- 9.11.12 In respect of cycling parking, Appendix 2 sets out that for retirement dwellings there should be 1 short-term space per 3 flats and 1 long-term space per 5 flats. When applied to the development 22.6 cycle spaces (14 externally and 8.6 internally) should be provided. Externally, there would be a cycle rack for 4 cycles, while none are currently provided internally. However, the buggy store could be used flexibly to cater for demand amongst residents. Whilst the external storage is lower than required, it is recognised that the development can be flexible to increase storage if demand requires. Therefore, no objection is held in this regard.
- 9.11.13 A Construction Management Plan would be secured by condition and will require further details concerning construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of site entrances, and the adjacent public highway.
- 9.11.14 In light of the above, whilst recognising the shortfall in parking and cycle provision against standards, for reasons discussed the level provided would be acceptable subject to the legal agreement and conditions. There would also be no significant impact on highway safety as a result of access and trip generation.
- 9.12 Waste Management

- 9.12.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 9.12.2 Due to the current commercial uses of the application site, refuse and recycling is collected by a private contractor. The proposal development would fall within a residential use whereby there is an obligation for the residents to have their waste collected by the Council. However, due to access constraints given the location of the parking bays on Bury Lane, the vehicles used by the Environmental Protection department would be unable to enter the site to collect waste.
- 9.12.3 When looking at alternatives, there is insufficient room within the internal access road to provide a bin collection point which could have been collected by the Council. This part of the site is also within the Rickmansworth Conservation Area where such a collection point may be visually unacceptable. As a result, it is considered that the only option is for the waste and recycling to be collected by a private contractor. The details of which would be secured by a Waste Management Scheme which would be secured by S106 agreement.
- 9.12.4 In light of the above, subject to the S106 agreement the use of a private contractor would, in this instance due to the site circumstances, be acceptable and would ensure acceptable waste management in accordance with Policy DM10 of the Development Management Policies LDD.
- 9.13 Amenity space provision
- 9.13.1 Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, contribute to formal spaces/settings for groups of buildings or existing mature trees.
- 9.13.2 The Design Criteria is silent in respect of indicative levels of amenity space for retirement homes; however, it does provide an indicative standard for flats, as follows:
- One bed: 21sqm
 - Additional bedrooms: 10sqm (space can be allocated specifically to each flat or communally)
- 9.13.3 When applying the proposal to the indicative standards for flats there would be a requirement for 1,083sqm. Within the applicant's statement they indicate that the external amenity space in the form of garden areas comprises 705sqm and the patio/balconies equates to 168.4sqm, a total of 863.4sqm across the development.
- 9.13.4 From the plans submitted the total amount of amenity space would appear to equate to approximately 700sqm which takes into account the communal gardens, private amenity spaces and external balconies. This figure excludes an area of 75sqm which covers the siting of the wetland / pond.
- 9.13.5 In light of the above the proposed level of amenity space would fall short of the indicative level required by Appendix 2. However, importantly it is recognised that the application site

is within a town centre location where there is a general acceptance that developments have smaller amenity spaces given the site constraints and higher densities. In addition, the site is within a short walking distance (8-10 mins) of the Rickmansworth Aquadrome and close to other local public open spaces within Rickmansworth such as The Bury Gardens, Rose Garden and Rickmansworth Park. When considering the level of amenity space it is noted that out of the 43 flats only eight will not have their own private amenity area. Nevertheless, whilst the concerns in relation to overdevelopment are acknowledged, the level of communal space in and around the building at the ground floor coupled with the internal communal lounge will ensure that an acceptable level of amenity space will be provided and would not be to the detriment of future occupiers.

9.13.6 For the above reasons, the identified shortfall is considered to be acceptable and would accord with the development plan.

9.14 Impact on trees / landscaping

9.14.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

9.14.2 Due to the built-up nature of the application site the majority of trees and landscape features can be found along the perimeter of the site to the north and some hedging to the immediate north of the existing office building.

9.14.3 In order to facilitate the new building the hedging within the site will be removed; however, a large number of new trees and soft landscaping areas will be introduced to compensate any loss. This has been shown indicatively via the submitted Landscape Masterplan and includes new trees along the eastern boundary with Chesswood Court.

9.14.4 In order to safeguard trees, it is considered important to recommend conditions relating to tree protection and the submission of a soft landscaping scheme which provides greater clarity as the current submitted landscape masterplan is only indicative.

9.15 Flooding and Drainage

9.15.1 The NPPF at paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

9.15.2 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs).

9.15.3 The application site lies within Flood Zones 1, 2 and 3a and is at very low risk from surface water flooding (via the Environment Agency mapping). The development is considered as 'more vulnerable' which are appropriate in Flood Zones 1 and 2 and are potentially appropriate in Flood Zone 3 provided that the Exception Test is passed. The site is therefore

at risk of river flooding, predominately from the Town Ditch to the north and the capacity of the culvert beneath Bury Lane being exceeded.

9.15.4 As part of the application a sequential test was undertaken which seeks to ascertain whether any other available sites have a lower risk of flooding. The sequential test confirmed that there are insufficient available sites for this type of development within the local area.

9.15.5 In terms of the exception test, paragraph 164 and 165 of the NPPF state that:

“To pass the Exception Test it should be demonstrated that:

a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

9.15.6 In respect of the part (a), the application site is located within a highly sustainable location and accords with the NPPF’s drive to encourage effective use of land. The scheme will generate an increase in 43 flats where, as identified above, there is a need, both now and in the future. Further benefits would arise from the development, including freeing up market housing in the area as well as providing economic benefits to the locality. As such, it is considered that the development has demonstrated compliance with part (a).

9.15.7 During severe flood events and when the Bury Lane culvert reaches capacity, water could flow onto the site via the site entrance. To avoid internal flooding and protect the development from inundation, finished floor levels for the building will be set 300mm above the predicted flood heights. During flood conditions the submitted information indicates that a dry access and egress into the site will not be possible, although from the available information the depth of the water would still be passable for emergency vehicles and pedestrians. Nevertheless, it will be important that an emergency flood response plan is prepared and implemented and this will be secured by planning condition in the event of an approval.

9.15.8 With regards to surface water management, the proposal seeks to replicate the existing drainage situation in which surface water runoff discharges into the Town Ditch; although flows will be attenuated before discharge (to 1.0l/s) from the site with below ground storage (geo-cellular crate) provided to accommodate excess flows. As a result attenuation storage will be provided beneath permeable paving (beneath the soft landscaping area to the north) and some additional storage capacity will be provided by a pond/wetland area, all of which will cater for all flood events including a 40% uplift for climate change. The sustainable drainage measures to be implemented will ensure a significant reduction in surface water runoff rates when compared to the current situation with improved permeability across the site when compared to the current impermeable nature of the site. There are no changes to the drainage strategy when compared to the previous no objection comments whereby the drainage consultant confirmed that the strategy was acceptable subject to planning conditions.

9.16 Contamination

9.16.1 The application site falls within the Source Protection Zone 1 and is located upon a principal and secondary aquifer. Additionally, given the previous uses at the site it presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

- 9.16.2 Policy DM9 of the Development Management Policies LLD states that the Council will only grant planning permission for development, on, or near to, on land suspected to be contaminated, where the Council is satisfied that:
- i) There will no threat to the health of future users or occupiers of the site or neighbouring land; and
 - ii) There will be no adverse impact on the quality of local groundwater or surface water quality
- 9.16.3 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution health, living conditions and the natural environment.
- 9.16.4 The application was supported by a Desk Study Appraisal to identify possible constraints to the development relating to the ground conditions. It confirms given the historic use of the site that potential contaminant sources may be present and recommends that a phased ground investigation is undertaken.
- 9.16.5 The development would use shallow piling which prevents disturbing the chalk bedrock while the Environment Agency (EA) have confirmed that the submitted information demonstrates that it will be possible to manage the risks posed to controlled waters by this development. A number of conditions as requested by the EA have been applied.
- 9.16.6 In light of the above, it is not considered the risk posed from contamination would be a barrier to restricting development.
- 9.17 Wildlife & Biodiversity
- 9.17.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 9.17.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.17.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application along with a Preliminary Ecological Appraisal following a site survey which highlighted that the site had a no ecological value. The survey also recognised that the demolition of the existing buildings could result in direct impacts to bats through disturbance, which is an offence and the removal of the hedgerows must not be undertaken during breeding season (March-July / August). A further bat survey was submitted which confirmed that there were no roosting. Herts Ecology had no objection to the findings subject to the incorporation of the mitigation measures to enable a biodiversity net gain. These include at least 4 wall-integrated bat boxes, at least 8 wall-integrated bird nesting boxes and the soft landscaping scheme should specify at least 70% native species. The above is all secured by conditions.
- 9.18 Sustainability

- 9.18.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 9.18.2 The application has been supported by an Energy Statement which confirms that the following design measures will be incorporated into the build; energy efficient building fabric, double glazed windows, low energy lighting, high efficient heating systems and solar panels (located on the roof) which combined will exceed the policy standard (5.77%). However, due to new Building Regulation requirements (Part L) which require more stringent requirements a condition will be attached to require an updated statement to reflect any changes.
- 9.18.3 A car club, providing for the use of an electric vehicle is also proposed to enable greater sustainable ways of travel, the details of which are secured by a planning condition.
- 9.19 Other material considerations
- 9.19.1 The development would contribute towards the District's housing land supply, by providing 43 homes which would weigh significantly in favour of the scheme. The development would also help in meeting the Council's need for elderly type housing and providing a range of housing types within Rickmansworth.
- 9.19.2 There is also evidence that demonstrates the provision of specialist housing would have a role in freeing up under occupied family housing, facilitating downsizing, enabling housing back onto the market. Given the reasonable scale of this development these benefits can attribute significant weight.
- 9.19.3 By granting planning permission there will be short term economic benefits from the creation of construction jobs. Additionally, a development on this scale will provide a number of indirect economic benefits to the local Rickmansworth economy and other environmental factors across the site will be enhanced, from improving on-site drainage, providing greater soft landscaping and biodiversity opportunities. These factors should also weigh in favour of granting planning permission.
- 9.19.4 The above factors are all material considerations in their own right and would weigh in favour of the development. Clearly, significant benefits in favour of the development would arise from the scheme.
- 9.20 Summary
- 9.20.1 To summarise, whilst there is strong objection against the development the above assessment has concluded that the development accords with the development plan.
- 9.21 Planning balance / titled balance
- 9.21.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)).
- 9.21.2 The development has been considered acceptable in accordance with the development plan meaning there is no requirement to consider the titled balance. Planning permission should therefore be granted subject to the conditions and the S106 agreement. The obligations will include the agreed off-site affordable housing contribution, restrictions on

future occupiers applying for parking permits including a financial contribution to amend the existing traffic regulation order, occupancy restrictions given the proposed use of the development and a waste management scheme to enable private collection. These are all considered to necessary to make the development acceptable in planning terms, are all directly related to the development and are fairly and reasonably related in scale and kind to the development.

9.22 Recommendation

9.22.1 That subject to the completion of a Section 106 Agreement that PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 Plan numbers

The development hereby permitted shall be carried out in accordance with the following approved plans: LP 01 (site location plan); LP02 (Site Context – Conservation Area Plan); LP 03 (Site Context Plan – Building Heights); LP 04 (Combined Title Information Plan); TS15129X1 (Existing Floor Plans 1); TS15129X2 (Existing Floor Plans 2); TS15129X3 (Existing Floor Plans 3); TS15129X4 (Existing Elevations); PL 500 Rev A (Proposed Site Plan); PL 503 Rev B (Proposed Ground & First Floor Plans); PL504 Rev B (Second & Third Floor Plans); PL505 Rev B (Proposed Roof Plan); PL506 Rev B (Proposed South & Eastern Elevations); PL 507 Rev B (Proposed Northern & Western Elevations); PL 508 (Proposed South & East Contextual Elevations); PL 509 (Sub-station Elevations); SV 01 (Topographic Survey); MCS23387 10 (Landscape Masterplan); 1691-KC-XX-YTREE-TPP01 Rev 0 (Tree Protection Plan).

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard neighbouring amenity and preserve the character and appearance of the Rickmansworth Conservation Area in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP12 and CP13 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993) and the NPPF (2021).

C3 Construction Management Plan

The development hereby permitted shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) 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) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);

- h) measures to control the emission of dust and dirt during construction
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This condition is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C4 Archaeology Written Scheme of Investigation

The development hereby permitted shall not commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out within the agreed Written Scheme of Investigation.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C5 Universal condition for development on land affected by contamination

The development hereby permitted shall not commence (excluding demolition works) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - i.. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: This condition is a pre commencement condition to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C6 Long-term monitoring

The development hereby permitted shall not commence (excluding demolition works) until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: This condition is a pre commencement condition to ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Detailed surface water drainage scheme:

No development shall take place until a detailed surface water drainage scheme for the site based on the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 05, dated: May 2022) and the response to the LLFA's Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022) and sustainable drainage principles and sent to the LPA for approval. The scheme shall also include;

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as lined permeable paving, pond/wetland areas etc. and reducing the requirement for any underground storage.
4. Detailed post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change.
5. Provision of pre- and post-development modelling of risk of flooding from surface water utilising the existing and proposed ground levels.
6. All proposed SuDS features should be lined to mitigate groundwater contamination and prevent groundwater ingress.

7. Confirmation of final acceptance of updated modelling of Flood Zone 2 by the Environment Agency, and subsequent provision of SuDS features outside of Flood Zones (2 & 3).
8. Provision of overland flows and exceedance routes along with any informal flooding identified with location and depths and shown on a plan.
9. Provision of half drain down times less than 24 hours for proposed SuDS features.
10. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development would not be subject to unacceptable risk of flooding in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C8 Construction Ecological Management Plan (CEMP)

Prior to commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall describe how the watercourse habitat will be protected from any adverse impact. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 Decommissioning of Investigative Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C11 Tree Protection

No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised

vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with Drawing Number 1691-KC-XX-YTREE-TPP01 Rev 0.

The protective measures, including fencing, shall be undertaken in full accordance with Drawing Number 1691-KC-XX-YTREE-TPP01 Rev 0 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C12 Materials

Before above ground works commence, samples and details of the types, colour and finish of all external materials, shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Only the materials as approved shall be used in the construction.

Reason: To ensure that the external appearance of the building and site in general is acceptable and preserves the character and appearance of the Rickmansworth Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C13 Biodiversity Enhancements

Before above ground works commence, a Biodiversity Enhancement Plan shall be submitted and to approved by the Local Planning Authority. The Biodiversity Enhancement Plan shall incorporate all the enhancement measures as set out at section 5.3 of Preliminary Ecological Appraisal, 27 April 2022 prepared by GreenLink Ecology) and detail the location and type of habitat boxes/structures within the building. The approved measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure biodiversity net gain and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C14 Fire Hydrant

Before above ground works commence, a scheme for the provision of fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C15 Energy measures

Before above ground works commence, an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The agreed energy measures shall thereafter be incorporated into the approved development prior to its first occupation.

Reason: In order to ensure that the development will meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

C16 Travel Plan Statement

At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C17 Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Archaeology Post Investigation Assessment

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis and publication where appropriate.

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C19 Provision of Parking Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled,

surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C20 External Cycle storage:

Prior to the first occupation of the development hereby permitted, the external Sheffield cycle stands shall be erected and permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C21 Hard and Soft Landscaping Scheme

Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall also include details of all new trees including specie type and initial planting height, all boundary treatments and details of the potting shed shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme shall follow the details approved as shown on drawings PL 500 Rev A & MCS23387 10A (Landscape Masterplan).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C22 Flood Warning Measures (Emergency Plan)

Prior to the first occupation of the development hereby permitted, an Emergency Plan based on the Draft Emergency Flood Response Plan V2 dated May prepared by SLR Consulting document shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow guidance set out within the Flood Risk emergency plans for new development and include:

- measures to ensure occupiers are aware of the likely frequency and duration of flood events; and
- safe access to and from the development

The plan shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure that the development would not be subject to unacceptable risk of flooding in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C23 Electric Car Club

Prior to the first occupation of the development hereby permitted, details relating to the implementation and management of the Electric Car Club shall be submitted to and approved by the Local Planning Authority. The Electric Car Club shall be implemented in accordance with the approved details and shall be made available for the residents use prior to first occupation and maintained thereafter.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C24 Obscure Privacy Screens

Prior to the first occupation of the development hereby permitted, details of the 1.8m high obscure privacy screens as shown on drawing number PL506 Rev B shall be submitted to and approved by the Local Planning Authority. The obscure privacy screens shall be erected as approved and be permanently retained thereafter.

Reason: To protect neighbouring privacy levels in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C25 Obscure windows

Prior to the first occupation of the development hereby permitted, the windows in northern elevation (closest to the northern boundary of the application site) above ground floor level; shall be fitted with purpose made obscured glazing. Any top level opening will be at 1.7m above the floor level in which the window is installed. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C26 Use of Flat Roof

The flat roof immediately adjacent to Flats labelled RL13R-SB and RL21 SB on the third floor of the building hereby permitted shall only be accessed for maintenance purposes. The roof shall not at any time be used as a balcony or for amenity purposes.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C27 External Lighting Details

The external lighting installed on the site and affixed to the building shall be undertaken in accordance with the details set out within the document titled "2782 – Rickmansworth_External Project" and be installed before the first occupation of the development hereby permitted.

No other external lighting shall be installed on the site or affixed to the building on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The submitted lighting details shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, to preserve the character and appearance of the Rickmansworth Conservation Area, safeguard biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6 and DM9 of the Development Management Policies LDD

(adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C28 Retention of existing signage

The existing signage above the access into the application site shall be retained (or if temporarily removed during the construction phase it shall be re-installed prior the first occupation of the development) and be permanently maintained thereafter following completion of the development.

Reason: To preserve the character and appearance of the Rickmansworth Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Conservation Area Appraisal and Character Assessment (adopted 1993).

C29 SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 Piling / Foundation Works Risk Assessment

No works involving excavations (e.g. piling) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- Further Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
- A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant / developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF (2021) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C31 Finished Floor Levels

Finished floor levels shall be set no lower than 46.8m above Ordnance Datum (mAOD). Compensatory storage shall be provided around the exterior of the building

by reductions in the ground level, as stated in section 5.4.2 and Table 5-3 of the Flood Risk Assessment and Surface Water Drainage Strategy (dated May 2022). Flood End 2 storage will be preserved or increased on a level for level basis, up to the design flood height of 46.5m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C32 In accordance with drainage strategy

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (carried out by SLR, ref: 425.05039.00023, rev: 05, dated: May 2022) and the response to the LLFA's Consultation dated: 11th January 2022, ref: 425.05039.00023, dated: 14.01.2022) and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 1.0/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in lined geo-cellular crates, lined permeable paved area and a pond/wetland area.
3. Discharge of surface water from the site into the Town Ditch main river at a restricted rate of 1.0l/s

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C33 Verification Report

The development hereby permitted shall not be occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and Control mechanism.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C34 Management and maintenance plan for the SuDS:

Upon completion of the drainage works for each site in accordance with the timing/phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the drainage strategy can be maintained throughout the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

9.22.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town

and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

14 Highways

Construction Management Plan (CMP)

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

15 Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

16 Thames Water

Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

17 Affinity Water

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

18 Environment Agency

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of

pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)”

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

Residential developments

All new residential development are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Land contamination: risk management and good practice we recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Flood Risk Activity Permit:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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Drainage:

As we are aware that parts of the site are located within Flood Zones 2 and 3, we would be looking to see that overland flows and exceedance routes are provided and shown on a plan. Any informal flooding should also be identified with location and depths shown on a plan. In addition, confirmation of safe access and egress to the site should be provided.

PART I - DELEGATED

8. **22/1329/FUL - Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping at CLUBHOUSE, CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE**

22/1311/LBC - Listed Building Consent: Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping at CLUBHOUSE, CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE (DCES)

Parish: Chorleywood Parish Council Ward: Chorleywood North & Sarratt
 Expiry of Statutory Period: 19.09.2022 Case Officer: Tom Norris
 (Extension of time agreed to 30.03.2023)

Recommendation: That Planning Permission and Listed Building Consent be GRANTED

Reason for consideration by the Committee: Called to Committee by Chorleywood Parish Council unless Officers are minded to refuse for the reasons set out at 4.1.1 below.

1 Relevant Planning History

- 1.1 22/1323/FUL - Demolition of existing garages and construction of 7no. new retirement village units (use class C2) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking – Refused – 26.01.2023
- 1.2 10/2237/FUL - Erection of 2 elderly persons dwellings and associated site works - 12.01.2011 – Withdrawn
- 1.3 09/1828/FUL - Site 1 - Erection of two elderly persons dwellings and associated site works - 07.06.2010 – Permitted (not implemented)
- 1.4 09/1843/FUL - Site 2 - Erection of three elderly persons dwellings and associated site works - 26.02.2010 - Refused, Appeal allowed (implemented) 3 Dwellings
- 1.5 06/1284/FUL - Internal alterations to allow conversion of 2 flats into a single residential unit - 20.10.2006 – Permitted
- 1.6 98/0095 - Erection of 3 bungalows - 10.03.1998 – Withdrawn
- 1.7 94/135/8LB - Retirement development - comprising residential units alterations to Listed Building and ancillary work - 04.07.1994 – Permitted 152 Dwellings
- 1.8 8/557/90 - Health Care Development comprising 124 residential units with alterations and renovations to the listed building alongside ancillary work and staff accommodation 124 Dwellings
- 1.9 8/498/90LB - Demolition of part and conversion to 13 No. elderly persons apartments and communal facilities - 24.06.1991 – Permitted 13 Dwellings
- 1.10 8/600/74 - 3 Staff Flats - 05.01.1975 – Withdrawn
- 1.11 8/105/74 - Six staff flats to be formed in a new two storey building - 23.04.1974 – Withdrawn

2 Description of Application Site

- 2.1 Cedars Village is located within Chorleywood, off Dog Kennel Lane and in close proximity to the M25 motorway. The site is located to the west of Chorleywood Common which consists of an expanse of common land with grass and wooded areas. The site is situated within the Chorleywood Common Conservation Area and the grounds of the site contains a Grade II Listed Mansion House known as The Cedars, formerly Chorleywood College, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). The “village” is a gated residential complex which is approximately 22 acres in area and comprises residential uses including apartments and detached bungalows set within the grounds.

3 Description of Proposed Development

- 3.1 Planning permission and Listed Building Consent is sought for demolition of existing building and construction of replacement activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping.
- 3.2 An existing building forward of the mansion is proposed to be demolished and a replacement building constructed in place which would be used as a resident activity hub. This building would assume the same position and a similar scale to that of the building to be demolished. The building would have a width of 17.6m, a depth of 7.8m and would have a gabled roof form with an eaves height of 3.3m and an overall height of 5.4m. The building would contain three sets of doors within its front and rear elevations and rooflights within its rear elevation. The original proposal included a “glazed link” building, linking the proposed building to the mansion. During the application, following discussions with the applicant, the “glazed link” building was omitted from the proposal and the plans and application descriptions were amended accordingly.
- 3.3 The proposal involves the installation of an internal glazed box within the existing conservatory building which attaches the flank of the mansion. The glazed box structure would have a width of 3.6m, a depth of 4.6m and would have a height of 3.4m.
- 3.4 The proposal also involves internal refurbishment works to the mansion house. These scope of works are listed in detail at 3.3 within the Heritage Statement. These works include repair works, internal reconfiguration works, installation of secondary glazing behind existing window openings and removal of modern fixtures. As set out above, the works to construct a link building between the mansion house and the new activity hub have been removed from the proposals. The proposals also includes external landscaping works, also described in full within the Heritage Statement.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: Objection

The committee raised objection to the proposal on the following grounds and request the Application is called in unless it is minded to be refused.

The proposed games room is contrived and an incongruous addition to the listed building, the link coupled with the built form and its positioning is entirely inappropriate and it would detract from the architectural and historic interest of the listed building.

4.1.2 Conservation Officer:

Comments of 16/09/2022

This application is for the demolition of existing garages and alterations to communal accommodation comprising a link building including proposed alterations to existing conservatory and internal alterations and associated landscaping.

The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.

This application follows pre-application advice (21/2814/PREAPP)

Link extension

The demolition and replacement of the existing outbuilding to the front would not raise an objection. However, as highlighted within pre-application advice, the proposal to link the outbuilding to the principal elevation of the listed building would not be supported.

The front façade remains relatively unaltered (other than the rebuilt projecting bay constructed to accommodate the billiards table) which enhances our experience and allows for continued appreciation of the building's historic appearance and intended architectural design. The proposed link extension would fundamentally alter the appearance of the principal elevation and undermine the building's hierarchy by connecting an outbuilding to the front elevation. As per previous advice the front extension would compound concerns regarding the sprawling footprint of the property. The existing modern extensions are located to the rear (northeast) of the listed building, and whilst large, do not impact the principal elevation. The existing detached garage is not a positive addition to the front of the listed building and a larger structure with link extension would not preserve or enhance the listed building's significance.

The replacement outbuilding would occupy a larger footprint and would be located closer to the listed building than the existing, the outbuilding would appear visually intrusive to the front of the building, which would be exacerbated by the link extension. In addition, pre-application advice stated that some harm could potentially be mitigated through a lightweight glazed link. However, the proposed link has a thick frame and fascia, exacerbating the visual impact of the extension. Notwithstanding design concerns, a front link extension would be harmful in principle, and it would be challenging to mitigate the harm due to the location and prominence.

The link structure does not appear to provide any functional use that is fundamental to preserving the optimum viable use of the listed building. Given the proposed hall would have a multipurpose use and not intrinsically linked to the wellness centre within the main building other than providing a covered walkway, the link structure would not be essential to the usability of the internal space or continued use of the building. I concur with the conclusion within heritage statement that the link structure would result in 'less than substantial' harm to the significance of the listed building and no clear and convincing justification has been provided (paragraph 200 of the NPPF).

Repairs and internal works

Pre-application advice raised concerns regarding the loss of wall in the existing kitchen which have since been addressed which is positive. However, there were concerns regarding the quantity of openings required for the proposed toilets. It was discussed on site that this aspect would be amended prior to full application, however, no revisions have been made. Secondary glazing was discussed at pre-application, the acceptability of which would be dependent on the detailing. The detail submitted as part of this application is insufficient with only typical section drawings of sash windows with secondary glazing submitted. It was noted on site, in follow up pre-application meeting and in written advice that there are concerns regarding the feasibility of secondary glazing due to the internal panelling and shutters as well as the narrow interior reveal. The submitted information does not provide any clarity on how the secondary glazing would be installed within the narrow reveals without negatively impacting the internal panelling and function of the shutters. A

more bespoke approach would be required. Furthermore, it should be noted that the secondary glazing would be a permanent fixture and the extent of damage to the shutters and panelling through fixings is unknown as the details provided are typical and not specific to each window. Reversibility cannot be considered to justify any harm that may arise from these works.

Conservatory

It was established at pre-application that there may be scope to construct a glazed box within the conservatory, the acceptability of which would be entirely dependent on the details. Additional information would still be required to fully understand the impact of the proposed glazed box. Further information relating to the following would be necessary:

- Section drawings/ large scale details of the rail and door gear, glass louvres and pivot door
- Details of how the glazed box would be affixed to the timber door frame and floor
- Details of the retractable solar shade
- Details of the sliding door and safety decals

Even if the above information was considered acceptable, there are strong concerns regarding the proposed MHVP and Air Source Heat Pump which would be installed to the south of the conservatory. Such works would have a significant impact on the setting of the listed building. The MVHR and ASHP would be located within a green box measuring 1.6m x 2m x 0.5m. The area is currently open and allows uninterrupted views of the conservatory. There are concerns due to the incongruity of the green box and associated landscaping within proximity to the listed building, it would appear visually intrusive and overly modern within the listed building's immediate setting. Such works were not highlighted or discussed at pre-application. Furthermore, it was noted at pre-application that the glazed box would be reversible. However, the proposed floor grilles concealed by fixed seating would result in a permanent change to the appearance and finish of the conservatory internally. I acknowledge that ventilation grilles are not uncommon in glass houses or conservatories. However, there are concerns regarding the cumulative impact of the works required to facilitate the glazed box within the conservatory. Free standing furniture would be acceptable.

Ventilation

It was noted within pre-application information that the requirement for additional ventilation in the most sensitive rooms would be dependent on the acceptability of secondary glazing, which has not yet been established. Furthermore, pre-application advice noted that the details would be fundamental to fully understand the impact on the listed building. From the information submitted it appears that the proposed ventilation system routes would be run at basement level and protrude through to the ground floor. The details regarding the proposed ventilation are limited and it is clear from the mechanical floor plans that such works would result in the loss of some historic fabric, the extent of fabric loss has not been fully discussed within the heritage statement and the works have not been fully justified. Replacing sound historic fabric on a like-for-like basis would undermine the special interest of the listed building and not amount to clear and convincing justification. Given there are still concerns regarding ventilation within the proposed library and support hub as well as the secondary glazing the most sympathetic option would be to omit both aspects from the scheme.

Curtilage listed Lodge

The works proposed to the curtilage listed lodge have not been adequately shown within the submitted information. It is agreed that the significance of the lodge largely derives from its historic associative and functional relationship with The Cedars. The removal of a chimney stack raises concerns as this could result in the loss of a characteristic feature,

impact planform and have an adverse structural impact. The extent of the proposed works is unknown, but the unnecessary loss of fabric should be avoided.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF paragraph 199, 200 and 202 (less than substantial harm) would be relevant.

Comments of 06/03/2023

This is the second consultation within this application. Further information has been submitted to address previous comments.

Glazed Box / Ventilation System

The proposed method of ventilating the glazed box is considered acceptable, floor grilles are a typical feature within conservatory structure and will be covered by furniture. The grilles can be removed, and tiles re-laid were the glazed box removed. This aspect of the scheme would therefore be fully reversible.

Safety Stickers

It is understood that these are a requirement for health and safety. The design of the proposed safety stickers has been amended to appear as discrete as possible. There are no further outstanding concerns relating to this aspect.

ASHP

The proposed ASHP would be low level and would sit below the 1m high hedge that surrounds it. The proposed planting would minimise the visual impact of the ASHP. Full landscape details can be secured through a condition.

Underpinning

There would be no in principle objection to the localised underpinning. It is agreed that the structural survey secured through condition would be sufficient to ensure that the proposed works would not result in harm to the listed building.

Ventilation System in Furniture

The additional information provided demonstrates the design and appearance of the ventilation within the bespoke joinery. The details of which are considered acceptable. It is understood the principles set out in the additional information will apply to any bespoke joinery in the hub. The furniture would be freestanding item that does not fix back to walls or floor.

Secondary Glazing

Manufacture has not been selected and therefore full details regarding colour cannot be provided. Detailed drawings have been submitted to show that the secondary glazing can be fitted within the existing reveals and does not adversely impact the functionality of the shutters. Therefore, it is agreed that a condition relating to the colour of the frames would be sufficient to address outstanding concerns.

Were permission granted, the following conditions are recommended:

- No excavation to the conservatory floor or surrounds shall be undertaken until a comprehensive structural report has been submitted to and agreed in writing by the Local Planning Authority. All structural works agreed shall be carried out in accordance with the specification of works and method statement set out within the approved structural report.
- The colour of the secondary glazing frames shall be submitted to and approved in writing to the Local Planning Authority prior to their installation on site
- Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to the commencement of any landscaping works.

4.1.3 Landscape Officer: [No response received]

4.1.4 Hertfordshire Ecology: [No response received]

4.1.5 Herts & Middlesex Wildlife Trust: [No response received]

4.1.6 HCC Footpath Section: [No response received]

4.1.7 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 80

4.2.2 Site notices posted: 03.08.2022, expiry date: 24.08.2022

4.2.3 Press notices published 12.08.2022, expiry date 03.09.2022.

4.2.4 Responses received: 13 (13 Objections)

4.2.5 Summary of responses

- Questions regarding alleged inefficiency of current facilities.
- Concerns regarding reference to the area being a care facility when in fact it is a retirement village.
- Plans do not improve efficiency of current services offered.
- Concern regarding facilities such as dining room being made smaller.
- Concerns regarding modern fixings to the heritage of the clubhouse
- Concerns regarding the glazed link having a detrimental impact on the building.
- No concerns in principle with the proposed glazed box within the conservatory provided it does not impact heritage of the mansion.
- Some plans show limited information of the building's heritage.
- Confusion regarding proposal for bus stop.
- Concerns regarding trip hazards.
- Inadequate public consultation (between applicant and residents).
- Concerns regarding facilities being open to public.
- Concerns regarding parking.
- Various objections in relation to 22/1323/FUL (separate application for another development which has been refused)

4.2.6 **Officer comment:** The proposal for the "glazed link" between the mansion house and building, which is to be rebuilt, has been omitted from the proposed development and the description of development for both applications has been updated accordingly.

5 Reason for Delay

5.1 Negotiations with applicant over further information.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM3, DM6, DM9, DM13 and Appendix 5.
- 6.2.6 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Relevant policies include Policy 2.

6.3 Other

- 6.3.1 The Chorleywood Common Conservation Area Appraisal (adopted February 2010)
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Impact on the character and appearance of the area and on heritage assets (Conservation Area & Listed Building)

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.1.2 The application site is located within the Chorleywood Common Conservation Area and within the former grounds of *The Cedars*, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore it states that development should not harm important views into, out or within the Conservation Area.
- 7.1.3 The Chorleywood Neighbourhood Plan is also relevant. Policy 1 relates to 'Development within Conservation Areas' and requires that development proposals should preserve or enhance the character or appearance of the Conservation Area and use materials that area appropriate. Policy 2 relates to the characteristics of development and requires all developments to demonstrate how they are in keeping.
- 7.1.4 The proposed activity hub would involve the demolition of an existing detached garage building. In addition to the above written comments, the Conservation Officer confirmed that the loss of this building, given its relatively modern construction, was not contentious. The proposed building would be of a relatively similar scale and largely identical in terms of its position and proximity to the mansion. It is measured that the building would be some 0.4m closer to the mansion however it is not considered that this would amount to harm relative to the existing situation. Furthermore, by virtue of its design and scale, it is not considered that the proposed activity hub building would impact the setting of the Listed Building relative to the existing situation. It is also considered that the proposed building would preserve the character and appearance of the Conservation Area. As set out in the description of development section of this report, the proposal is acceptable following the omission of the "glazed link" which connected the activity hub to the mansion. It is considered appropriate to include a condition on any permission granted for material samples of the proposed activity hub building.
- 7.1.5 The proposal would involve the installation of a glazed box which would sit internally within the existing Conservatory building. The Conservation Officer confirmed that the level of detail provided in follow-up submissions during the course of the application was sufficient to deem the installation of the structure as acceptable in terms of its impact upon the Listed Building. In addition to a condition regarding final finish materials, the Conservation Officer recommended a condition relating to a structural report prior to any localised underpinning taking place to install the structure. The proposed glazed box would be obliquely visible from the exterior however it is not considered to result in harm to the character and appearance of the Conservation Area.
- 7.1.6 The proposal also involves internal refurbishment works to the mansion house. These scope of works are listed in detail at 3.3 within the Heritage Statement. As set out above, the works to construct a link building between the mansion house and the new activity hub

have been removed from the proposals. Following receipt of further information during the course of the application, the Conservation Officer confirmed that the internal refurbishment works to the mansion were acceptable in terms of their impact upon the Heritage Asset.

7.1.7 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the Conservation Area or Heritage Assets and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version) (2020).

7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.2.2 The existing garage building would be demolished and replaced with a new activity hub building of a largely identical scale. It is not considered that this would result in harm to any neighbour or resident by virtue of a loss of light or overbearing impact. Furthermore, it is not considered that the proposed development in this regard would result in overlooking. It is not considered that the proposed use of the building would result in harm to any neighbours or residents.

7.2.3 The remainder of the proposed works, other than landscaping which is not considered to cause any harm to neighbours, would be confined internal works to the mansion. It is not considered that any of these works would impact neighbours. It is acknowledged that some of the comments state various preferences or critiques of the proposed internal rearrangements however this is not a material planning consideration.

7.2.4 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Highways & Parking

7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.3.2 The proposed development would result in a net loss of 6 parking spaces. The proposed development would be a facility which would form part of the main communal facilities, which are currently largely contained within the mansion and are used by existing residents. The proposed development would therefore not give rise to the demand for additional parking in its own right and would be considered on its own merit. The proposed use would not give rise to additional residents or visitors to the site resulting in the requirement for additional parking. On balance, the loss of 6 garage spaces to facilitate the proposed development would not have a harmful impact upon the parking provision within the site to justify refusal of planning permission.

7.3.3 The proposed development is therefore contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.4 Trees & Landscape

- 7.4.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.4.2 The application site is within the Chorleywood Common Conservation Area and an area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site.
- 7.4.3 The application was accompanied by a tree survey and impact assessment however it is acknowledged that the report largely relates to a refused application for a separate development at the site (22/1323/FUL). Given the nature of this proposal, it is not considered that the development would result in any direct impact to trees. The application is accompanied by a tree protection plan and any permission granted will be conditioned to be carried out in accordance with this.
- 7.4.4 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).
- 7.5 Flooding & Drainage
- 7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.
- 7.5.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply.
- 7.5.3 In the absence of comments from the LLFA, the LPA has instructed a drainage consultant to review the submitted details and provide advice regarding their acceptability or otherwise.
- 7.5.4 The application was accompanied by a Flood Risk Assessment report, and appendices, prepared by Mason Navarro Pledge. The drainage consultant commented principally on previous application 22/1323/FUL, which included the same supporting drainage information, and stated of the activity hub which forms part of these current applications that there would be no increase in impermeable area hence no change in runoff. It is considered therefore that the proposed development is acceptable in this regard.
- 7.5.5 In summary, the proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).
- 7.6 Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats

Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.6.3 The application was accompanied by an Ecological Report however it is again acknowledged that the report largely relates to a refused application for a separate development at the site (22/1323/FUL). Hertfordshire Ecology were consulted on this application and confirmed that the proposed development was acceptable in this regard.
- 7.6.4 In summary, subject to conditions, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8 Recommendation

That **PLANNING APPLICATION 22/1329/FUL BE GRANTED** subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

0710313-HLEA-XX-00-GA-M-100301 P2, 0710313-HLEA-XX-01-GA-M-100302 P1, 0710313-HLEA-XX-01-GA-M-100303 P2, 0710313-HLEA-XX-01-GA-M-100304 P1, 0710313-HLEA-XX-01-GA-M-100305 P1, 0710313-HLEA-XX-B1-GA-M-100300 P1, 0710313-HLEA-XX-XX-GA-E-700000 P1, 0710313-HLEA-XX-XX-GA-E-700005 P2, 0710313-HLEA-XX-XX-GA-E-700006 P1, 0710313-HLEA-XX-XX-GA-E-700015 P2, 0710313-HLEA-XX-XX-GA-E-700016 P1, 0710313-HLEA-XX-XX-GA-E-703031 P2, 0710313-HLEA-XX-XX-GA-E-703032 P1, 0710313-HLEA-XX-XX-GA-E-708095 P2, 0710313-HLEA-XX-XX-GA-E-708096 P1, 0710313-HLEA-XX-ZZ-GA-P-503100 P2, BJ-L REV A, CVR-HLM-00-00-DR-A-00600 P01, CVR-HLM-00-00-DR-A-00604 P01, CVR-HLM-01-00-DR-A-00000 P04, CVR-HLM-01-00-DR-A-00001 P04, CVR-HLM-01-00-DR-A-00002 P02, CVR-HLM-01-00-DR-A-00003 P01, CVR-HLM-01-00-DR-A-00100 P05, CVR-HLM-01-00-DR-A-00101 P11, CVR-HLM-01-00-DR-A-00102 P08, CVR-HLM-01-00-DR-A-00103 P02, CVR-HLM-01-00-DR-A-00104 P01, CVR-HLM-01-00-DR-A-00105 P07, CVR-HLM-01-00-DR-A-00106 P06, CVR-HLM-01-00-DR-A-00110 P02, CVR-HLM-01-00-DR-A-00111 P03, CVR-HLM-01-00-DR-A-00113 P02, CVR-HLM-01-00-DR-A-00113 T01, CVR-HLM-01-00-DR-A-00114 P01, CVR-HLM-01-00-DR-A-00115, CVR-HLM-01-00-DR-A-00200 P05, CVR-HLM-01-00-DR-A-00300 P02, CVR-HLM-01-00-DR-A-00310 P01, CVR-HLM-01-00-DR-A-00311 P01, CVR-HLM-01-00-DR-A-00312 P02, CVR-HLM-01-00-DR-A-00312 T01, CVR-HLM-01-00-DR-A-00410 P04, CVR-HLM-01-00-DR-A-00601 P01, CVR-HLM-01-00-DR-A-25510 P02, CVR-HLM-01-00-DR-A-30101 P11, CVR-HLM-01-00-DR-I-00100 P02, CVR-HLM-01-00-DR-I-00101 P02, CVR-HLM-01-00-DR-I-00102 P02, CVR-HLM-01-00-DR-I-00103 P02, CVR-HLM-01-00-DR-I-00104 P02, CVR-HLM-01-00-DR-I-00105 P02, CVR-HLM-01-00-DR-I-00106 P02, CVR-HLM-01-00-DR-I-00300 P02, CVR-HLM-01-00-DR-I-00301 P02, CVR-HLM-01-00-DR-I-00304 P02, CVR-HLM-01-00-DR-I-00305

P02, CVR-HLM-01-00-DR-I-00306 P02, CVR-HLM-01-00-DR-I-00307 P02, CVR-HLM-01-00-DR-I-00308 P02, CVR-HLM-01-00-DR-I-00309 P02, CVR-HLM-01-00-DR-I-00310 P02, CVR-HLM-01-00-DR-I-00311 P02, CVR-HLM-01-00-DR-I-00312 P02, CVR-HLM-01-00-DR-I-00313 P02, CVR-HLM-01-00-DR-I-00314 P02, CVR-HLM-01-00-DR-I-00315 P02, CVR-HLM-01-00-DR-I-00316 P02, CVR-HLM-01-00-DR-I-00317 P02, CVR-HLM-01-00-DR-I-00318 P01, CVR-HLM-01-00-DR-I-00318 P02, CVR-HLM-01-00-DR-I-00319 P01, CVR-HLM-01-00-DR-I-40101 P05, CVR-HLM-01-00-DR-I-40120 P04, CVR-HLM-01-00-DR-I-40302 P02, CVR-HLM-01-00-DR-I-40302 P05, CVR-HLM-01-01-DR-A-00100 P04, CVR-HLM-01-01-DR-A-00101 P04, CVR-HLM-01-01-DR-A-00102 P02, CVR-HLM-01-RF-DR-A-00101, CVR-HLM-01-XX-DR-A-25501 P03, CVR-HLM-01-XX-DR-A-25502 P02, CVR-HLM-01-ZZ-DR-A-00300 P04, CVR-HLM-01-ZZ-DR-A-00301 P08, CVR-HLM-05-00-DR-A-00103 P02, CVR-HLM-05-00-DR-A-00104 P02, CVR-HLM-05-00-DR-A-00105 P02, EPA-C REV B, RG-LD-01 REV B, RG-LD-05 REV D, RG-LD-06 REV B, RG-LD-07 REV B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policy 2 of the Chorleywood Neighbourhood Development Plan (2020) and the Chorleywood Common Conservation Area Appraisal (2010).

- C3 Prior to any building operations above ground level to construct the activity hub hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

- C4 Prior to any building operations to construct the glazed box hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to any building operations to construct the glazed box hereby permitted are commenced, samples and details of the proposed materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to any building operations to construct the glazed box hereby permitted are commenced, a structural report shall be submitted to and approved in writing by the Local Planning Authority. That report shall include details of excavation work and underpinning required to the existing structure. The development shall thereafter be implemented only in accordance with the structural details, as approved by this condition.

Reason: To ensure that any unauthorised demolition to the Listed Building does not occur in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to any building operations to construct the new doorway within the mansion, opposite the activity hub, are commenced, samples and details of the fenestration and associated proposed materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works including ground protection, in accordance with the Tree Protection Plan 1783-KC-XX-YTREE-TPP01 REV A

The protective measures, including fencing and ground protection, shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice

(Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

That **LISTED BUILDING CONSENT 22/1311/LBC BE GRANTED** subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- C2 Prior to any building operations above ground level to construct the activity hub hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).
- C3 Prior to any building operations to construct the glazed box hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October

2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to any building operations to construct the glazed box hereby permitted are commenced, samples and details of the proposed materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to any building operations to construct the glazed box hereby permitted are commenced, a structural report shall be submitted to and approved in writing by the Local Planning Authority. That report shall include details of excavation work and underpinning required to the existing structure. The development shall thereafter be implemented only in accordance with the structural details, as approved by this condition.

Reason: To ensure that any unauthorised demolition to the Listed Building does not occur in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to any building operations to construct the new doorway within the mansion, opposite the activity hub, are commenced, samples and details of the fenestration and associated proposed materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to their first use on site, samples and details of internal finishes and making good the Listed Building shall be submitted to and approved in writing by the Local Planning Authority and no materials shall be used other than those approved.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

PLANNING COMMITTEE – (23 MARCH 2023)

**22/1692/FUL – Demolition of existing buildings within the Poultry Farm, and construction of 37 dwellings with associated residential curtilages, open space, landscaping, access and car parking at 30 Woodlands Road and Poultry Farm, Nash Mills, Hertfordshire, HP3 8ZR.
(DCES)**

Parish: Abbots Langley
Expiry of Statutory Period: 04 April 2023

Ward: Gade Valley
Case Officer: Claire Wilson

Recommendation: That Planning Permission be GRANTED following the completion of a S106 agreement to secure the provision of affordable housing.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee Due to concerns in relation to the access road, both during construction and the increase in traffic once completed.

In addition, the application has been called into committee by Abbots Langley Parish Council if officers are minded to approved due to concerns regarding access to the site and that the development would constitute inappropriate development in the Green Belt.

1 Relevant Planning History

- 1.1 8/521/80: 29 Detached Houses and service road (Outline). Application refused.
- 1.2 8/242/81: (Outline) Proposed conversion of farm buildings into industrial units with ancillary car parking and access. Application refused. Appeal dismissed.
- 1.3 8/765/86: Erection of 50 dwellings with associated access roads parking etc. Application refused.
- 1.4 06/1907/OUT: Outline Application: Demolition of workshop, small store and disused bungalow and the erection of a steel framed building to be used as a Farm Shop with associated office, storage and preparation area. Application withdrawn.
- 1.5 07/0019/OUT: Outline Application: Demolition of workshop, small store and disused bungalow and the erection of a steel framed building to be used as a Farm Shop with associated office, storage and preparation area. Application permitted. Permission not implemented.
- 1.6 07/1576/AOD: Approval of Details 07/0019/OUT: Demolition of workshop/store and bungalow and erection of building to be used as Farm Shop with associated office/storage and preparation area. Application permitted. Permission not implemented.

2 Description of Application Site

- 2.1 The application site consists of an area of land located to the rear (south) of Woodlands Road and includes no.30 Woodlands Road which is an existing single storey bungalow which fronts the access drive and parts of Woodlands Road.
- 2.2 Woodlands Road is a residential cul de sac consisting of a mix of single and two storey dwellings and is accessed via Hyde Lane, Nash Mills. The piece of land to the rear of Woodlands Road subject to this application is currently accessed via a private access driveway between two existing properties.

2.3 The main part of the application site currently contains a number of disused buildings, these are primarily single storey, although there are some buildings of increased height around the site including a tall grain store which is located centrally. These buildings are associated with the former use of the site as a Poultry Farm and therefore are agricultural in appearance. It is understood that the former use ceased some time ago, and the buildings are acknowledged to be in a poor state of repair. There is a significant amount of hardstanding across the site, however over time this has become overgrown with grass. The levels on the site slope down from east to west, although it is noted that the railway embankment to the west sits at a higher land level relative to the application site.

2.4 The application site is bound by the rear gardens of the Woodlands Road properties to the north, with the site sitting at a lower land level relative to the existing residential road. There is woodland located to the east, an open field to the south and the West Coast Railway line to the west.

2.5 The site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

3.1 The applicant is seeking full planning permission for the demolition of the existing buildings within the Poultry Farm, and construction of 37 dwellings with associated residential curtilages, open spaces, landscaping, access and car parking. It is noted that the existing detached bungalow known as no.30 Woodlands Road, is included within the red line of the application site (this is being refurbished internally but no external alterations are proposed), and thus there would be a total of 38 residential units within the red line.

3.2 The proposed development would be accessed via an existing access road located between no.30 and 28 Woodlands Road which would be widened to a width of approximately 5.9m. This would provide access to a new internal access road which would serve the proposed development.

3.3 The plans indicate that the proposed dwellings would be set out in a courtyard style arrangement around a central amenity area which would have an area of approximately 1595square metres. The built form is indicated to be located a minimum of approximately 10.2m from the eastern boundary of the site with the existing woodland and a minimum distance of approximately 11.5m from the southern boundary with the existing paddock. The proposed apartment block would be located a minimum distance of approximately 19.9m from the boundary with the railway line, with development located a minimum distance of 10.5m from the northern boundary with Woodlands Road (taken from the northern elevation of Plot 06).

3.4 The development would consist of mix of residential dwellings and flatted style development and would be a maximum of two storey in scale. There would be a total of 21 flats, and 17 houses. The plans indicate that the built form would generally have pitched roof forms with gables with a maximum height of 8.8m (for the apartment blocks when taken from the lowest land level indicated on the submitted elevations). In terms of appearance, the plans indicate the use of corrugated metal cladding and timber cladding to the facades, with metal roofing proposed.

3.5 The dwellings would be served by a mix of private gardens, private balconies and the central communal amenity space.

3.6 The development would provide a total of 78 off street car parking spaces, some of which would be provided within garages, and some within the undercroft areas of the proposed apartment buildings. The parking areas to the west, would also be accessed via an undercroft area of the proposed flats.

- 3.7 In addition, it is noted that the applicant is proposing the provision of a new pedestrian footpath located outside of the redline of the application site, fronting Hyde Lane. The submitted plan indicates that it would be provided from the corner of Woodlands Road (adjacent to no.8 Hyde Lane) and would extend along Hyde Lane to the junction with Lower Road and the Railway Bridge adjacent to Railway Terrace.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objection]

Members object to the proposal due to unsuitable access to the site. The proposed plans would compromise the safety of Woodland Road residents and restrict access to existing houses for emergency vehicles. If officers are minded to approve this application, members request it be brought to committee. In its current state, members feel it is an inappropriate development in the Green Belt.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection following receipt of further information]

Original Recommendation: Requesting amendments and further information

Comments: The site is directly accessed via Woodlands Road, which is a private road and not highway maintainable at public expense. Woodlands Road has no designated footways and therefore essentially functions as a shared use road. Woodlands Road meets the nearest highway on Hyde Lane via a simple priority junction, which is approximately 140m from the site access. Hyde Lane is designated as an unclassified local access road, subject to a speed limit of 30mph (on its lower part which has a junction with Woodlands Road) and is highway maintainable at public expense and is a rural road with no pedestrian footways. The nearest pedestrian footways are approximately 220m from the site on Lower Road.

In order for a full consideration as to the acceptability of the proposals to made, HCC as Highway Authority is recommending amendments to the original application and further information including:

- A Stage One Road Safety Audit and Designers Response in relation to the proposed highway works on Hyde Lane. This would be necessary to make a full assessment of the acceptability of the proposed highway works from a safety and accessibility perspective, particularly as this would be necessary to ensure an acceptable level of pedestrian access to and from Woodlands Road and onto the wider footway network;
- Amended site layout to take into consideration that the submitted swept path analysis / tracking plans, which have been submitted as part of the Transport Statement (drawing number 12.4 for a refuse vehicle and 12.5 for a fire tender) illustrate that such vehicles would over-run certain amenity and grassed areas within the site, which would not be considered to be acceptable Furthermore it is unclear how such service vehicles (including emergency and delivery vehicles) would access the site if any other vehicles were parked (however temporarily) on the one-way access road as there would not be a sufficient width for two vehicles to pass on access road with a width of 4.2m.
- An extension of the swept-path analysis for a refuse vehicle and fire tender to illustrate that such vehicles would be able to safely use the proposed access and entrance road into the site.
- Further details as to what has been considered in relation to improving the environment and accessibility for pedestrians on Woodlands Road.

Officer comment: Further information was received by the applicant and the Highways Officer was re-consulted. The following comments have now been received:

Subsequent Recommendation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 06B have been submitted to and approved in writing by the Local Planning Authority.

Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted, the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Construction Management

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Comments / Analysis

The proposal comprises of the construction of 37 residential dwellings and associated works on land at Woodlands Road, Nash Mills. A Transport Statement (TS) has been submitted as part of the application. HCC as Highway Authority provided an initial response dated 24/10/2022 to the application requesting further details and amendments. In response to this a supplemental Transport Note (TN) and Stage One Road Safety Audit and Designers Response was submitted in Dec 2022.

Highway Access

The site is directly accessed via Woodlands Road, which is a private road and not highway maintainable at public expense. Woodlands Road has no designated footways and therefore essentially functions as a shared use road. Woodlands Road meets the nearest highway on Hyde Lane via a simple priority junction, which is approximately 140m from the site access. Hyde Lane is designated as an unclassified local access road, subject to a speed limit of 30mph (on its lower part which has a junction with Woodlands Road) and is highway maintainable at public expense and is a rural road with no pedestrian footways. The nearest pedestrian footways are approximately 220m from the site on Lower Road. The proposal do not include any altered vehicle access arrangements from the highway with the application site accessed via the existing simple priority junction with Hyde Lane.

Whilst the submitted TS states that “it has been demonstrated within this report that the existing pedestrian facilities are appropriate to serve the development”, this is not the view taken by HCC as Highway Authority. Therefore a 2m wide footway has been proposed on the southern side of Hyde Lane within existing highway land to provide a safe pedestrian link between Woodlands Road and the existing highway footway network on Lower Road, the details on which are shown on drawing number 06 A (revised to revision B following the review of the RSA). This footway link and associated works would be considered to be necessary to make the proposals acceptable from a highways perspective and improve pedestrian accessibility to and the from the site (as much as is achievable when taking into consideration the site and the existing private access road) and to ensure that the proposals are in accordance with Hertfordshire’s Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

The details as submitted as part of the planning application are considered to be acceptable in respect on the proposed highway footway and associated works for this stage of the development process. Nevertheless following the granting of any planning permission, the applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the technical approval of the design and implementation of the works that would be needed on highway land as detailed above. The Stage 1 Road Safety Audit and Designers Response and extent of highway boundary should be submitted as part of the

Section 278 application. Please see the above 278 conditions and informatives for more information.

Internal Site Layout

The proposals include utilising the existing access road to the poultry farm and amending it to provide access to the proposed dwellings, the details of which are shown on submitted drawing 1631/002 J in the TN (updated to take into consideration comments made by HCC as Highway Authority in its initial response). The updated plan includes additional overrun grasscrete areas to facilitate movement for larger vehicles including refuse collection vehicles. The general size and layout of the internal access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size and type.

Swept path analysis / tracking plans for an 11.2 m long refuse, fire tender, delivery vehicles and cars have been provided in both the original TS and supplemental TN. The details of which are considered to be acceptable by HCC as Highway Authority and illustrates that such vehicles would be able to access the site, turn around and egress to Woodlands Road and the subsequent highway network in forward gear. Nevertheless any access and turning areas would need to be kept free of obstruction to ensure permanent availability of access (particularly for refuse and emergency vehicles) and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes at any time – this would need to be considered by any subsequent private management company responsible for the site. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The submitted layout and swept paths do illustrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates). However the acceptability of this would be subject to the access road being kept free of any potential obstruction including parked cars.

HCC as Highway Authority would not agree to adopt any of the proposed roads as the development is not joined to any other adopted highways (as Woodlands Road is a private road) and would not be considered as being of utility to the wider public. However the works would need to be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire: Highway Design Guide. The developer would need to put in place a permanent arrangement for long term maintenance. It is recommended that at the entrance of the development, the road name plate indicates that it is a private road to inform purchasers of their future maintenance liabilities.

Vehicle Parking

The proposal includes the provision of 78 car parking spaces. HCC as Highway Authority would not have any specific objections to the proposed levels, which are in accordance with Three Rivers District Council's (TRDC's) adopted parking standards. It is stated in the TS (section 3.15) that electric vehicle charging points (EVCPs) "will be provided in line with the updated June 2022 Building Regulations for England. These updated standards require that an ECVP must be provided at a ratio of 1:1 for the number of dwellings. Any remaining spaces will have passive installation/ducting to allow for easy EVCP provision in the future". HCC as Highway Authority would be supportive of such provision to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan. TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the overall proposed parking levels on site taking into account the adopted (and emerging parking standards), use class, accessibility zone and the local area.

Trip Generation

A vehicle trip generation assessment for the proposed use has been included as part of the TS (section 5). HCC as Highway Authority would not have any specific objections to the methodology and approaches used to determine the existing trip generation for the residential road, trip generation for the currently approved use of the site (poultry farm) and the anticipated trip generation for the proposed housing. The number of vehicular trips associated with the proposed use are estimated to be 16 two-way vehicle movements in the AM peak and 29 two-way vehicle movements in the PM peak, a level of which would not be considered to be significant or severe in the context of the NPPF to recommend refusal from a highways and transport perspective.

106 Planning Obligations / Community Infrastructure Levy (CIL)

TRDC has adopted CIL and the development is located within area B of TRDC's CIL charging areas. Therefore contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

Conclusion

HCC as Highway Authority considers that the proposal would not have an unreasonable or severe impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works on Hyde Lane. Therefore HCC has no objections on highway grounds to the granting of planning permission, subject to the inclusion of the above planning conditions and informatives. Consideration should also be made to keeping the new private access road free of obstruction at all times (including parked cars), to maintain safe and free access for service and emergency vehicles.

4.1.3 Environmental Protection: [No objection]

As long as the areas they say will be kept free, the access should be okay.

4.1.4 Hertfordshire County Council Growth and Infrastructure Unit: [No objection]

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.

4.1.5 TRDC Local Plans: [No objection]

The application seeks permission for the demolition of existing vacant buildings and erection of 37 dwellings and retention and refurbishment of an existing bungalow. The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core

Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

2. the location of the proposed development, taking into account the Spatial Strategy
 - ii. the sustainability of the development and its contribution to meeting local housing needs
 - iii. infrastructure requirements and the impact on the delivery of allocated housing sites
 - iv. monitoring information relating to housing supply and the Three Rivers housing target.

The Spatial Strategy states that new development will be directed towards previously developed land and appropriate infilling opportunities in the urban areas of the Principal Town and Key Centres, which are identified as the most sustainable locations in the District. This strategy is supported by Policy PSP2 in the Core Strategy which states that future development will predominately be focused on sites within the urban area. The application is located partially in the Secondary Centre of Kings Langley, therefore not complying with the Spatial Strategy. However the Core Strategy identifies the Secondary Centre of Kings Langley as providing some access to services and facilities. The Core Strategy also states that some growth within Secondary Centres will help to sustain the vitality and viability of these settlements. The development would result in a net gain of 37 dwellings and would subsequently make a positive contribution to meeting the District's current housing target of 633 dwellings per year.

The proposal site falls within the Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' The National Planning Policy Framework (NPPF) (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would: 1) not have a greater impact on the openness of the Green Belt than the existing development; or 2) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority (paragraph 149(g), NPPF). In order to satisfy the exception stated in the first part of paragraph 149(g), the proposed building footprint, bulk and height of the development must not result in a greater impact on the openness of the Green Belt than the existing development. With regards to the second exception stated in Paragraph 149(g), the proposal entails the re-use of previously developed land for residential development which would contribute towards the affordable housing need in the District.

Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%

Social/Affordable Rented Housing	40%	27%	31%	2%
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The application supporting documents propose 38 dwellings, which includes retention of an existing bungalow, with a unit mix as shown below:

	1-bed	2-bed	3-bed	Total
Private Housing	2 (5%)	1 (3%)	18 (47%)	21 (55%)
Affordable Housing	10 (26%)	7 (18%)	-	17 (45%)
Total	12	8	18	38 (100%)

The proposed housing mix does not align with the recommended mix as set out in the LHNA. Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors. The application planning statement states the overprovision of one-bed units would allow for the development to make a significant contribution towards the District housing need. This does not meet the housing mix need in the District however, there may be market factors which make an alternative mix appropriate.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

- 25% First Homes
- 70% social rented, and
- 5% intermediate.

The First Homes Policy Position Statement provides more information on the specific requirements for First Homes and is published on the Council's website: <https://www.threerivers.gov.uk/egcl-page/core-strategy>.

The application supporting documents propose 17 new affordable dwellings (45%) with a tenure mix consisting of:

	1-beds	2-beds	Total
First Homes	4	-	4 (23%)
Social rented	5	7	12 (71%)
Intermediate	1	-	1 (6%)

Based on the proposed affordable housing figures, as outlined above, the application generally complies with Policy CP4.

4.1.6 Hertfordshire County Council Minerals and Waste Team: [No objection]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals: In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits partially within the area of the application site.

The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral County of opportunity Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources, however due to the site being previously developed it is unlikely that there are any further resources to be extracted for use on site during development.

Waste: Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and

Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regard to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction; &
- Policy 12: Sustainable Design, Construction and Demolition

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

A development of this size would require the consideration of minimising waste generated during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

Project and People

- Identification of the client
- Identification of the Principle Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each of the types of waste (i.e will it be re-used, recycled, recovered or disposed of)

Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too
- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations.

If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the

amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste s enabling works (including demolition) and construction works should also be summarised.

Operational Waste Sites: The District Council should also be aware that there are two operational waste sites (SA142 Kings Langley Depot and SA941-ASM Metal Recycling Ltd) within 250m west of the proposed development. The proximity of existing, operational waste sites does not appear to have been taken into account in the Planning Statement submitted with the planning application. These permanent waste facilities are safeguarded under Waste Policy 5 of the Waste Core Strategy and Development Management Policies Document due to its important contribution to the strategic network of waste management provision in the county.

Consideration should be given to the 'Agent of Change' principle (NPPF Paragraph 187_ which states that Planning Decisions on New Developments should ensure integration with existing business such that they do not have unreasonable restrictions placed upon them. The District Council would need to satisfy itself that the design of the proposed development has taken into account the need to mitigate any negative impacts (such as noise and dust) arising from the proximity to waste facilities.

4.1.7 Environmental Health Officer (Commercial): [Initial concerns, but objections withdrawn following submission of further information].

Air Quality

The proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area.

The proposed development may meet the stage 2 criteria. An air quality assessment may be required.

The suitability of the site needs to be assessed. It would therefore be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

Land Contamination

I have reviewed the Phase 1 Desk Study prepared by IDOM (Report ref. DS-22459-22-168).

The preliminary risk assessment has identified a number of plausible contaminant linkages that required further investigation.

Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.

3. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i) A site investigation, based on the Phase 1 Desk Study prepared by IDOM (Report ref. DS-22459-22-168) 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.
 - ii) The site investigation results and the detailed risk assessment (i) 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.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

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

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced 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 approved monitoring and maintenance programme shall be implemented.

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

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

Officer comment: Following comments from the Environmental Health Officer, the applicant provided an Air Quality Assessment and the following comments have been received:

I have reviewed the Air Quality Assessment prepared by Ardent Consulting Engineers (Report ref. 2207660-01).

The potential construction phase impacts have been assessed, with proposed mitigation in place, it is considered that the residual effect will be not significant. It is considered that the effect of emissions from construction traffic is likely to be not significant.

The impacts of operational traffic generation associated with the proposed development have been assessed and are anticipated to fall below the relevant screening criteria. The effect of proposed development traffic is considered to be not significant.

It is anticipated that pollutant concentrations at sensitive locations within the proposed development will be below the relevant air quality objectives.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures discussed in Section 6.0 of the Air Quality Assessment.

4.1.8 Environment Agency: [No objection]

We have reviewed the consultation for 22/1692/FUL and it doesn't fit the criteria for a statutory response.

4.1.9 Herts Archaeology: [No objection]

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

This office has previously provided advice on a similar proposed scheme on this site under the application reference 15/0806/PREAPP. Much of the advice which follows is similar to that given previously.

The Gade Valley is known to have been the site of human occupation for millennia, with the sloping riverbanks particularly favourable to prehistoric settlement. The proposed development site is in an area of comparable topography to the site on the opposite side of the valley where the cropmarks of three likely prehistoric circular enclosures are located [HER 2365, 2366, 2367]. Previous archaeological investigation at Primrose Hill exposed peat deposits dating to the Neolithic/Bronze Age [HER 15562] and a human cranium thought to represent an in situ inhumation burial was found at the Primrose Hill/Water Lane Industrial Estate [HER 13569]. Therefore, although historic mapping suggests the buildings on the site are modern in date there is the potential for earlier archaeological material to survive in some form below the ground.

I therefore believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;
2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
 - a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
4. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 205, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set

out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

4.1.10 NHS England: [No objection]

Due to the size of the development of 37 dwellings, there will be no request from Health, on this matter. This includes Primary Care/GP, Community, Mental Health and Acute.

4.1.11 Herts Ecology: [Further information required initially; objection subsequently withdrawn]

Summary of advice:

- Sufficient information on European protected species (bats) to allow determination.
- Landscape and Ecological Management Plan advised by Condition
- Further information regarding proposed habitats required.

Supporting documents:

The application is supported by the following report:

- Preliminary Ecological Appraisal by AA Environmental (report date 18 August)
- Supplementary Bat Report by AA Environmental, undated.
- Biodiversity Metric Calculation Tool v3.1, undated.
- Biodiversity Net Gain Technical Note, undated

Comments

The site is situated within a rural semirural/urban area and is dominated by buildings and hard standing and areas of grassland assessed as semi-improved grassland (species poor) a number of trees. The report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. Further surveys for bats within the buildings were recommended and have been completed. A list of ecological enhancements has also been given but not defined in terms of number or location.

Bats: The Preliminary Ecological Appraisal found evidence in Buildings E and F suggesting the presence of a low number of brown long eared bats and an assessment of building B as having a low roost potential for bats. Follow up surveys including 2 activity surveys of Buildings E and F and one for building B, consistent with their roosting potential, revealed no further evidence of roosts. I have no reason to dispute the conclusion that the bat use of the site is restricted to its use as an occasional feeding roost by brown long eared bats and as a foraging resource by pipistrelles. I am also not aware of any reason as to why if NE deem a licence is required that one would not be issued. Consequently, I advise that the LPA has sufficient information on bats to determine the application.

Other protected species, suitable mitigation measures are recommended in the report to safeguard nesting birds and prevent injury to roaming mammals that might be utilise the site and have legal protection. These should be followed in full and incorporated into Construction management plans where relevant.

Ecological enhancements: The planning statement includes a commitment to utilise integrated bat boxes within the buildings, the number and location of ecological enhancement s stated within the PEA should be demonstrated within a Landscape and Ecological Management Plan and secured by Condition. A suitable ratio for bat and bird boxes would be 3 per ten houses. The bird boxes shown should favour species of conservational concern associated with urban habitats or urban edge locations.

Biodiversity net gain: The submitted metric shows headline results of a biodiversity net gain for area-based habitats and that this has been achieved within the trading rules. Whilst I support the sowing of biodiversity rich grasslands, the location of which areas are other neutral grassland, and which are lowland meadow is not marked on the landscaping plan included within the Biodiversity Net Gain Technical Note. This is necessary so that the LPA can ensure that the measures that result in the biodiversity net gain claimed are present within the proposals. In addition, the location and seed mixes proposed for these habitats need to be provided so that the LPA can assess the viability of the proposed habitats and their condition being met. For example, areas shown on the submitted plan within the technical note show areas of wildflower meadow in proximity to trees which might cause shading problems.

The long-term management of any final biodiversity landscape measures should be incorporated within the LEMP and include how the relevant UK habitats types and their target conditions listed in the completed metric will be achieved, maintained and monitored.

Officer comment: Following Herts Ecology comments, the applicant submitted further information with regard to BNG and the following comments were received from the Ecology Officer:

Thank you for consulting Hertfordshire Ecology on the application. Please find below my comments, these included an updated response regarding biodiversity net gain.

Summary of advice:

- Sufficient information on European protected species (bats) to allow determination.
- Landscape and Ecological Management Plan advised by Condition

Supporting documents: The application is supported by the following report:

- Preliminary Ecological Appraisal by AA Environmental (report date 18 August)
- Supplementary Bat Report by AA Environmental, undated.
- Biodiversity Metric Calculation Tool v3.1, Dec 22, Rev A.
- Biodiversity Net Gain Technical Note, Rev A.

Comments

The site is situated within a rural semirural/urban area and is dominated by buildings and hard standing and areas of grassland assessed as semi-improved grassland (species poor) a number of trees. The report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. Further surveys for bats within the buildings were recommended and have been completed. A list of ecological enhancements has also been given but not defined in terms of number or location.

Bats: The Preliminary Ecological Appraisal found evidence in Buildings E and F suggesting the presence of a low number of brown long eared bats and an assessment of building B as having a low roost potential for bats. Follow up surveys including 2 activity surveys of Buildings E and F and one for building B, consistent with their roosting potential, revealed no further evidence of roosts. I have no reason to dispute the conclusion that the bat use of the site is restricted to its use as an occasional feeding roost by brown long eared bats and as a foraging resource by pipistrelles. I am also not aware of any reason as to why if NE deem a licence is required that one would not be issued. Consequently, I advise that the LPA has sufficient information on bats to determine the application.

Other protected species, suitable mitigation measures are recommended in the report to safeguard nesting birds and prevent injury to roaming mammals that might be utilised on the site and have legal protection. These should be followed in full and incorporated into Construction management plans where relevant.

Ecological enhancements: The planning statement includes a commitment to utilise integrated bat boxes within the buildings, the number and location of ecological enhancements stated within the PEA should be demonstrated within a Landscape and Ecological Management Plan and secured by Condition. A suitable ratio for bat and bird boxes would be 3 per ten houses. The bird boxes shown should favour species of conservational concern associated with urban habitats or urban edge locations.

Biodiversity net gain: A Revised metric and supporting technical note (Revision A) has been submitted. This includes updated grassland seed mixes have been to include shade tolerant species and a more appropriate lowland meadow mix. The location of these are shown on the proposed Habitat Plan (figure 2, Revision A) and are appropriate. Headline results give a biodiversity net gain of 15.05% for area-based habitats achieved within the trading rules. This is above the 10% set out in the Environment Act.

4.1.12 Herts and Middlesex Wildlife Trust: [Objection]

Objection: Biodiversity net gain not demonstrated, biodiversity metric not submitted, protected species surveys not completed, definitive ecological measures not proposed.

In accordance with NPPF and BS 42020, the following information should be provided to demonstrate compliance with these documents

Net gain to biodiversity should be adequately and objectively demonstrated by application of the Natural England Biodiversity Metric.

The NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

The object of an ecological report for planning should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Planning policy requires that development results in measurable BNG.

BS 42020 states:

8.1 Making decisions based on adequate information.

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The most objective way of assessing BNG in a habitat context is the application of the Natural England Biodiversity Metric. This metric assesses ecological value pre and post development and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF.

The recent passing of the Environment Act 2021 reinforces the need to use the NE biodiversity metric to determine measurable biodiversity net gain.

Protected species surveys have not been completed. In accordance with ODPM circular 06/05 they must be completed.

Ecological measures must be definitively stated to accord with BS 42020, recommendations are not enforceable or appropriate, no 'coulds' or 'where possible'.

4.1.13 Thames Water: [No objection]

Waste Comments: Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes- <https://www.thameswater.co.uk/developers/larger-scaledevelopments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

Water Comments: The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk

from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and

Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is – Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ – Tel – 0845 782 3333.

4.1.14 Affinity Water: [No objection]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (HUNT). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction – guidance for consultants and contractors"

Water efficiency: Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

4.1.15 Cadent Gas: [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice: Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

- 4.1.16 Hertfordshire County Council as Lead Local Flood Authority: [No comment received from the LLFA as due to resourcing issues they have advised they are unable to provide advice. The LPA has therefore instructed an external consultant to provide drainage advice. They initially objected to the scheme, but have subsequently withdrawn those objections].

First Review: A proposed residential development for the retention of the existing bungalow on site and construction of 37 additional residential dwellings at 30 Woodlands Road.

1. Section 5.18 of the FRA identifies that:

“In the event any flows enter from offsite, they will be captured by the onsite drainage system and will be attenuated and released gradually in accordance with the proposed surface water drainage strategy”.

Is this a risk? If so, this may compromise capacity in the proposed drainage network.

2. In accordance with your drainage strategy, how are “surface water flow routes to be maintained” in accordance with the development layout?

3. Why has only one test been undertaken at MTP02, 3 and 4? A Safety Factor of 2 has been used in the assessment. Can you substantiate the Safety Factor of 2 for the soakaways, which is very low, as a means of managing runoff and siltation for the lifetime of development? Has any sensitivity testing been undertaken to demonstrate viability of the scheme?
4. Is there a contamination risk that could affect proposals for infiltration given that the site used to be a chicken processing plant? Contamination Testing is referred to in the FRA soakage testing letter as “to be updated once complete”.
5. Is the drainage strategy reliant on permeable paving within private driveways? How can maintenance, in private or areas of communal ownership, be ensured for the lifetime of the development including climate change? A full maintenance and management strategy is required that demonstrates how all infiltration features will be managed for the lifetime of development.
6. A detailed drainage layout, including connecting pipework, and supporting Micro Drainage is required at full planning. Source Control outputs only have been provided.
7. Has development creep been considered?

Second Review:

1. Micro Drainage outputs include a warning to the effect that Half Drain Time cannot be calculated, this needs to be clarified as part of the design. If Half Drain Time exceeds 24 hours, how will a consecutive storm event be managed?

The Design Event is the 100 year + climate change event. Any proposed storage measures should demonstrate a half drain down time within 24 hours up to the 1 in 100 year + climate change event. If this is not possible, either additional upstream storage should be explored, or it should be demonstrated that the drainage system can cope with a subsequent 1 in 30-year event (following the 1 in 100 plus climate change). If a 24 hour drain down cannot be achieved, applicant to demonstrate what combination of events the scheme is capable of attenuating. Applicant to confirm.

2. Whilst the applicant has now included a Safety Factor of 3 in the Micro Drainage infiltration calculations, it is up to the applicant to demonstrate how the consequences of failure associated with the higher values (CIRIA published Safety Factors range from 1.5 to 10) should not reasonably be foreseen for the lifetime of the development including climate change. (i.e., damage to building or flooding of roads).

Refer to the previous point. We need a Safety Factor based on your response to Comment 1 above.

3. The Applicant has identified that:

“The simple index approach has been used to assess the proposed water quality mitigation and the proposed permeable paving mitigates risks from the car park area. The site is in a SPZ III of a Principal Aquifer, so we do not believe further consideration is required. We estimate there is 10m of unsaturated zone beneath the site which will also afford protection to the groundwater.

We note that Affinity Water, who are the presumed abstractor associated with the SPZ, have no comment.

The EA have not specifically been consulted. They are a consultee to the planning application and did not raise a concern for the previous scheme so further consultation was not deemed necessary.”

There is nothing else we can comment on regarding water quality for discharge to ground in SPZ III.

4. There is no reference to maintenance of the soakaway in the provided Drainage Strategy (permeable paving only). How will soakaway be maintained when located beneath permeable paving?

Again, this is subject to design requirements in Comment 1 above. Whilst a maintenance turret has now been included for, the soakaway may need to be repaired and replaced throughout the lifetime of the development including climate change.

Third Review: Following the applicant's responses and updated FRA, the drainage strategy and design of SuDS is considered to be suitable for this stage of application. There are two pieces of information to be submitted before commencement of works: contamination testing as required and a full drainage layout plan including connecting pipework (i.e., from buildings).

1. A Safety Factor of 5 has now been used and justification provided in accordance with CIRIA guidance. No further comments.
2. Contamination Testing is referred to in the FRA soakage testing letter as "to be updated once complete".

Applicant response by email dated 11/01/2023 states that "further testing will be carried out at the appropriate time in order to satisfy any relevant planning conditions".

We note the applicant's updated response by email (February 2023) and any further testing requirements should be undertaken as part of a condition prior to development.

3. Applicant has removed permeable paving within private driveways. No further comments.
4. An updated drainage layout plan has been provided but no connecting pipework (i.e., from buildings) has been shown.

The Applicant appears to be expecting this to be a condition of planning. We would suggest that a clear statement as to a compliant drainage scheme needs to be submitted in writing prior to commencement of the works. No further comments at this stage.

5. 10% development creep has now been included for. No further comments.

4.1.17 TRDC Housing Development Officer: [No objection]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

It is encouraging to see you are intending to provide social rented dwellings, however our preference would be for some 3 bedroom properties to be provided in place of the number of 1 bedrooms being proposed.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

4.1.18 Network Rail: [No objection]

The comments are attached as an addendum to this report.

4.1.19 Transport for London: [No objection]

I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.

However your proposals are adjacent to NR. Please contact them directly to query what affect, if any, the proposals will have on the railway.

This response is made as LU/DLR Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

4.1.20 Kings Langley Residents Association: [Objection]

The applicant has 3 justifications for building on the Green Belt,

- Acute Housing Need – 5 yr housing supply
- Acute affordable housing need
- Sustainability – Economic; Social; Environmental Benefit

Problems with this argument. 1st, TRDC's and Government's statements on doing more to protect the Green Belt have all acknowledged that previous assumptions about housing demand were grossly over-stated and targets proposed were unrealistic. The PM has personally confirmed his determination to protect the Green Belt and move the focus away from targets leading to unrealistic numbers of houses to meet a 5-year housing supply.

Secondly, Government guidance on planning explains that land designated as Green Belt serves at least 1 of 5 purposes. What it does not do is seek to argue, as the applicants have tried to do, is that some Green Belt has a higher value than other Green Belt. This Green Belt site on private land has been neglected. Imagine how a visitor would describe any open space if it suffered a similar level of neglect?

More specifically, the developers' reasons put forward to support the 'very special circumstances for Green Belt development meet none of those set out in the National Planning Policy Framework. Instead the 3 justifications set out above, which could be used for any development in any part of the Borough, are put forward as an alternative.

Thirdly, Three Rivers have made plain their intention to ask planning officers to work, irrespective of a change in Government target, on an alternative option (a locally derived housing target). The second Regulation 18 consultation will then go ahead in January or February next year. Any proposals made or discussions that have taken place previously about this site are therefore off the table.

Lastly this site falls within the Chilterns Beechwoods SAC and until a mitigation strategy is in place, there is a moratorium restricting planning decisions for new builds

There are 37 addresses listed who share the upkeep of the unadopted Woodland Road. Due to parking by existing residents the road is effectively single track, the surface of which is in poor condition.

Should the council be mindful to allow this application, enforceable conditions should be put in place to ensure:

- That existing residents are not inconvenienced by the construction traffic.
- That any damage to the road caused by the increased traffic is at least repaired if not resurfaced

That delivery of supplies, storage of material and parking of worker's cars should all be on site.

Consideration and conditions should also be made for the future upkeep of Woodland Road along which new residents must travel to access their properties. There should be agreements in place that they contribute to the costs of maintaining Woodland Road to protect existing residents from addition future maintenance costs caused by the additional traffic. Please refuse this application.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 92

4.2.2 No of responses received: xx objections, 1 letter of support

4.2.3 Site Notice: Expiry: 23.11.2022 Press notice: Expiry 11.11.2022

4.2.4 Summary of Responses:

Traffic: Traffic would be adversely affected on an already busy junction;
Existing road infrastructure from Railway Terrace is not suitable for extra traffic; exacerbate impacts on the surrounding highway network including Railway Terrace, Lower Road and Hyde Lane;

There are no footways on Hyde Lane or Woodlands Road; concerns with regard to pedestrian and cyclist safety

Hyde Lane is busier than implied due to the number of businesses operating on farms in the lane; Woodlands Road is a narrow, badly surfaced road which is already impassable due to the number of vehicles and the development would exacerbate this;

Current condition of Woodlands Road is fair, the extra traffic will damage the road surface and could require maintenance;

A full condition statement of the road should be undertaken;

Woodlands Road Ltd own 30 Woodlands Road site from August 2022; the existing residents will be in control of the upkeep of Woodlands Road long after Woodlands Road LTD has been dissolved;

The suggestion that future residents could be asked to provide a maintenance charge is not workable as there is no overall road management team in place;

The access to the site via Hyde Lane is dangerous when turning left into it, the building of 37 houses will exacerbate this;

Woodlands Road cannot accommodate extra vehicles from the new estate; Woodlands Road is an unadopted road, the upkeep is paid for by residents and therefore it would be unacceptable to use it as an access to the new development at existing resident's expense; Estimated traffic movements are incorrect; the farm is not a working farm and cannot be used as a comparison;

Proposal to put in a pavement outside of my house, on my driveway. What would happen to my driveway? The previous owners had their house for 14 years and the driveway was the same as now;

Hyde Lane is too narrow to get construction vehicles up and the proposal to take half of the front of the drives of the houses on the road must be challenged as they have had assumed right of access and ownership without challenge for over two decades, and Herts Council would not be lawful in taking this land back;

I met with Highways when we moved in regards widening the driveways. I was told then 22 years ago Highways can take the land back. We have maintained the strip in front of our house for 22 years;

No proposal for a footpath on Woodlands Road;

New footpath will not be safe, as Hyde Lane is used by heavy goods lorries who will mount the kerbs;

Access road cannot be widened if existing bungalow is to remain as stated;

Two way traffic is not possible due to parking either side of the road;

Response quotes more people working from home due to COVID- is this a concrete and valid reason;

Plans include social housing and normally you would expect these to have access to public transport but nearest is over 1km away;

Impact of construction traffic on the condition of the road and concerns in relation to construction parking- will there be sufficient room to park on site;

Bus stops are further away than suggested in the Transport Statement if you have to walk to them;

Traffic survey states whilst no formal footpaths, there are intermittent verges and hardstanding available for use, but given low number of vehicle movements the lack of footway is not a concern. There are no intermittent verges on Woodlands Road;

Transport Survey was undertaken in September 2021 when it was still quiet following Covid. A new survey should be done.

Traffic survey is biased and misleading. How can traffic movements be less than an abandoned site? The site ceased to be a Poultry Farm in the 1970s. The most recent tenants lived there from March 2002 – 2014. It was used for housing sheep over the winter and for the lambing season. There was only seasonal truck movements. The net increase in traffic movements will be 100%

Woodlands Road must be adopted if the development is permitted.

Green Belt: Development would impact on the openness of the Green Belt;

No very special circumstances locally that need more houses in the Green Belt;

TRDC'S and Governments statements on doing more to protect the Green Belt have all acknowledged that previous housing targets were unrealistic. The PM has confirmed determination to protect the Green Belt and focus away targets;

Applicant have argued that some Green Belt has a higher value than other Green Belt. This Green Belt site on private land has been neglected. What if an open space sufferance similar neglect;

The developers arguments regarding very special circumstances could be used for any development in the borough;

Three Rivers have made plaint their intention to ask officers to work, irrespective, of a change in Government target on an alternative option (a locally derived target). The second Reg 18 consultation will go ahead in 2023, therefore any proposals regarding this site are off the table;

The site falls within the Chilterns Beechwoods SAC and until a mitigation strategy is in place, there is a moratorium restricting planning decisions.

Character: High density of buildings and parking is out of character;

Plans are contradictory- in one document it states that unsightly farm buildings will be removed and then that the dwellings will have corrugated roofs which is not in keeping with surrounding dwellings;

Materials are unsympathetic;

Large number of flats proposed which are not in keeping with the character of the area

Traffic will impact on the character and what a farm lane is supposed to be like;

The suggestion of a footpath on Hyde Lane is not practical due to existing trees;

Proposed footpath plan is out of date as most of the trees have been removed due to safety concerns;

The new pavement will impact on the protected Copper Beech Tree that has huge roots partially above the ground level. The impact on the protected Willow Tree.

Residential Amenity: The proposed development on plan have changed since our meeting/consultation with the developer- they are not sympathetic and are overbearing; Block One shows all windows at the north end providing views of gardens on to Woodlands Road;

Increase in traffic will detrimentally prevent residents on Hyde Lane quiet enjoyment of their street;

Increase in noise and pollution;

Planning proposals will impact on the enjoyment of our homes, health or privacy may engage our rights under Article 8 of the European Court of Human Rights.

Housing: Too many 1 and 2 bedroom apartments proposed;

45% requirement for affordable housing is met by over-loading one and two bedroom apartments. The intention of Policy CP4 should be to provide the right amount of housing for people who require them rather than the right number of homes;

Better way would be to calculate a notional occupancy rate;

The development would not meet local housing need;

Proposal contains all social housing in a long continuous block next to the railway line to act as a noise barrier for the remainder of the site;

When there is track maintenance the noise levels are very much increased- is this safe?;

Noise report specifies acoustic measures will be required to reduce noise implications. However, first floor habitable rooms on western elevations will be at high noise risk and will not be able to rely on openable windows at first floor level during the night;

Biodiversity: The development would be detrimental to local wildlife including foxes, badgers, and deer. There are badger sets near to the site;

Biodiversity netgain has not been demonstrated; protected species surveys not completed, definitive ecological measures not proposed;

Bats and bat roosts will be affected by the proposed development.

Drainage/Infrastructure: Building new properties will reduce the amount of land to absorb rain water which could result in flooding and less drainage;

Issues with existing sewerage drains- will developers provide a cess pit?

Proposed development lies in a low flood risk zone- this is inaccurate;

Development falls in a Source Protection Zone for ground water abstraction with Railway Terrace prone to flooding;

Additional burden on already substandard infrastructure;

Other: Planning permission has been previously refused historically for varied scales of development;

Other developments permitted in the locality highlight that development will offer existing residents benefits including an attractive street network and improved signage. The proposed development offers no such opportunity to existing residents;

In 27 years, the site has never been a Poultry Farm; one part time farmer lived at no.30 with an off site worker;

Local shops and transport mentioned in the reports ad further than stated which will not support requirements of allocation;

No public services to support new residents (local doctors, dentists and schools are at capacity);

Misleading and false information submitted;

Consultation responses and confusing and misrepresented. The exec summary gives a misrepresentation of the feedback;

No electrical supply report for the development. Any transformers/pylons sited near to our home is a health risk;

The pedestrian areas between residential dwellings will act as informal play and meeting areas to reinforce a sense of place and community. The plans appear like a separate community to the one known in Woodlands Road, no mention of existing residents. Section 106 money could be offered to help the existing residents.

One additional comment received in support: Disused Poultry Farm, previously developed land. 45% Affordable housing. Much needed homes in a sustainable location

5 Reason for Delay

5.1 To address consultee comments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise as required by S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 are of relevance.

6.1.4 The Community Infrastructure Levy Regulations 2010

6.2 Three Rivers District Council's statutory Development Plan

6.2.1 The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) as well as government guidance. The policies of Three Rivers District Council development plan reflect the generality of the content of the NPPF.

6.2.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3 (only with regard to dwelling and curtilage of no.30 Woodlands Road), CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12.

6.2.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

6.2.4 The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

6.3 Other Considerations

6.3.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF⁴⁷, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are ‘material considerations’ relevant to planning decision making. The NPPF also states that “existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework...” (NPPF Annex 1: 219).

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.3.2 Affordable Housing Supplementary Planning Document (adopted June 2011).

6.3.3 Housing Delivery Test Action Plan (June 2022).

6.3.4 Housing Land Supply Update (December 2022).

7 Planning Analysis

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of 37 dwellings; it is noted that no.30 Woodlands Road is also located within the red line of the application site and would be retained as part of the development and thus there would be a total of 38 dwellings located within the red line of the site. The application site is not identified as an allocated housing site in the Site Allocations Document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it would be tested in accordance with the relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District’s housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

4. The location of the proposed development, taking into account the Spatial Strategy;
5. The sustainability of the development and its contribution to meeting local housing needs;
6. Infrastructure requirements and the impact on the delivery of allocated housing sites
7. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 Policy PSP3 of the Core Strategy relates to development in Secondary Centres and advises that development ‘will focus future development on sites within the urban area and previously developed land’. In addition, development will ‘provide 24% of the District’s housing requirements over the plan period’. In this case, the existing residential dwellings fronting Woodlands Road, and their associated residential curtilages are located within the Secondary Centre, as is no.30 Woodlands Road and part of the existing access track to the site. However, the Poultry Farm is not located within the defined settlement boundary.

7.1.4 It is noted that the site is currently occupied by a number of existing, disused buildings, in addition to hardstanding. As noted, the existing built form is associated with the former use of the site as a Poultry Farm. The NPPF defines previously developed land as the following:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

7.1.5 Given the historical use of the site as a Poultry Farm and therefore in former agricultural use, it is not considered that the site can be considered previously developed land.

7.1.6 The principle of the acceptability of the development is therefore subject to assessment against all material planning considerations as set out below.

7.2 Green Belt

7.2.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.2.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 149 sets out six exceptions to inappropriate development which include:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 7.2.4 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will “encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it”. Development Management Policy DM2 notes that “As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is (a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight.
- 7.2.5 The proposed development would result in the provision of 37 new residential dwellings and associated access, car parking and amenity space. As previously acknowledged, the site was formally in agricultural use, and therefore although there is built form present, the site would not fall into the definition of previously developed land as defined by the NPPF. In light of the above, the proposed development would fail to fall within any of the above identified exceptions within Paragraph 149, or as set out in Development Plan policies, and therefore would constitute an inappropriate form of development in the Green Belt which is, by definition, harmful. In accordance with paragraph 148 of the NPPF, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 7.2.6 Actual Harm
- 7.2.7 In addition to harm by virtue of inappropriateness it is necessary to consider whether there would be actual harm to the openness of the Green Belt. When a development is identified as inappropriate, the PPG on Green Belts requires the impact of the proposal on openness to be assessed, and that ‘this requires a judgement based on the circumstances of the case’. The PPG sets out that a number of matters which the Courts have held to be relevant including having regard to the spatial and visual impacts of the development and the degree of activity which is likely to be generated.
- 7.2.8 The site was historically used as Poultry Farm, until this business ceased in the 1970s. It is understood from the Planning History that the site was then used as part of a larger farming enterprise and run as a cattle and sheep farm, with the site being more specifically used for lambing. It is unclear when this use ceased, however, the built form remains in situ, consisting of a range of buildings of varied footprint and height, but generally ranging from low key single storey structures to larger elements, with a taller agricultural element being located at the centre of the site. To the west of the site, is an existing linear block running in a north west to south east direction, with a number of additional and separate structures located on other parts of the site. Generally, the existing buildings are in a very poor state of repair and appear derelict in appearance. In addition, to the existing built form, a large proportion of the site is covered by hardstanding. The extent of hardstanding is not clearly illustrated in the image below due to the site becoming overgrown as a result of its disuse. However, it is considered that the 3D aerial image below illustrates the extent of built form on the site and indicates an existing spread of urbanising development which already results in actual, visual harm to the openness of the Metropolitan Green Belt.



- 7.2.9 Officers consider that the proposed development would result in actual harm to the openness of the Green Belt. The proposed built form would be two storey with pitched roof forms and therefore the height and associated bulk of the dwellings would have a visual impact on the openness of the Green Belt. This would particularly be the case when comparing the proposed scheme with some of the lower key single storey agricultural buildings that have a lesser impact when viewed in isolation. It is noted that the proposed built form would generally be of an increased height when considered against the existing built form.
- 7.2.10 In order to accommodate the proposed residential use of the site, the access track from Woodlands Road into the site would become more formalised, and internally, a new road would be created to serve the development with areas around the site to provide provision for off street car parking. The access arrangements would therefore create a more formalised setting which would have some impact on the openness and rural character of the Metropolitan Green Belt.
- 7.2.11 Likewise, the proposed use of the site for residential development would result in an intensification of use of the site. The development would result in the creation of individual residential curtilages, which in turn would create the requirement for domestic paraphernalia around the dwellings such as ancillary outbuildings, boundary treatments and other household items which would not necessarily require planning permission in their own right. All of the above would have some visual impact on the openness and rural character of the Green Belt.
- 7.2.12 In terms of layout, the proposed development would be arranged in a courtyard arrangement, with a central, communal green area. It is noted that the flatted element of the development would be located to the west of the site where the largest continuous element of built form currently exists, thus helping to minimise the visual impact of this element when compared to the existing situation. Furthermore, the topography of the site, results in the land levels sloping down to the west of the site towards the railway (although it is noted that the actual railway line is on an embankment raised above the level of the site), and therefore the flatted element would be located on the lower portion of the site, further minimising its visual impact. The courtyard style arrangement also allows an increase in openness centrally through the site due to the provision of a central green area. Likewise, it enables gaps to be created between areas of proposed built form which is supported. The increase in openness would be evident from the existing access road from Woodlands Road, and from the open fields located to the south of the site.

- 7.2.13 In addition, and as emphasised previously, the existing built form on site, already results in a spread of urbanising built form which is visually harmful to its rural setting. The provision of a comprehensive residential development would remove the existing harmful built form; and the new form of development would arguably improve the appearance of the site. The residential development would create a more attractive form of development which would improve the visual amenities of this area of Green Belt. It is considered that the provision of residential development would secure an appropriate future use of the site and would enable increased control over its visual appearance.
- 7.2.14 Furthermore, in terms of its location, the site is located immediately adjacent to Woodlands Road, which is wholly located within the Secondary Centre of Kings Langley. It is also noted that the existing access to the site is also located within the settlement boundary. As such, the site is considered to occupy an edge of settlement location. The Spatial Strategy for Three Rivers as set out in the Core Strategy emphasises that the 'main emphasis for future development is to continue to focus development within the existing urban area through development of previously developed land and appropriate infilling, recognising potential for mixed use development to contribute to the development of sustainable communities. This will be followed by development at the most sustainable locations on the edge of existing settlements. This is further expanded on in the pre-text to Policy PSP2 which states that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt, including on previously developed land, and consequently to also improve services and facilities within the Key Centres. It is acknowledged that the site is not classed as PDL, however, the existing site circumstances must be taken into consideration.
- 7.2.15 In summary, and as set out above, the proposal would result in inappropriate development in the Green Belt as it would not fall within any of the exceptions defined in the NPPF. It is considered that the proposed development would be an inappropriate form of development that would result in some actual harm to the Green Belt due to an intensification of use of the site by reason of the proposed residential use and the associated increase in bulk and height of the built form, as well as the provision of domestic paraphernalia and associated hardstanding. It is not considered that the development would conflict with the purposes of the Green Belt as set out in paragraph 7.4.1 above. The development would result in both definitional and actual harm to the Green Belt and the proposed development is therefore contrary to Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF.
- 7.2.16 Paragraph 148 of the NPPF 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 considerations". Accordingly, before establishing whether very special circumstances exist clearly outweighing harm to Green Belt it is necessary to assess the planning merits of the proposed development to understand whether it would give rise to 'any other harm' to interests of acknowledged planning importance.

7.3 Affordable Housing

- 7.3.1 Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. Policy CP4 (3) states that the Council will '*in most cases require affordable housing provision to be made on site, but in relation to small sites.....consider the use of commuted payments towards provision of site. Small sites would generally be considered as those with fewer than ten units.* The Affordable Housing SPD clearly sets out that the 'for proposals with a net gain of 10 or more dwellings, on site provision will be required '. On this basis and given the need for affordable housing in the

District, the LPA's approach in line with TRDC's Development Plan is for affordable units to be provided on site for major developments such as this.

- 7.3.2 As a guide the tenure split set out in Policy CP4 is 70% social rented and 30% intermediate. It is noted that on 24th May 2021, the Government published a written ministerial statement to set out the Government's plans for the delivery of First Homes defining the production and changes to planning policy. Following publication of the WMS, Planning Practice Guidance has been updated to reflect the WMS and will form a material consideration in decision making. Three Rivers District Council has also published a position statement in respect of First Homes. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) will be:

25% First Homes
70% social rented, and
5% intermediate.

- 7.3.3 In this case, the application is proposing the provision of 17 affordable units which would be in accordance with the requirements of Policy CP4 to provide 45% affordable housing. The applicant has also confirmed in their Planning Statement that they will be providing the tenure mix in accordance with the WSM and Planning Practice Guidance. Consequently, the proposed development would provide policy compliant affordable housing and is thus acceptable in this regard.
- 7.3.4 The provision of affordable housing would be secured via a S106 agreement, which would be completed prior to the issue of any planning permission for the site.

7.4 Housing Mix

Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

- 7.4.1 The current application proposes the following mix (which includes the retention of the existing bungalow fronting Woodlands Road).

	1 bed	2 bed	3 Bed	Total
Private housing	2 (10%)	1 (5%)	18 (85%)	21
Affordable housing	10 (59%)	7 (41%)	-	17

- 7.4.2 In this case, the proposed housing mix with regard to both market and affordable housing would not correspond with the recommended mix set out in the LNHA. With regard to affordable housing, the Housing Officer has noted, that the identified need based on the

current housing register and composition of customers in temporary accommodation suggests a preferred mix of 25% 1 bed, 40% 2 bed, 30% 3 bed units.

- 7.4.3 In response, Policy CP3 of the Core Strategy does recognise that the proposed housing mix may need to be adjusted for specific schemes to take into account market information and specific site factors. The applicant has advised that whilst they have taken the comments from the Housing Officer into consideration, the scheme would not be able to deliver the preferred mix. The applicant has noted that the mix would likely result in the delivery of a mixed tenure apartment block which would likely be unacceptable to potential housing associations. Furthermore, the delivery of larger units within the affordable tenure would likely impact on the overall quantum of affordable housing that the scheme would be able to deliver. Taking these comments into consideration, it is officers view that given that the scheme would be providing policy compliant affordable housing and the appropriate mix of Intermediate, First Homes and Social Housing as set out below, that it would not be reasonable to justify refusal on these grounds.
- 7.4.4 In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.
- 7.4.5 With regard to market housing, given the scale of the development proposed, it is not considered that failure to comply with the preferred tenure mix would impact adversely on the delivery of housing across the district such to justify refusal of the application.

7.5 Impact on Character and Street Scene

- 7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.5.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be only be supported where it can be demonstrated that the proposal will not result in:
8. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.5.3 *Layout:* It is acknowledged that the proposed development would constitute a backland form of development in that the proposed dwellings would be located to the rear of the existing residential dwellings fronting Woodland Road.

- 7.5.4 The proposed development would be sited in a courtyard style arrangement around a central amenity area which would act as a setting for the proposed development. Furthermore, the provision of this central green area allows for a sense of openness to be retained through the site. An internal access road would provide vehicular access to the residential units and associated parking areas with private amenity spaces and other green spaces located to the rear. The retained greenery to the edges of the site is considered to further enhance the setting of the development. With regard to spacing, it is considered that there would be appropriate spacing between individual units. Consequently, it is therefore considered that the proposed layout would be acceptable and would not result in adverse harm to the character and appearance of the locality.
- 7.5.5 *Design and Appearance:* The proposed development would consist of a mix of dwellings, as well as flats. Concerns have been raised by neighbours with regard to the provision of flats as they do not consider that flatted development is part of the character of the locality. In response, it is acknowledged that flats are not part of the immediate character of this area. However, the flats would be located on the lowest part of the site and would still be a maximum of two storey in height, thus limiting their visual impact. It is not considered that the provision of flats as part of the overall housing mix would result in significant harm to constitute a reason for refusal.
- 7.5.6 The dwellings and flats would be provided as a mix of single and two storey development, which responds to development within the wider locality. The built form would generally have pitched roof forms with gables and no objection is raised in this regard to the design principles proposed.
- 7.5.7 It is noted that some concerns have been raised by neighbours with regard to the material palette sought which would include timber and corrugated iron, as it is not considered that this would be sympathetic to the locality. The Planning Statement indicates that the material palette of the dwellings and flats 'is inspired by the existing buildings and agricultural history of the site'. In response, it is acknowledged that the development would not match the surrounding residential dwellings which are arguably more traditional in terms of their use of materials. However, it is considered that the proposed external finishes would reflect the former use of the site and given that it would be read separately from Woodlands Road, it is not considered that the proposed appearance of the development would adversely affect the visual amenities of the wider locality. A condition shall be attached to the consent requiring full details of the external materials to be submitted and agreed by the Local LPA.
- 7.5.8 In summary, for the reasons outlined above, it is considered that subject to conditions, the proposed development would not result in harm to the character and appearance of the locality. The development is therefore considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.6 Impact on amenity of neighbours
- 7.6.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'.
- 7.6.2 The proposed residential development would be located to the rear of the existing dwellings fronting Woodland Road. Appendix 2 of the Development Management Policies LDD states the following with regard to residential development:

Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other

- 7.6.3 It is noted that residents have raised concern with regard to overlooking and that the development would be overbearing. The residential units to the north of the site would have elevations facing towards the rear elevations of the dwellings fronting Woodlands Road. The plans indicate that distances ranging from approximately 44m- 60m would be achieved which would be well in excess of the 28m figure sited within Appendix 2. It is considered that these distances would be ample to prevent impact in terms of overlooking. It is noted that development would be predominantly two storey in terms of height, however, the application site does sit at a lower land level relative to Woodlands Road, and thus whilst the development would be visible and would alter the outlook from these dwellings, it is not considered that the development would appear unduly overbearing or visually obtrusive to those neighbouring dwellings. Full details of existing and proposed site levels including sections would be required as a pre-commencement condition.
- 7.6.4 The proposed development would be accessed via the existing access track from Woodlands Road. There would therefore be an intensification of the use of the access due to the proposed residential use of the site. However, it is not considered that this would result in significant harm to justify refusal. The levels slope down into the site which would minimise harm to the immediately adjacent dwellings. Full details of any lighting of the access and of the development, should be provided as a condition of any permission to ensure that there would be no adverse impact in terms of light pollution to nearby residents.
- 7.6.5 In summary, it is considered for the reasons outlined above and subject to conditions, the proposed development would not have an adverse impact on the residential amenities of neighbouring dwellings to justify refusal. The development is therefore considered to be in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.7 Quality of accommodation for future occupants
- 7.7.1 The application site is located adjacent to an existing railway line. Neighbours have raised concern that new residents would be subject to unacceptable noise levels. Policy DM9 of the Development Management Policies LDD advises that planning permission will not be granted for development which:
- 9. Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development*
ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or
10. Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.
- 7.7.2 The Environmental Health Officer (residential) has reviewed the Noise and Vibration Assessment (Mayer Brown Limited, Report No. DLW/7439), and notes that the site has been considered a medium/high risk location where it would be considered that noise would have an adverse impact on the quality of life of future occupiers. However, to address this impact, the Environmental Health Officer notes that the report provides appropriate methods of noise mitigation and thus no objection is raised. A condition shall be attached requiring the development to be undertaken in accordance with the noise mitigation measures outlined in the Noise Assessment.
- 7.7.3 In summary, it is therefore considered that subject to a condition requiring the development to be undertaken in accordance with the submitted Noise Assessment, that the development would not have an unacceptable impact on the living conditions of future

occupiers. The development is viewed therefore to be in accordance with Policy DM9 of the Development Management Policies LDD.

7.8 Amenity Space Provision for future occupants

7.8.1 Appendix 2 of the Development Management Policies LDD sets out the amenity space requirements for residential dwellings as follows:

1 bedroom: 42 square metres
2 bedroom: 63 square metres
3 bedroom: 84 square metres
4 bedroom: 105 square metres

(12 x 21) 252 (7 x 31) 217 (2 x 41) 82

Flats: 1 bedroom- 21 square metres.

Additional bedrooms: 10 square metres each and space can be allocated specifically to each flat or communally.

The amenity standards for the proposed scheme is therefore as follows:

12 x 1 bedroom flats= 12 x 21 = 252square metres

11. x 2 bedroom flats = 7 x 31= 217 square metres

2 x 3 bedroom flats= 2 x 41 square metres

Total requirement for communal amenity space: 551 square metres.

7.8.2 All of the dwellings would benefit from a private amenity space. These would range in size from a minimum garden size of approximately 84 square metres to a maximum of 339 square metres which would comply the adopted standards set out above. Full details in relation to boundary treatments would be reserved via a condition. It is also noted that some of the proposed dwellings also include balconies at first floor level. At present, details of screening to these elements remain unclear and thus it would be necessary to add a condition requiring details of this to be provided prior to occupation.

7.8.3 The majority of the proposed flats would benefit from a private balcony/terrace area, with only two flats which would not have private amenity spaces in the form of a balcony/terrace. As above, it is considered necessary to add a condition requiring details of balcony screens to be submitted and approved in writing prior to occupation. In addition to individual balconies/terraces, there would be access to a communal amenity green with an area of approximately 1550m located centrally within the development. The proposed apartments would require a total amenity provision of 551 square metres, and consequently the central amenity green is considered ample to serve the proposed development. It is considered necessary to require a landscaping scheme to be submitted to ensure that this area is suitably landscaped for use by future residents.

7.9 Wildlife and Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.9.3 It is noted that the application site is located within the Zone of Influence (ZOI) for the Chilterns Beechwoods Special Area of Conservation (SAC). The location of the site within the ZOI is a material consideration, however it is acknowledged that the site, and Three Rivers District is at the outer edge of the ZOI, and the District has been identified as generating less than 2% of the visits to the SAC. Taking this into account, it is considered that material harm would be unlikely to be caused to the SAC as a result of this development, and no compensatory measures are required in respect of this matter.
- 7.9.4 The site is located within a rural/semi-rural location which is dominated by buildings, hardstanding and areas of grassland assessed to be semi-improved grassland (species poor) and a number of trees. Herts Ecology consider that the report provides an adequate assessment of the impact of the proposals and is based upon appropriate survey methods and efforts.
- 7.9.5 With regard to bats, further surveys of the buildings were recommended and have been completed. Herts Ecology note that the additional surveys revealed no further evidence of roosts and that they have no reason to dispute the conclusion that the bat use of the site is restricted as an occasional feeding roost by brown long eared bats and as a foraging resource by pipistrelles. In addition, Herts Ecology note that they are not aware of any reason as to why if National England deem a licence is required, that one would not be issued. As such, it is not considered that significant harm would occur to this protected species to justify the refusal of planning permission. In addition, with regard to other protected species, it is considered that suitable mitigation measures have been recommended to safeguard nesting birds and to prevent injury to roaming mammals that may use the site and benefit from legal protection. Were the development to be considered acceptable, then a condition should be added requiring that these measures are followed in full.
- 7.9.6 The Planning Statement includes a commitment to utilise integrated bat boxes and that these should be secured via a condition; the Ecology Officer has advised that a suitable ratio for bat and bird boxes would be 3 per 10 dwellings. In addition. Herts Ecology have advised that a Landscape and Ecological Management Plan should be secured via a condition.
- 7.9.7 The Environment Act proposes to mandate the requirement for Biodiversity Net Gain in legislation, through changes made to the Town and Country Planning Act 1990. However, the legislation required to mandate this is not yet in place. The requirement for 10% BNG is, therefore, not yet enshrined in planning law. However, based on the original information submitted, the Ecology Officer advised that the submitted metric shows headline results of a biodiversity net gain for area-based habitats and that this has been achieved within the trading rules. The Ecology Officer noted that whilst the sowing of biodiversity rich grasslands was supported, the location of which areas are other neutral grassland, and which are lowland meadow is not marked on the landscaping plan included within the Biodiversity Net Gain Technical Note. This is necessary so that the LPA can ensure that the measures that result in the biodiversity net gain claimed are present within the proposals. In addition, the location and seed mixes proposed for these habitats need to be provided.
- 7.9.8 In response to these comments, the applicant provided a revised metric and supporting technical note (Revision A); the details of which have been found by the Ecology Officer to be acceptable. The Ecology Officer notes that, the headline results give a biodiversity net gain of 15.05% for the area-based habitats achieved within the trading rules. This is above the 10% set out in the Environment Act and thus is considered to be acceptable. As outlined above, a condition shall be added requiring the submission of a Landscape and Ecology Management Plan. The long-term management of any final biodiversity landscape measures should be incorporated within the LEMP and include how the relevant UK habitats types and there target conditions listed in the completed metric will be achieved, maintained and monitored.

7.9.9 In summary, the Ecology Officer has confirmed that the proposed development would have not have an adverse impact on any protected species or biodiversity interests. Subject to conditions, the development is therefore viewed to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.10 Trees and Landscaping

7.10.1 Policy DM6 of the Development Management Policies relates to Trees, Woodlands and Landscaping. This advises the following:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.10.2 The Landscape Officer has noted that some trees are proposed to be removed as part of the development. These are classified as Category C and U and therefore the Landscape Officer raises no objection to their removal. However, in order to compensate for their removal, the Landscape Officer has recommended the provision of five replacement trees and a condition shall be added requiring this to be the case.

7.10.3 The details provided in the submitted arboricultural method statement and tree protection plan are considered to be acceptable and conditions shall be added requiring the development is undertaken in accordance with the approved details. Given the scale of the development, it is also considered that full details of landscaping should be provided in the form of a comprehensive landscaping scheme and this shall be added as a condition of any approval.

7.10.4 It is noted that concerns have been raised by residents that the provision of a new footpath on Hyde Lane will have an impact on existing trees fronting Hyde Lane. These concerns are acknowledged, however, the trees are located on existing highway land and are therefore within the ownership of the County Council. The impact on these trees in relation to the new footpath would be a matter for the County Council to resolve at the time of a S278 agreement.

7.10.5 In summary, the Landscape Officer has raised no objection to the proposed development, considering that there would be no harm to any trees or landscaping to justify refusal. The development is therefore considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.11 Highways, Access and Parking

7.11.1 Paragraph 110 of the NPPF advises that:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.11.2 Paragraph 111 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

7.11.3 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.11.4 Policy CP10 of the Core Strategy relates to highways and sets out that 'Development will need to demonstrate the following:

i) It provides a safe and adequate means of access

j) It is appropriate in scale to the existing transport infrastructure, including public transport and, where necessary, infrastructure can be improved

k) It is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate

l) It makes adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians

m) It includes, where appropriate, provision for public transport either within the scheme or through contributions

n) The impact of the proposal on transport has been fully assessed; for major development this should be done through a comprehensive Transport Assessment detailing the measures that will be used to reduce impacts

o) The proposal is accompanied by a draft Green Travel Plan for prospective users and employees of the development for all major development.

7.11.5 The plans indicate that the site would continue to be accessed via an existing access via Woodlands Road which is a private road. Woodlands Road has no designated footways with the Highways Officer noting that it essentially functions as a shared use road. Woodlands Road meets the nearest highway on Hyde Lane (an unclassified local access road) via a simple priority junction which is located approximately 140m from the site access. Hyde Lane is subject to a speed limit of 30mph; and is a rural road with no pedestrian footways; the nearest pedestrian footways are located approximately 220m from the site on Lower Road.

7.11.6 Local residents have raised significant concern in relation to the development and its impact on the surrounding highway network stating that the area is already heavily congested, with access to Railway Terrace from Hyde Lane already being difficult. Furthermore, residents have expressed concern that Woodlands Road by reason of its width, surfacing and congestion is unsuitable to facilitate access to a new residential development. The objections received consider that the development would result in danger to the users of the highway network, including motorists, cyclists and pedestrians. There is concern that there is a lack of pedestrian footways within the locality and thus the site is not in a sustainable location.

7.11.7 Herts Highways were consulted with regard to the development and originally requested further information in order to assess the acceptability of the scheme; particularly in relation to the provision of a proposed pedestrian footway on Hyde Lane. The details requested included a Stage One Road Safety Audit and Designers Response in relation to the proposed highway works on Hyde Lane. This was considered necessary in order to make

a full assessment of the acceptability of the proposed highway works from a safety and accessibility perspective; particularly as this would be necessary to ensure an acceptable level of pedestrian access to and from Woodlands Road and onto the wider footway network. This is discussed in more detail below.

- 7.11.8 Information was also requested with regard to access for service vehicles (including emergency and delivery vehicles) as well as an extension of the swept path analysis for refuse vehicles and fire tender to illustrate that such vehicles would be able to safely use the proposed access and entrance road to the site. The Highways Officer also requested further details as to what has been considered in relation to improving the environment and accessibility for pedestrians on Woodland Road. In response, the applicant has provided further information which has been subject to assessment by the Highways Authority. The Highways Officer considers that their original concerns have been overcome and this is set out in detail below:
- 7.11.9 Site Access: As noted, the site would continue to be accessed via Woodlands Road which is directly accessible from Hyde Lane. As previously noted, the proposals do not include any altered vehicle access arrangements from the public highway with the application site continuing to be accessed via Woodlands Road from the existing simple priority junction with Hyde Lane. The Highways Officer has raised no objection in this regard.
- 7.11.10 The plans within both the Transport Assessment and the updated Highways information propose a 2m wide pedestrian footway on the southern side of Hyde Lane within existing highway land in order to provide a safe pedestrian link from Woodlands Road and the existing highway footway network on Lower Road (adjacent to Railway bridge with Railway Terrace). The Highways Officer considers that the footway link and associated works would be necessary to make the proposals acceptable from a highways perspective and would assist in improving pedestrian accessibility from the site (as much as is achievable when taking into account the nature of the site and the existing private access road). The applicant would be required to enter into a S278 agreement with the Highways Authority in relation to the technical approval of the design and implementation of the works that would be needed on highway land as detailed above. The Highways Officer has raised no objection in relation to vehicular or pedestrian access to the site, stating that there would be no significant impact to the highway network. Officers note that some of the land which would be utilised for the footway form part of the existing driveways of properties fronting Hyde Lane and this appears to be an historic situation. Residents have raised the provision of a new footpath in this location as a concern, particularly where their existing driveways would be impacted. Consequently, further advice has been sought from the Highways Officer with regard to the deliverability of this aspect of the development. The Highways Officer has advised that the land to be incorporated into the new footway is highway land, and driveways have historically encroached into this area. This land is therefore not lawfully within the ownership of properties fronting Hyde Lane. The Highways Officer consider that this land can be developed as it is land owned by the County Council, regardless of its current use. The Highways Officer considers that the works can be secured via a S278 Agreement.
- 7.11.11 The Highways Officer also notes that a vehicle trip generation assessment for the proposed use has been included as part of the Transport Assessment. The Highways Officer has raised no objection to the methodology used to determine the existing trip generation for the residential road, trip generation for the currently approved use of the site (poultry farm) and the anticipated trip generation for the proposed housing. The number of vehicular trips associated with the proposed use are estimated to be 16 two-way vehicle movements in the AM peak and 29 two-way vehicle movements in the PM peak. The Highways Officer does not deem either to be significant or severe to justify refusal on highways grounds.
- 7.11.12 Internal Site Layout: The site would continue to be accessed via the existing access road which would be amended to facilitate the new development. Residents have expressed concern that the access track would not provide a suitable access. The updated plan received following the initial comments from the Highways Officer includes additional

overrun grasscrete areas to facilitate movement for larger vehicles including refuse collection vehicles. The Highways Officer considers the general size and layout of the internal access arrangements are considered to be acceptable. The Swept Path Analysis in both the original Transport Statement and updated Highways Information are also deemed acceptable by the Highways Officer. However, it is advised that any access and turning area would need to be kept free of obstruction to ensure permanent availability of access, particularly in respect of refuse and emergency vehicles. The Highways Officer has raised no objection in this regard, however, has advised that this matter would need to be considered by any subsequent private management company responsible for the site, and additional 'no parking' signage may be necessary.

7.11.13 In addition, the plans also demonstrate that a fire tender would be able to get to within 45m of all parts of the footprint of any dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document Bvol 1 – Dwellinghouses (and subsequent updates). The Highways Officer has again advised that the acceptability of this would be subject to the access road being kept free of any potential obstruction including parked cars.

7.11.14 In summary, the Highways Officer has confirmed that subject to the conditions and the completion of a S278 agreement to secure the deliverability of the footpath on Hyde Lane, that there would be no significant impact to the safety of users of the highway. The development is therefore considered to be acceptable and in accordance with Policy CP10 of the Core Strategy.

7.11.15 Car Parking: Appendix 5 of the Development Management Policies LDD sets out the parking requirements for development within the District as follows:

- 1 bedroom dwelling: 1.75 spaces (1 assigned space)
- 2 bedroom dwelling: 2 spaces (1 assigned space)
- 3 bedroom dwelling: 2.25 spaces (2 assigned spaces)
- 4 bedroom dwelling: 3 spaces (3 assigned spaces within curtilage).

7.11.16 The table below sets out the number of proposed dwellings, and the requirements for off street parking provision with regard to the maximum policy requirement and total number of assigned spaces.

<u>Dwelling type</u>	<u>Proposed number of dwellings</u>	<u>Maximum Policy requirement</u>	<u>Total assigned spaces required</u>
1 bedroom	12	21	2
2 bedroom	8	16	8
3 bedroom	18	41	36
Total	38	78	56

7.11.17 In total, the development proposes a total of 78 off street car parking spaces, and thus the scheme would be proposing policy compliant off street car parking provision. It is unclear as to the allocation of off street car parking spaces based on the information submitted. However, given that the applicant is proposing policy compliant car parking provision, it is considered that a car parking management plan including the allocation per dwelling could be provided via a condition were the development to be considered acceptable. This would also include a requirement for details of the allocation and management of accessible spaces for the flats.

7.11.18 It is acknowledged that residents within Woodland Road have expressed concern that the car parking provision would not be acceptable and would result in overspill on to the cul de

sac which is already congested. Whilst these concerns are acknowledged, the development is providing policy compliant off street car parking provision and therefore it is not considered reasonable to object on the grounds of insufficient parking.

7.11.19 With regard to Electric Vehicle Charging Points (EVC), it is acknowledged that the current Local Plan does not make reference to their provision. However, paragraph 3.37 of the submitted Planning Statement does include a commitment to provide EVCs in accordance with current Building Regulations. Consequently, it is considered appropriate for a condition to be added requiring details of the proposed EVC to be submitted to the LPA prior to occupation of the units.

7.12 With regard to cycle storage, Appendix 5 of the Development Management Policies LDD advises that that there should be 1 long term space per unit provided (if no garage/shed). The planning statement specifies that cycle storage is also provided for all dwellings at a ratio of one space per dwelling. The plans indicate a cycle store for each of the residential dwellings and no objection is raised in this regard. For flats, there should be 1 space per two unit. The submitted schedule indicates the provision of 21 flats, for which there would be a requirement for 11.5 spaces. The plans indicate an internal cycle store with the submitted schedule indicating policy compliant cycle parking.

7.13 Heritage Assets

7.13.1 Policy CP12 of the Core Strategy states that development should 'conserve and enhance natural and heritage assets'. Policy DM3 of the Development Management Policies LDD relates to Heritage Assets and sets out that '*where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation*'

7.13.2 The Archaeology Officer notes that the Gade Valley is known to have been the site of human occupation for millennia, with the sloping riverbanks particularly favourable to prehistoric settlement. The proposed development site is in an area of comparable topography to the site on the opposite side of the valley where the cropmarks of three likely prehistoric circular enclosures are located. Previous archaeological investigation nearby have found deposits dating to the Neolithic/Bronze Age. Therefore, whilst historic mapping suggests the buildings on the site are modern in date there is the potential for earlier archaeological material to survive in some form below the ground. As such, Herts Archaeology have suggested conditions to ensure appropriate archaeological investigations occur prior to the commencement of development.

7.14 Contamination

7.14.1 With regard to contamination, Policy DM9 of the Development Management Policies LDD advises the following:

The Council will only grant planning permission for development, on or near to former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that:

12. There will be no threat to the health of future users or occupiers of the site or neighbouring land and

ii) There will be no adverse impact on the quality of local ground water or surface water quality.

7.14.2 The Environmental Health Officer notes that the submitted Preliminary Risk Assessment has identified a number of plausible contaminant linkages that required further investigation. Consequently, pre-commencement conditions related to contaminated land are considered necessary and will include the requirements for a site investigation and verification plan to be submitted.

- 7.14.3 With regard to Air Quality, the Environmental Health Officer considers that the development would meet the stage 1 criteria given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. However, it was advised that the proposed development may meet stage 2 criteria and therefore an air quality assessment may be required. The Environmental Health Officer has advised that the suitability of the site needs to be assessed and that would it be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would an assessment of the potential impacts of the development and to evaluate any proposed mitigation measures.
- 7.14.4 In response, an Air Quality Assessment was submitted and has been reviewed. The potential construction phase impacts have been assessed, with proposed mitigation in place, it is considered that the residual effect will be not significant. It is also considered that the effect of emissions from construction traffic is likely to be not significant.
- 7.14.5 The Environmental Health Officer has therefore raised no objection, however, a condition should be added requiring the submission of a dust management plan. This should incorporate the recommended mitigation measures discussed in Section 6.0 of the Air Quality Assessment.
- 7.15 Sustainability
- 7.15.1 Paragraph 153 f the NPPF sets out that the planning system plays a key role in helping to ‘shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure’.
- 7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.15.4 The submitted Energy Statement demonstrates an overall 67% reduction in anticipated site wide CO₂ emissions over the Part L 2013 baseline, therefore exceeding the requirements of Policy DM4 of the Development Management Policies LDD. The submitted Energy Statement details that this would be achieved through a range of energy efficiency measures including enhanced insulation in the buildings envelopes (walls, roofs, floors and glazing and low energy lighting. In addition, the Energy Statement proposes the use of air source heat pumps as a low carbon technology for provision of space heating and hot water.
- 7.16 Flood Risk and Drainage
- 7.16.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site’s design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources)

of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development. At the time of the application, the LPA were aware that the LLFA were not providing responses and in light of this, the LPA instructed our own consultant to advise in respect of the appropriateness of the proposed drainage system.

7.16.2 A Sustainable Drainage Scheme was submitted with the original application which was not found to be acceptable. Following discussions with the applicant, the LPA's appointed Drainage Consultant has confirmed the Sustainable Drainage Scheme to be compliant with the County Council's guidance on drainage, and the scheme is therefore considered acceptable subject to a number of conditions.

7.16.3 Network Rail have provided comments on the application due to the close proximity of the adjacent railway line to the site. Whilst no objection is raised, they have also suggested a number of conditions, including relating to drainage to ensure that there would be no impact to the railway line. In addition, conditions have also been suggested including relating to working practices, again to ensure the protection of the railway in accordance with Policy DM8 of the Development Management Policies LDD.

7.17 Refuse and Recycling

7.17.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

13. The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity

ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

14. There would be no obstruction of pedestrian, cyclists or driver site lines

7.17.2 Swept path analysis/tracking plans for an 11.2m long refuse vehicle has been provided in the original Transport Statement and updated Transport information. The Highways Officer has advised that this is acceptable and illustrates that a refuse vehicle would be able to access the site, turn around and egress to Woodlands Road and the subsequent highway network in forward gear. Environmental Protection has also confirmed that the development is acceptable in this regard. However, as already set out, access and turning areas would need to be kept free of obstruction to ensure permanent availability of access (particularly for refuse and emergency vehicles)

7.17.3 The submitted details indicate the provision of separate bin stores for the residential dwellings and flats and the siting of these is considered to be acceptable. Full details of their appearance can be reserved via a condition.

7.18 Other Harm

7.18.1 In summary it has been identified that there would be harm to the Green Belt by reason of inappropriateness, as well as some actual harm caused due to the intensification of use of the site, as well as the provision of increased built form and the formal layout of hardstanding on the site. However, the analysis (including responses from statutory consultees) has not identified any other harm which would result in refusal of the current application.

7.19 Planning Balance including 'Very Special Circumstances'

7.19.1 The NPPF sets out the following with regard to inappropriate development:

'Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

7.19.2 As set out above, the proposed development would fail to fall within any of the recognised exceptions to inappropriate development, and furthermore would result in actual harm to the openness of the Metropolitan Green Belt. The proposed development would result in some actual harm to the openness of the Green Belt by reason of the bulk and massing of the proposed two storey buildings, as well as the creation of separate residential curtilages and associated access road and internal access roads. In accordance with the NPPF substantial harm should be afforded to the development's inappropriateness and harm to openness.

7.19.3 Notwithstanding the above, there are a number of material considerations which would weigh in favour of the development and these are highlighted below:

7.19.4 Paragraph 74 of the NPPF states that 'Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. At present Three Rivers District Council has a 1.9 year supply of deliverable housing and therefore cannot demonstrate a five year housing land supply. Consequently, there is a significant shortage of housing within the district. Consequently, a net gain of 37 residential dwellings, including a policy compliant affordable housing provision in a District where there is pressing need for affordable housing, would weigh significantly in favour of the proposed development.

7.19.5 The proposed development would also result in the delivery of a new pedestrian footpath located on Hyde Lane. Currently, there is no pedestrian footway in this location. Consequently, it is considered that this aspect would be a significant benefit of the development, not only for the site, but a public benefit for the locality. Again, this would weigh in favour of the proposed development.

7.19.6 In addition, it is noted that the proposed development would result in a Biodiversity Net Gain (BNG) and ecological enhancements on site. The proposal would also result in an overall 67% reduction in anticipated site wide CO2 emissions over the Part L 2013 Baseline, thus exceeding policy requirements.

7.19.7 It also recognised that the existing development on site already has an urbanising impact as well as appearing unsightly. The proposed development would result in a significant improvement to the appearance of the site through the removal of these unsightly and disused structures and hardstanding. The development would result in a comprehensive re-development of the site and an appropriate future use.

7.19.8 In view of the above, it is considered that there are no policies within the NPPF which provide a clear reason for refusing this application as there are very special circumstances which would outweigh the harm to the Green Belt.

7.19.9 In summary, it is acknowledged that the proposal results in inappropriate development which is by definition harmful to the Metropolitan Green Belt. In addition, it is acknowledged that there would be actual harm to the openness of the Metropolitan Green Belt. However, all of the above factors outlined above weigh in favour of the development such that it is

considered that these would cumulatively result in very special circumstances which would outweigh the harm to the Metropolitan Green Belt.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

0001-GA-P2, 0040-GA-P2, 0041-GA-P2, 0100-GA-P2, 0200-GA, 0201-GA-P2, 0202-GA-P2, 0300-GA, 0400-GA, 0401-GA-P1, 0402-GA-P1, 0403-GA-P1, 0404-GA-P1, 0405-GA-P1, 0600-GA-P1, 0601-GA-P1, 0602-GA-P1, 0603-GA-P1, 0604-GA-P1, 0605-GA-P1, 0606-GA-P1, 0607-GA-P1, 0608-GA-P1, 0609-GA-P1, 0402-GA-P2, 0403-GA-P2, 0404-GA-P2, 0405-GA-P2.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the visual amenities of the Green Belt and residential amenities of neighbouring dwellings; in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

C4 Highway Improvements – Offsite (Design Approval)

A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 06B have been submitted to and approved in writing by the Local Planning Authority.

B) Prior to the first use of the development hereby permitted, the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with CP10 of the Core Strategy (adopted October 2011).

- C5 Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C7 Prior to the commencement of development, a statement detailing the proposed drainage scheme (based on the details contained within [Flood Risk Assessment and Drainage Strategy, February 2023 (Mayer Brown)], to include details of the connecting pipework from buildings to the drainage network, and detailing how the design has taken into account the need to avoid disturbing any contaminated land, shall be submitted to and approved in writing by the Local Planning Authority. The scheme and connections shall thereafter be installed only in accordance with the approved details and maintained as such thereafter.

Reason: This is a pre-commencement condition and is required to prevent flooding by ensuring the satisfactory disposal and storage of surface water in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013)

- C8 Within 2 months of completion of the drainage works for the site, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings/network model for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be occupied and maintained in accordance with the management and maintenance plan as approved by this condition.

Reason: This is required to prevent flooding by ensuring the satisfactory disposal and storage of surface water in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation, based on the Phase 1 Desk Study prepared by IDOM (Report ref. DS-22459-22-168) 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.
- ii) The site investigation results and the detailed risk assessment (i) 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 and any implications for the site drainage scheme.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced 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 approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD .

- C12 Prior to commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include a Dust Management Plan, whose purpose shall be to control fugitive dust emissions generated during the earthworks/demolition/construction phase and to minimise adverse impacts on nearby sensitive receptors.

The Dust Management Plan should include, but not necessarily be limited to, the measures described in Section 8.2 of the Institute Air Quality Management 'Guidance on the assessment of dust from demolition and construction' (mitigation for all sites). Where site specific mitigation is considered necessary, these measures should also be included.

The Construction Environmental Management Plan and Dust Management Plan shall be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition to minimise adverse impacts on local air quality in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C14 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the commencement of the development, a Landscape and Ecology Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall thereafter be submitted to the Local Planning Authority for written approval and the development shall be carried out only in accordance with the approved plan.

Reason: To demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013)

- C16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The landscaping scheme shall include details of all proposed tree planting, including replacement planting, including planting species, size and siting.

The landscaping scheme shall include full details of trees to be planted adjacent to the Network Rail boundary.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. In addition, it is required to prevent impacts to the adjacent operational railway. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the commencement of development hereby permitted, plans and details of the air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is a pre commencement condition to ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C18 No demolition works shall be undertaken until a demolition methodology statement (including mitigation measures) has been submitted and approved in writing by the Local Planning Authority.

The demolition methodology statement strategy shall be implemented in full throughout the demolition period.

Reason: This is a pre-commencement condition to safeguard the railway and its boundary from demolition machinery, dust and debris in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C19 Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority.

Reason: This is a pre-commencement condition to protect the adjacent railway from the risk of flooding, soil slippage and pollution in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C20 Prior to the commencement of development, full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

Reason: This is a pre-commencement condition to protect the adjacent railway and its boundary in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C21 Prior to the commencement of development, a method statement and risk assessment must be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C22 Prior to the commencement of development, details of scaffolding works within 10m of the railway boundary shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C23 Prior to the commencement of any vibro-impact works on site, a risk assessment and method statement shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. The works shall be undertaken in accordance with the approved details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C24 Prior to occupation of the site details of a trespass proof fence adjacent to the boundary with the railway shall be submitted and approved in writing by the Local Planning Authority. The fencing shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained thereafter.

Reason: To protect the adjacent railway from unauthorised access in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C25 Prior to the commencement of development, details of vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. . The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To protect the adjacent railway from unauthorised access in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C26 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of all balconies/terraces be erected to shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C28 Prior to the occupation of development, details of external lighting shall be submitted and approved in writing by the Local Planning Authority. Details shall include position, height, design and intensity of any proposed lighting and must demonstrate no overspill onto Network Rail land. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, biodiversity and to protect the safety and integrity of the railway in accordance with Policies CP1, CP8, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C29 Prior to occupation of the development hereby permitted details of the noise attenuation measures to be installed in the dwellings and on site, as detailed in the submitted noise report, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings hereby permitted. Such measures shall be retained thereafter at all times.

Reason: To ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C30 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted other than in accordance with a phasing plan which shall previously have been agreed in writing with the Local Planning Authority. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C31 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include the allocation of car parking spaces per unit and details of accessible parking spaces for the proposed flats. The development shall be implemented in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C32 Prior to the first occupation of the development, full details of Electrical Vehicle Charging points shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: condition to ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C33 The proposed development shall only be implemented in accordance with the approved arboricultural method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C34 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C35 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification)

no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the Metropolitan Green Belt and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C36 Notwithstanding the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (or any other order revoking and re-enacting that order with or without modification) the garages serving the dwelling(s) hereby permitted shall be retained primarily for the garaging of private cars. No alterations shall be carried out to the garage such as to prevent its use for garaging private cars.

Reason: In the interests of the visual amenities of the area and to ensure that on-site car parking provision is maintained to avoid the standing of vehicles on the adjoining highway to the detriment of safety the free flow of traffic thereon and to meet the requirements of Policies CP1, CP10 and CP12 of the adopted Core Strategy (adopted October 2011) and Policies DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

8.2 **Informatives:**

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208

207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
- 16 We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do: To prevent damage to our assets or interference with our rights, please add the following informative note in the decision notice:

:Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

- 17 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 18 "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

Water Comments: The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and

Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 19 There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

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Appendix 1: Network Rail consultation comments

With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which MUST be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway

Please forward the attached documents, forms and asset protection contact details to the applicant for actioning. An interface with Network Rail is REQUIRED for this proposal.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe

methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Network Rail would request that a condition is included in the planning consent as follows:

“A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.”

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

Fencing

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence is REQUIRED be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway. A condition to be included in the planning consent as follows:

“Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.”

Reason: To protect the adjacent railway from unauthorised access

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass

Lighting

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified). Network Rail would request a condition is applied as follows within the planning consent:

“Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement.”

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works and as a permanent arrangement.

The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.

The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

Condition:

“No demolition works shall be undertaken until a demolition methodology statement (including mitigation measures) has been submitted to the LPA and issued to Network Rail. The demolition methodology statement strategy shall be implemented in full throughout the demolition period.”

Reason - To safeguard the railway and its boundary from demolition machinery and dust and debris

Drainage proposals and Network Rail land

The NPPF states:

“178. Planning policies and decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”

And

“163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.”

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.
- Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a highhazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Network Rail would request that a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.

Excavation and Earthworks and Network Rail land:

The NPPF states:

“178. Planning policies and decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway and its boundary.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

Network Rail REQUIRES that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

Noise

The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, "182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.

Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.

Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.

Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.

- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.
- Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
- Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Network Rail requests that a condition is included within the planning consent as follows:

“Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail.”

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion. BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the Asset Protection and Optimisation -

Customer Portal

Link to ASPRO ACE Portal ASPRO Network Rail Implementation (oraclecloud.com) From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement.

Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

For further information on interfacing with Network Rail please see Working by the railway - Network Rail

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PART I - DELEGATED

9. **PRELIMINARY REPORT**

22/1945/FUL: Hybrid application for the creation of a Film Hub to include detailed approval for demolition of a number of existing buildings including children's farm buildings and change of use of Langleybury House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility, together with outline planning approval (matters reserved: Scale, Layout, Appearance and Landscaping) for change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A41 (DCES)

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 16 February 2023

Case Officer: Suzanne O'Brien

Extension agreed to 30 June 2023

Recommendation: That the Committee notes the report and is invited to make general comments with regard to the material planning issues raised by the application.

NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.

Reason for consideration by the Committee: The application has been called in to committee by three Members of the Planning Committee. The application was called in due to effect on Green Belt and traffic issues. In addition the proposal represents a departure from the Development Plan.

1 Relevant Planning History

- 1.1 20/1775/RSP - Retrospective: Erection of palisade fence and associated gate - Permitted - 23.10.2020.
- 1.2 20/2301/LBC - Listed Building Consent: Internal and external repairs to the kitchen and north bay window, including repairs to roof, walls, ceilings and kitchen windows - Permitted - 21.12.2020.
- 1.3 20/2759/LBC - Listed Building Consent: Temporary retention of alterations to interior and exterior of Langleybury House for film set dressings – Permitted - 11/08/2021.
- 1.4 20/2760/LBC - Listed Building Consent: Retention of permanent alterations to interior and exterior of Langleybury House as a result of filming use - Permitted - 23.07.2021.
- 1.5 21/0460/ADV - Retrospective Advertisement Consent: Erection of 2no. non-illuminated signs at the entrance to the Drive, and 1no. non-illuminated sign at the entrance to Home Farm Drive – Permitted - 20.04.2021.
- 1.6 20/1697/RSP - Retrospective: Temporary change of use of the site and buildings to film studios, erection of sound studio building and engineering operations including formation of hardstanding and levels changes and associated works with the change of use including film sets, storage compounds, marquees and lighting (temporary permission of period of three years) – Permitted – 03.09.2021.

Pending Applications

Langleybury House

- 1.7 22/2064/LBC - Listed Building Consent: A scheme of internal repairs throughout the building combined with external removal and dismantling works (to include stripping out/demolition, set removal, temporary dismantling, and unit salvage) – Pending Consideration.
- 1.8 22/2131/LBC - Listed Building Consent: External landscaping works to Walled Garden and formal garden of the Mansion including repair works in respect of stairs, fountain plinth and bench, boundary walls, North Yard, Garden Walls, Boiler House and Historic Pond – Pending Consideration.

Stable Block

- 1.9 22/2075/LBC - Listed Building Consent: External works to building to include removal of modern features and fixings and dismantling, replacement/reinstatement of features including lead work, roof, clock tower, vents pipe works, brick features and fenestration – Pending consideration.

Aisled Barn

- 1.10 22/2075/LBC - Listed Building Consent: External works to building to include removal of modern features and fixings and dismantling, replacement/reinstatement of features including lead work, roof, clock tower, vents pipe works, brick features and fenestration – Pending consideration.

L Shaped Barn

- 1.11 22/2082/LBC - Listed Building Consent: Conversion of building to multi purpose use including cycle hub, showers and vehicle storage including internal alterations, demolition of lean-to structure, removal of truncated door and removal of corrugated metal roof covering – Pending consideration.

Former Laundry Building

- 1.12 22/2083/LBC - Listed Building Consent: Internal works to allow the change of use on ground floor from laundry to reception facility. External works to include elements of demolition and improvement works, such as the removal of existing UPVC windows and replacement with timber framed windows and repairs to existing roof and brickwork as required – Pending consideration.

Old Farm Cottages

- 1.13 22/2078/LBC - Listed Building Consent: A scheme of external works to include dismantling and reinstatement of chimneys and parapet walls, lead work removal, masonry cleaning, and a comprehensive programme of repair work to building including to windows, and all windows and doors to be repainted – Pending Consideration.

2. Description of Application Site

- 2.1 The application site contains Langleybury House (Grade II* listed), Stables to Langleybury (Grade II listed), Aisled Barn at Langleybury (Grade II listed) and Old Farm Cottages (Grade II listed) in addition to a number of other buildings associated with the historic Langleybury Estate; the agricultural use to the south of the site, and a series of two and three storey buildings associated with the former Langleybury School (which closed in 1996). It also

includes a number of existing residential properties that are not proposed to be changed in use. The application site encompasses the existing Childrens Farm sited within the historic Walled Garden and the open parkland sited to the south and east of Langleybury House extending down the valley towards the Grand Union Canal. The site extends south from Langleybury House down to the boundary with the M25 slip road; the land to the south and east of the built form consists of open undulating landscape. The application site covers an area of approximately 63.40hectares.

- 2.2 Since the school closed, different parts of the site have been put to various uses, with agricultural uses taking place generally to the south of the site, a children's farm to the north, and filming activities taking place within the main house and the surrounding land including in and around the school buildings which currently have temporary consent for filming.
- 2.3 More recently the house, curtilage, stable buildings, school buildings and grounds have been used on a larger scale for filming, with external areas being used for short term and long term sets. A sound studio building has been constructed within the courtyard of the former school buildings and a number of the former school buildings are used for ancillary purposes to filming, for example as workshops. Land levels have been altered within parts to provide a level platform to allow the construction of external temporary film sets and this has also resulted in the laying of additional areas of hardstanding around the existing buildings.
- 2.4 Home Farm, the agricultural unit to the south west of Langleybury House, including the land and buildings within the red line indicating the application site, have been changed in use to serve the wider filming within the House and previous school site.
- 2.5 The application site is located on the western side of the Gade Valley. Beyond the mansion, to the east of the site, the ground level falls steeply in elevation until it reaches the River Gade and the Grand Union Canal in the centre of the valley. There is a small area of parkland lawn to the north of the main house, the remains of a formal terraced garden to the east, and the remains of a walled garden to the northwest of the mansion.
- 2.6 The site is located within the Metropolitan Green Belt and the Chilterns Landscape Area. The northern aspect of the site is sited adjacent to Hunton Bridge Conservation Area. St Pauls Church sited to the north east of the northern aspect of the application site is a Grade II* Listed Building.

3. Description of Proposed Development

- 3.1 This hybrid planning application seeks outline planning permission for the creation of a Film Hub to include detailed approval for demolition of a number of existing buildings including children's farm buildings and change of use of Langleybury House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility, together with outline planning approval (matters reserved: Scale, Layout, Appearance and Landscaping) for change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A41.

Detailed elements

- 3.2 The detailed elements consist of the development seeking full planning permission. The detailed part of the application is concentrated around the Langleybury House, Walled Garden and part of the agricultural unit.
- 3.3 The detailed element seeks full planning permission for the change of use of this part of the site to filming on a permanent basis. In addition, the detailed elements of the proposed development include the following:
- 3.4 The change of use of the Langleybury House and Aisled Barn and external areas to filming. This would not involve any alterations to the buildings in terms of increase in built form. Internal and external making good of these buildings and external landscape features are proposed, details of which do not require planning permission. Full details of the alterations to the buildings are set out within the relevant Listed Building Consents as set out within the Planning History section above.
- 3.5 The construction of a café. The existing structures within the Walled Garden associated with the existing use as a children's farm would be demolished. The café building would be sited within the historic Walled Garden; it would only serve the film hub. The building would be sited to the north west of the Langleybury House, 68m from Langleybury Lane. The existing historic wall would be made good where required, with the installation of a pedestrian opening proposed to serve the café. The café would be located along the eastern aspect of the wall. It would measure 17.1m by 37.4m (including the roof overhang). It would have a maximum height of 5.8m when measured from the lower land levels with a double pitched roof, central valley and gabled ends. Internally the café would contain Kitchen, W/Cs, seating area, flexible space and outside covered seating area. The café would be predominantly glazed along the south east and south west elevations. A 3.1m wide (approx. 136m long) access would be provided between the main access road and the north western elevation of the café. The historic gardens would be converted into working gardens.
- 3.6 Change of use of the ground floor of the existing Laundry building into an office and reception. The two first floor level residential units would be retained. The change of use would not result in any alterations to the scale of the building but would include internal alterations such as internal door and subdivision of the internal layout. Externally no material changes would result from the proposed change of use.
- 3.7 Change of use of the L shaped barn sited within the farm yard to Shower and W/C, Maintenance and Repair, Buggy Parking, E Bike charging and bike storage. With the exception of the demolition of the small lean to the building would be made good with little changes to the original features of the building with the exception of the installation of a new external timber door.
- 3.8 Additional parking would be provided within three areas. One would be sited to the east of the Mansion where approximately 108 car parking spaces will be provided. The area shown as hard standing on the plan will measure 174m by 140m. Plan 2107-IFDO-00-RF-DR-A-1020 identifies that the land levels to the east of the parking, that have historically been increased to serve the temporary filming use of the site, will be regraded back to pre-existing levels. A second parking area measuring 31m by 18m would be provided to the north west of the Langleybury House; no details of the amount of parking proposed have been provided. A further 9 parking spaces would be provided in a third area, with a 5.3m wide access road sited to the north west of the Laundry Building to provide access.
- 3.9 The application seeks full planning permission for access which would be in relation to both the detailed elements of the scheme and outline aspects. The two existing accesses serving Langleybury House and Farm would be improved through an increase in width and improved visibility splays. The third access will be served by the existing access serving South Lodge to the south of Langleybury House this again will be increased in width with improved visibility splays.

Outline elements (matters reserved: Scale, Layout, Appearance and Landscaping). Detailed plans have been submitted however due to the matters that are reserved these are only indicative only.

- 3.10 The existing Childrens Farm is proposed to be relocated to the north of the site adjacent to St Pauls C of E Primary School. This would be sited adjacent to and served by the access road serving St Pauls C of E Primary School. The Childrens Farm building have a maximum height of 5m. The field to the north of the access road serving the C of E Primary School would include a parking area that would serve both the Farm and C of E Primary School. It is noted that the description identifies that the parking area to the north forms part of the detailed aspect of the scheme; the agent has however clarified that is to form part of the outline element of the proposal. The description will be amended to reflect this and reconsulted on in due course.
- 3.11 A film and training facility. The existing school building and ancillary buildings will be demolished, including the buildings that only have temporary consent. The replacement structure would have a maximum height of 14m. It would have a mixed use consisting of both a training facility and commercial office space. Commercial Office space would also be provided within the farm yard area between the Aisled Barn and Craft Zone.
- 3.12 Construction of 'Craft Zone' (PR-01) to the south, concentrated around the existing E shaped barn. This would provide warehousing style development that is proposed to provide a series of units available for long term hire as a base for supply chain companies. It is anticipated that the buildings will be occupied by companies involved in: Prop storage, Sculpting, Special Effects, Carpentry, Stunts, Location Supplies, Lighting, Camera Equipment, Grip, Costume or Wardrobe, Hair or Make Up, Visual Effects, Generators, Rigging, Scenery, Photography, Catering, Plant Hire, Editing and Post Production, Recycling and Environmental Work. The Parameter Plan indicates that the buildings in this section would have a maximum height of 8.5m. Parking for cars and HGVs would be provided within and surrounding the Craft Zone.
- 3.13 Sound Stages and Support Space (to the south of the Craft Zone). An indicative gap of approximately 100m would separate the two spaces. The development within this section would form a linear pattern of development and extend up to the southern boundary that adjoins the M25 slip road. 20 Support buildings would be provided that would front Langleybury Lane; these buildings would have a maximum height of 9m. These buildings are anticipated to be occupied as support space to serve the proposed development and off site sound studio space as workshops, storage and rehearsal.
- 3.14 Six Sound Stages would be sited to the rear of the Support Space. These would have a maximum height range of 17-18m. Production office space would also be provided adjacent to the Sound Studios. Parking would be interspersed within the support space and sound studios. To the south of the site additional parking would be provided to the rear of the proposed Sound Stages.
- 3.15 A back lot would be provided to the rear of the Sound Stages. This would occupy an existing plateau in the land; it has not been indicated that the land levels will be required to be altered to accommodate this aspect of the scheme. No permanent buildings are proposed within this location; no details of parameter heights for set builds have been indicated.

Landscaping

- 3.16 The development would include hard and soft landscaped features throughout the site. The land to the east between the proposed built form and river is to be retained as open space with improvements proposed. Existing footpaths are to be improved and new public right of ways and cycle routes are proposed to be provided. These aspects fall within the Outline elements of the proposal and as such are indicative only. The indicative layout plans detail that all elements of the site will be connected via internal walk, cycle and vehicle routes.

3.17 Within the full element the area of hard landscaping would be provided including the parking areas as set out above. New pathways would also be inserted around the Langleybury House and Walled Garden with the hardsurfacing within the existing farm area largely retained. A detailed landscaping proposal has been provided as shown on Plan DE509_300 which includes orchard trees, wildflower areas and planting of new trees.

3.18 The application is supported by the following documents which have been taken into account as part of this assessment:

- Environmental Statement

Volume 1 – Main Technical Assessments covering the following areas: Scope, Methodology and Consultation; Site and Scheme Description; Landscape and Visual; Ecology and Nature Conservation; Cultural Heritage; Transport; Noise and Vibration; Air Quality; Socio-Economics; Water Environment; Climate Change and Resilience; Ground Conditions; Archaeology; Soils; Cumulative Residual Effects; Mitigation and Monitoring

Volume 2 – Technical Figures and Appendices including the following documents:

- Landscape and Visual Impact Assessment (Appendix D)
- Lighting Assessment (Appendix D)
- Ecological Survey Assessments (Appendix E)
- Arboriculture Report (Appendix E)
- Veteran Tree Assessment (Appendix E)
- Historic Buildings Report (Appendix F)
- Transport Assessment (Appendix G)
- Travel Plan (Appendix G)
- Noise and Vibration Assessment (Appendix H)
- Air Quality Assessment (Appendix I)
- Flood risk Assessment (Appendix K)
- Energy Statement (Appendix L1)
- Ground contamination Report (Appendix M)
- Archaeology Desk Based Assessment (Appendix N)
- Geophysical Survey Report (Appendix N)
- Agricultural Land Classification Report (Appendix O)
- Soil Assessment (Appendix O)
- Soil Carbon Assessment. (Appendix O)

Volume 3 – Non-Technical Summary.

The application is further supported by the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Engagement
- Socio- Economic Assessment
- Health Impact Assessment
- Waste Strategy and Site Waste Management Plan
- Materials and Waste Assessment
- Green and Blue Infrastructure Strategy
- Outline Nature Recovery Plan
- Energy Statement
- Sustainability Statement
- Arboriculture Report

4. Consultation

4.1 Summary of Statutory Consultation:

Abbots Langley Parish Council	4.2.1	Object
Three Rivers District Council - Landscape Consultant	4.2.2	Object
Three Rivers District Council - Conservation Officer	4.2.3	No comments received
Historic England	4.2.4	Object
Victorian Society	4.2.5	No comments received
National Amenity	4.2.6	No comments received
Dacorum Borough Council	4.2.7	No objection
Watford Borough Council	4.2.8	No comments received
Environment Agency	4.2.9	No objection
Canal and River Trust	4.2.10	No objection
Hertfordshire County Council – Highways Authority	4.2.11	Objection overcome
National Highways	4.2.12	Object
Hertfordshire County Council – Footpath Section	4.2.13	Information
Hertfordshire County Council – Archaeology	4.2.14	Object
Hertfordshire County Council – Lead Local Flood Authority and TRDC's appointed Drainage Consultant	4.2.15	Object
Hertfordshire County Council – Minerals and Waste	4.2.16	Objection overcome
Hertfordshire County Council – Property Services	4.2.17	No objection
Hertfordshire County Council – Public Health	4.2.18	No comments received
Hertfordshire County Council – Forward Planning Department	4.2.19	No comments received
Hertfordshire County Council – Ecology	4.2.20	No comments received
Herts and Middlesex Wildlife Trust	4.2.21	Object
Natural England	4.2.22	No objection
Three Rivers District Council – Development Plans	4.2.23	No objection
Three Rivers District Council – Transportation and Parking	4.2.24	No comments received
Three Rivers District Council – Environmental Health Officer (Residential)	4.2.25	No comments received
Three Rivers District Council - Environmental Health Officer (Commercial)	4.2.26	No objection
Affinity Water	4.2.27	No objection
Thames Water	4.2.28	No objection
British Pipeline Agency	4.2.29	No objection
National Grid	4.2.30	No comments received
Sarratt Parish Council	4.2.31	No comments received
National Planning Casework Unit	4.2.32	No comments received
The Chiltern Society	4.2.33	Object
Abbots Langley Neighbourhood Plan Steering Group	4.2.34	No objection

4.2 Statutory Consultation

4.2.1 Abbots Langley Parish Council: [Object]

Members appreciate the driving force behind this development and acknowledge it would enhance local employment opportunities and achieve some of the aspirational points presented within the draft Neighbourhood Plan.

Members feel; however, this application demonstrates inappropriate development within the greenbelt whilst not demonstrating any special circumstances that would permit it. Members strongly object to the siting of the proposed structures towards the west ridge of the site, setting them on the west boundary. Their Height, Location and Scale (17.5m) would have a detrimental effect on the residents of Hunton Bridge to whom the buildings would be a large skylined ribbon of development presenting an overbearing backdrop.

Whilst members acknowledge the removal of the school structure, it should be noted that this structure is highly visible, despite being situated within the lower areas of the site. This further demonstrates the detrimental effect that the development would have as its siting on the topography would have a far higher ridge line and therefore be highly visible.

Members also believe the development would result in the greenbelt boundary being pushed significantly further west from the current urban boundary set on the River Gade. Resulting in an effective deepening of Hunton Bridge whose historic boundary lies to the east of the River Gade with its Banks forming the edge. Minimal development lies to the west of the Gade and is limited to the immediate bank side area. Whilst we appreciate that the current proposal for the lower area between the proposed development to the west and the Gade to the east would be historical and community gardens, the Precedent of allowing this development would open opportunities for future 'infill' development within this void.

The development abutting Langleybury Lane, would demonstrate that the junction of Old House Lane, or the journey from Chandlers Cross, would give the impression of Hunton Bridge starting on this west boundary, with the A41 being a Thru Route. This is completely out of character with the current historic context. The density and location of the proposed structures would block views across the valley and onto the site, further strengthening the belief that this is full urban infill and not a Ribbon Development.

The proposed community garden and accessible parkland would provide valuable community space, but the areas have limited accessibility on foot, and they further demonstrate a damaging spread of the urban environment across the River Gade. Members feel the same aims could be better achieved in other ways closer and more accessible to the central population within the Urban context.

4.2.2 Three Rivers District Council Landscape Officer (Consultant): [Objection]

Thank you for consulting us on the Hybrid application for the creation of a Film Hub to include detailed approval for demolition of a number of existing buildings including children's farm buildings and change of use of Langleybury House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility, together with outline planning approval (matters reserved: Scale, Layout, Appearance and Landscaping) for change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A41.

This letter sets out our consultation response on the landscape impact of the application and how the proposal relates and responds to the landscape setting and context of the site. The following documents have been submitted for review:

- o Site Location Plan (dwg no. 2107-IFDO-00-RF-DR-A-0001, dated Oct 2022)

- o Outline Nature Recovery Plan (dated Oct 2022)
- o Lighting Assessment (dated Oct 2022)
- o Lighting Management Plan (dated Oct 2022)
- o Arboriculture Report (dated Oct 2022)
- o Veteran Tree Assessment (dated Oct 2022)
- o Green & Blue Infrastructure Strategy (dated Dec 2022)
- o Planning Statement (dated Oct 2022)
- o Design & Access Statement Rev C (dated Oct 2022)
- o Environmental Statement Volumes 1, 2 & 3 (dated Oct 2022)
- o Environmental Statement Addendum (dated December 2022)
- o Executive Design Summary Rev B (dated Nov 2022)
- o Detailed Area Landscape Masterplan (dwg no. DE509_300, dated Oct 2022)
- o Parameter Plan (dwg no. 2107-IFDO-00-RF-DR-A-1104 REV H, dated Oct 2022)
- o Masterplan Details
- o Proposed Site Sections
- o Existing Sections
- o Proposed Site Plan with Levels (dwg no. 2107-IFDO-00-RF-DR-A-1006 REV A, dated Oct 2022)
- o Light Monitoring Location Plan – Human (dwg no. SK-01 SHEET_01, dated Oct 2022)
- o Light Monitoring Location Plan – Ecological (dwg no. SK-01 SHEET_02, dated Oct 2022)
- o Assessed Scheme of Lighting 1-4
- o Site Demolition Plan (dwg no. 2107-IFDO-00-RF-DR-A-0505 REV B, dated Oct 2022)
- o Building Demolition Plan (dwg no. 2107-IFDO-00-RF-DR-A-0510 REV B, dated Oct 2022)
- o Masterplan Detail with Demolition Overlay (dwg no. 2107-IFDO-00-RF-DR-A-1030, dated Dec 2022).

The documents submitted as part of this planning application has been reviewed following a desktop study and a site visit by a Chartered Landscape Architect and Member of the Landscape Institute. The site visit was undertaken on a bright and clear day in late July 2022, when deciduous trees had full leaf cover and overall visibility was good.

The site lies in an undulating landscape comprising of broad topped hills and shallow valleys. The site occupies the east facing slope of a hill which lies on west side of the valley of the River Gade on the south-eastern side of the M25. The urban area of Abbots Langley lies to the north-west and Kings Langley is situated north of the M25.

Local Policy Context

The current Local Plan (2014) for Three Rivers District consists of the following Development Plan Documents:

- The Core Strategy (adopted October 2011);
- The Development Management Policies (DMP) Local Development Document (LDD) (2013);
- and
- The Site Allocations LDD (adopted November 2014).

Relevant policies within these documents include, but are not limited to:

- DM6: Biodiversity, Trees, Woodland and Landscaping (DMP LDD 2013)

This policy states under Section F: Trees, Woodlands and Landscaping that:

- i. Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

ii. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerows Regulations 1997.

iii. Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

iv. Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.

v. Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

vi. Where the felling of a tree or removal of a hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required, taking account of issues such as landscape and biodiversity.

vii. Areas forming part of development proposals which are to be transferred to the local authority for maintenance should be designed for ease of access and low cost maintenance overheads and management regimes.

- DM7: Landscape Character (DMP LDD 2013)

Section B: Landscape Regions of this policy it states:

In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The Council will support proposals that:

- i. Lead to the removal or a reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape
- ii. Enhance public access and recreation opportunities without detriment to the landscape or wildlife
- iii. Contribute to delivery of Green Infrastructure
- iv. Contribute to the measures identified in the Hertfordshire Landscape Strategy 2001 to strength, reinforce, safeguard, manage, improve, restore and reconstruct landscapes.

- It's also acknowledged that Policy SA7 of the Site Allocations LDD identifies the site as potentially being appropriate for hotel/leisure development and residential, with the continuation of agricultural uses also identified as remaining appropriate. On this basis, the film hub proposal is not in clear accordance with the uses identified in Policy SA7 and that, as such, any subsequent planning application would represent a departure from the Current Local Plan.

Landscape and Visual Impact

The application has been supported by a Landscape Visual Impact Assessment (LVIA) undertaken by Define on behalf of the applicant. The LVIA has been carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact

Assessment', Third Edition ('GLVIA3') (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA). The assessment includes a desktop study, a review of the landscape and visual baseline and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and an assessment of potential direct and indirect effects on landscape and the visual environment. The methodology is generally supported; however, we advise the applicant reviews their criteria descriptions. For example, the Moderate Effect Criteria within Table D3.9 'Nature of Effect Criteria' states "the proposals would cause a barely perceived deterioration in the character and amenity of the view from the range of visual receptors and a range of distances". We would understand this to be an error and would advise it is amended to ensure the description aligns with the scale of effect.

Review of Landscape Character

The importance of understanding the landscape character of all landscapes in England is recognised in the NPPF, which states that planning policies and decisions should contribute to the natural environment by: "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services". Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

The LVIA has identified the landscape baseline of the site as including the National Character Area (NCA) as defined by Natural England and the Hertfordshire Landscape Character Assessment.

The Site is located across two National Character Areas (NCA). The eastern part of the site falls within NCA 111: Northern Thames Basin, whilst the western part of the site is part of NCA 110 Chilterns.

The Northern Thames Basin is a large and diverse landscape with a similar overarching character of agricultural land, interspersed with woodland, dissected by rivers and influenced by the urban areas of North London. Statements of Environmental Opportunity (SEO) are identified as part of the NCA guidelines. These include:

- SEO 3: Protect and appropriately manage the historic environment for its contribution to local character and sense of identity and as a framework for habitat restoration and sustainable development, ensuring high standards (particularly in the London green belt) which respect the open and built character of the Thames basin. Enhance and increase access between rural and urban areas through good green infrastructure links to allow local communities recreational, health and wellbeing benefits.
- SEO 4: Manage and expand the significant areas of broadleaf woodland and wood pasture, and increase tree cover within urban areas, for the green infrastructure links and important habitats they provide, for the sense of tranquillity they bring, their ability to screen urban influences and their role in reducing heat island effect and sequestering and storing carbon.

In contrast, within the NCA Chilterns, views are enclosed within branching valleys, sunken routeways and extensive woodland and hedgerow-enclosed fields. There are hidden, tranquil pockets along single track lanes and rights of way. The SEOs include:

- SEO 1: Manage the wooded landscape, the woodlands (including internationally important Chilterns beechwoods), hedgerows, commons and parklands with the aims of conserving and enhancing biodiversity and the historic landscape and its significant features; maximising the potential for recreation; and securing sustainable production of biomass and timber.

- SEO 4: Enhance local distinctiveness and create or enhance green infrastructure within existing settlements and through new development, particularly in relation to the urban fringe and growth areas such as Luton. Ensure that communities can enjoy good access to the countryside.

The most localised Landscape Character Assessment for this site is the County level Hertfordshire Landscape Character Assessment. Within this assessment, the application site is located within the Lower Gade Valley Landscape Character Area (LCA) with the Upper Gade Valley LCA to the north and Sarratt Plateau LCA to the west.

The key characteristics of the Lower Gade Valley LCA include:

- narrow valley floor with wide canal and wetland habitats
- historic parkland landscapes, some in declining condition
- historic houses set on the plateau edge looking over the valley
- arterial routes and M25 to north of area
- gently sloping valley sides with minor secondary valleys
- urban development hidden by vegetation or set back from the slopes
- individual woods within parklands
- extensive public access to the south
- important mosaic of wildlife habitats adjacent to urban population

We would however conclude that the most distinctive feature of this landscape is the gently sloping valleys, historic parkland landscapes and mosaic of wildlife habitats.

We note that the applicant does make reference to the LI Technical Guidance Note (TGN) 'Assessing the Value of Landscapes Outside National Designations' 02-21 but has not been used in its entirety to assess the value of the Site. However, the assessment methodology does define the landscape features that provide value and on balance we are satisfied with the method used for assessing landscape value.

Of the effects judged, those that have been deemed significant are:

- LCA 11: Lower Gade Valley (Operation Stage Year 1) medium-high sensitivity landscape receptor would receive an effect that is Moderate-Major Adverse.
- Site and immediate setting (Operation Stage Year 1) medium-high sensitivity landscape receptor would receive an effect that is Moderate-Major Adverse.

At Year 15 it is judged that the nature of effect on LCA 11 and the Site and immediate setting landscape resource will go from "purely adverse to both adverse and beneficial. Whilst the scale of the effects is still identified as Moderate-Major, the effect is now considered to be Not-Significant as the benefits identified above offset the direct adverse changes to these landscape receptors" Although we agree that the establishment of the mitigation strategy will change the level of effect on these landscape receptors, we would argue that overall, the nature of effect remains as adverse given the introduction of large structures such as Sound Stages, Backlots and Ancillary Buildings will have an urbanising effect. However, the level would reduce from 'Moderate-Major adverse' to 'Minor-Moderate adverse' and therefore not be deemed significant in EIA terms.

Notwithstanding the above, we note that the Summary of Effects table (Table D8.1) does not reflect the judgements determined in the Chapter. For example, Lower Gade Valley and Site and Immediate Setting – Year 1 Operation Stage are deemed Significant. But in the table, they are judged as 'neutral' at Year 1, as well as Year 15.

Night-time character and Lighting

We note that a lighting assessment has been undertaken and welcome the details on the baseline night-time situation / existing sources of lighting in the landscape and supporting photography.

Fundamentally this assessment has considered the impact on human receptors from night-time views to proposed lighting. However, we would still expect to see an assessment of the anticipated change in lighting and the effect this would have on landscape receptors such as LCA 11: Lower Gade Valley and the Site and immediate setting.

Visual Amenity

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The visual envelope of the proposed development is influenced by the proximity of existing built form within the local area, the relatively level topography and limited established vegetation therefore we accept that the proposed viewpoints are adequate and represent the visual envelope appropriately.

The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to]; Bridleway 045, PROW 038, Grand Union Canal and Langleybury Lane. Though for the majority of the assigned value, susceptibility and sensitivity judgements we are in agreement. It's worth noting that for all Visual Receptor Groups the visual sensitivity has been assigned the lowest judgement. For example, Visual Receptor Group 2 has been assigned a value of medium and a susceptibility of medium-high, resulting in an overall sensitivity of medium. Whilst Visual Receptor Group 3 has been assigned a medium-high value and a susceptibility of medium, also resulting in a medium sensitivity. The Receptors have differing judgements, yet the same outcome. Clarification is sought as to the justification for these choices.

Verified photography was undertaken in August 2022. Generally, we welcome the presentation of the photographs and the inclusion of the wirelines in accordance with The Visual Representation of Development Proposals Technical Guidance Note (TGN) 06/19 (Landscape Institute, September 2019). Preferably, photography should be undertaken in the winter months when leaf cover and screening are at a minimum and therefore representative of the worst-case scenario. However, we do note that the seasonal effect has been considered as part of the assessment as stated in Para D3.39.

On review, we are of the judgement that the adverse visual impacts will primarily be limited to the local area, given the topography of the landscape and the vegetation within the immediate setting of the site.

This does not however mean that the localised impacts are not of significance and should still be of material consideration.

For example, at Year 15, we agree that the magnitude of change will reduce in leaf conditions, however we are of the judgement that the scale of effect on local visual receptors such as Langleybury Lane will still be significant at Year 15, especially when you consider winter views. There is a strong reliance on mitigation measures such as a hedgerow (to mature up to 4m in height) and 10m tree planting along Langleybury Lane. Although these landscape elements do provide some necessary screening, these measures contradict the current open countryside and parkland views that can currently be experienced and will not fully screen the proposed built form.

Cumulative Impact

The assessment of cumulative landscape or visual effects (Chapter P: - Cumulative and Residual Effects) follows the same methodology as the assessment undertaken in the LVIA

(Chapter D of the ES) in that the level of effect is determined by assessing the sensitivity of the receptor and the magnitude of change, although the cumulative assessment considers the magnitude of change posed by multiple developments.

Proposed schemes as part of Warner Bros. Studios (Ref 22/0491/FUL, 20/2667/FUL, 22/0918/FUL and 19/1944/FUL) (referred to as schemes 6-9) have been considered as potentially having a cumulative effect during construction and operation phases.

From a landscape perspective, the assessment notes that the proposed built form associated with schemes 6-9 will de-sensitise the LCA 11 landscape receptor but will not have any notable additional effects during construction or operation. Though we don't necessarily completely agree with this judgement, it's felt that any additional change would not be significant.

In regard to visual amenity, it states that Visual receptor 9 (users of the public right of way to the east of the River Gade (Bridleway 40) will be slightly de-sensitised by increased visibility of built form associated with schemes 6- 9 but is unlikely to result in any notable additional effects at construction or operation stages, or any additional residual effects. We agree with this judgement.

Layout and Landscape Design

Notwithstanding the matters raised above, the inclusion of a Green Infrastructure Strategy as part of the application submission and the reference to Building with Nature and the 12 Standards is welcomed.

We do however seek clarification as to who has/is undertaking the assessment and ask that they are an Approved BwN assessor. Similarly, we ask whether a review from the BwN team has been undertaken to establish whether all standards at this application stage have been met.

As a design response and to help mitigate visual impact, we would also recommend that an Environment Colour Assessment (ECA) is produced to inform the colour palette for built form. The objective of an ECA is to help to resolve many of the issues associated with colour selection and specification and aid landscape and visual mitigation and enhancements. Commonly, the Natural Colour System (NCS) is used to identify the relevant colours; however, there are further details of the process available in the Landscape Institute ECA technical note (04/2018).

We would also recommend the following landscape principles and design amendments are explored:

- o The built form edge should be pulled further away from the western boundary and stronger edge to the countryside through mitigation planting commensurate to the scale of development being proposed. This could be accomplished by predominantly through woodland shaw / belt planting of native species and the creation of an 'eco-tone' of native scrub / thicket and wildflower planting to assist the transition from built development to rural countryside.
- o The blue Infrastructure section of the GI Strategy refers to drainage flow paths. We seek clarification as to whether there will be underground pipe systems in place, or whether nature based above ground solutions will be used?

Summary and Conclusion

Overall, based on our site visit and desktop study we consider the site has sensitive landscape qualities both designed, and natural, which need to be conserved. Though we are not fully opposed to the principle of development within this location, we are of the

professional judgement that the proposed development will have an adverse impact both on visual amenity and landscape character and therefore noted errors need amending and clarifications are sought. In addition, the following information is still outstanding and needs to be provided prior to determination:

- An Environmental Colour Assessment (ECA).
- A landscape night-time assessment needs to be undertaken.

If you have any queries regarding the matters raised above, please let me know.

4.2.3 Three Rivers District Council - Conservation Officer: No comments received to date; although there are ongoing discussions including Conservation Officer input.

4.2.4 Historic England: [Object]

Summary

Langleybury is a fine example of a Georgian country house with Victorian alterations consisting of a good-quality composition and a distinctive plan form.

The house is part of a wider estate of important ancillary buildings which are recognised nationally by their grade II designation. This includes the stable block, 'old farm cottages' and aisled barn which is thought to date from the 15/16th century. The house and estate buildings form a remarkable and highly important complex which is set in historic parkland.

The current planning application is a hybrid application for detailed approval and reserved matters. The detailed approval relates to change of use of the Langleybury House and ancillary buildings and the construction of a café in the walled garden. The reserved matters application relates to change of use of the site to a Film Hub to include craft workshop buildings, sound stages, support workshops, production offices, backlots, film and television training facility building, offices and ancillary buildings.

The proposed 'film hub' and buildings would result in a high level of less than substantial harm to the significance that the grade II* Langleybury House and other listed buildings at Langleybury House derive from their setting.

Historic England does not consider that clear and convincing justification in line with planning policy (NPPF, paragraph 202) has been provided to show that the proposals are required to secure the future of the site. While the heritage benefits would be positive in repairing the Langleybury House and other listed structures, restoring parts of the landscape and reinstating formal garden features, we do not consider they alone outweigh the harm that would result from the proposals. Nor is it clear that the proposals are required to deliver these or that alternative, less harmful ways of delivering them have been considered.

It is for your Council to consider the wider public benefits and weigh the harm against these. In doing so we would urge you to give very great weight to the conservation of this highly significant place.

Historic England has serious concerns regarding the amount and scale of proposed new buildings on the site. If the proposals are not amended to reduce scale of development considerably and further justification for the scale of the development is not forthcoming, please treat this as an objection.

Historic England Advice

Significance

Langleybury House is a Georgian country house built circa 1725-8 for Sir R. Raymond, Lord Chief Justice. It is built from red brick with stone dressings and a slate roofs. There is a stone cornice to 19th century balustraded parapet with urns.

The house was heavily altered and extended in the Victorian period firstly remodelled for W.J. Loyd circa 1860-70 and extended for E.H. Loyd, circa 1890.

At this time the mansion was re-orientated, a closed porch with pedimented doorcase added and a two storey late 19th century canted link replaced the earlier covered passage to the service wing. The link adds irregularity and intrigue.

Langleybury is a fine example of a Georgian country house with Victorian alterations consisting of a good-quality composition and a distinctive plan form.

The house's more than special architectural and historic interest is reflected in its grade II* listing.

The house is part of a wider estate of important ancillary buildings which are recognised nationally by their grade II designation. This includes the stable block, 'old farm cottages' and aisled barn thought to date from the 15/16th Century. Unusually the historic farmyard is located very closely the Langleybury House, situated directly the south-west. The house and estate buildings form a remarkable and highly important complex which is set in an historic parkland.

Like the Langleybury House itself the grounds are also a result of multiple phases of development. The land to the north and east of the mansion was originally imparked while the southern area was absorbed into a larger area of imparkment in the later 19th century. Some more recent buildings and landscaping relating to the site's use as a school in the 20th century have had a detrimental impact to the house and its setting. At this point the landscaping was largely left to grassland, relatively few trees, and several areas of hardstanding. Modern development outside the park has also changed the wider setting. However, the landscape still retains a rolling parkland character within the which the house is commandingly sited on a plateau overlooking the land to the south.

The Langleybury House is currently on the Historic England Heritage at Risk Register (HAR).

Impact of the proposals

The proposed new build elements to create the 'Film Hub' complex would result in less than substantial harm of a high level to the setting and significance of the mansion and other listed buildings.

Historic England has been involved in pre-application discussions regarding these proposals and proposals for repair of the Hall and other structures.

a) Proposals and context

The current application is hybrid for detailed approval for the demolition of a number of existing buildings including children's farm buildings and change of use of Langleybury House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility.

Outline permission (matters reserved: Scale, Layout, Appearance and Landscaping) is sought for the change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A4. While the plans are indicative from our pre-application discussions we understand the submitted proposals reflect the intentions for the site.

The proposals arise from a desire to create a film hub at the site, building on its current success as a filming location. The intention is to repair the Langleybury House and other listed and non listed structures within the ownership, restore some of the landscape and reinstate garden features.

b) Children's Farm

The children's farm is currently located in an ad-hoc manner along the garden walls. The proposals seek to re-locate this facility further north and link the car-park with the school and cricket club.

We welcome the removal of the detrimental ad-hoc farm buildings from the walled garden. The proposed location would work logistically due to the access to the school and the car park. The details of this element would be reserved so we do not have detailed comments to make at this stage. While we can see the merit of the proposed location, we have some concerns relating to the scale of the play equipment which should be low key and low scale as should any buildings proposed for this site.

c) Walled Garden

The proposals in this area include a café building, the restoration and recreation of historic walled garden walls and associated planting. As is set out above, we welcome the removal of the detrimental ad-hoc farm buildings and the restoration of the garden walls.

The proposed café building is quite substantial in scale and would sit above the garden walls. We acknowledge the double pitched roof would keep the roofline lower than a single pitch, but wonder if the height could be reduced further? The long structure contains a café at one end, further seating along half the width with half a seating area and then covered seating area at the other end. If the covered seating area was reduced, this would help to decrease the length and scale of the building.

The proposals show this structure would be timber clad with large areas of glass and a standing seam zinc roof. The design and materials would give the building an incongruous appearance making it overly prominent within the immediate setting of the Langleybury House.

d) Farm Buildings

The historic farmyard is located directly to the south-west of the mansion. The proposals for this area show demolition of some detrimental modern additions. Two new buildings would be added in this area.

The majority of the buildings in this location run on an axis with the Langleybury House with the exception of the return element of the 'L-shaped barn'. The proposed building labelled 12.02 would sit at 90° to this current axis and act as a bookend, creating a small courtyard with the aisled barn and L-shaped barn. This would go against the existing grain of development. The proposed modern scandi design style with flat roof, large areas of glazing and light coloured timbers would be incongruous with the traditional service buildings. This

building would be particularly prominent in views from the main access. This would have a negative impact on the significance that the Langleybury House and the grade II farm buildings derive from their setting.

e) Craft Sheds

The proposed craft sheds would be in an area directly south west of the farmyard in the historic core of the estate. The Former Dairy (referred to as the 'E shaped barn'). It was built as an Edwardian addition on land which was imparked in the 19th century.

This element is part of the reserved matters application. We understand the layout on proposed drawings is indicative of the intentions for any further applications. The proposed craft sheds would surround the E-shaped barn and isolate it among a sea of modern development. This would cut it off from its former context as part of the farm complex and working estate, this would impair the legibility of the site, causing harm to the significance the Langleybury House and listed farm buildings derive from their setting.

The amount of new build in this area so close to the Langleybury House is dramatic and while the buildings proposed are single storey the amount and footprint of this proposed craft village is inappropriate in its context within the immediate setting of the Langleybury House.

If the proposed new build was drawn back into the site, perhaps by the removal of the range opposite the E-shaped barn and the removal of one or two buildings opposite that it could create a visual connection between the historic estate and the E shape barn. This would also help to reduce the numbers of units in this area.

f) Education Building

The application seeks to demolish the existing school buildings and construct a new building on the same site to a smaller footprint. The building is intended for educational use for the film sector, however the detail of what would be taught and who the end user would be is unclear.

The school is located to the immediate south of the Langleybury House. This building is part of the reserved matters application. The supporting information shows the current design approach as an ultra-modern design and radical form.

The existing school is large in scale and detracts from the setting of the Langleybury House. Any building/s that replace the school would need to be sensitively designed to minimise any impact to the significance the Langleybury House derives from its setting.

We have concerns regarding the indicative scale of the educational building. Views from the main approach show this building looming in the background and views from within the parkland looking back towards the Langleybury House show the education building as the most prominent building. The building's siting on the top of the valley, on the same platform as the house, allows it additional prominence.

A proposal of this scale and design would have a considerable negative impact on the setting of the Langleybury House.

g) Sounds Sheds and development in the southern parkland

Although historic maps indicate that this is within part of the parkland created by the mid 1880's through the creation of Langleybury Lane and the land' enclosure, it still forms an important part of the experience of the landscape and the setting of the Langleybury House.

As with other proposals falling within the reserved matters application the proposed masterplan shows the intentions for the layout, amount and scale of the proposals in this area of the parkland.

The proposed scale and form of the development including all back plots and service roads would result in a large increase of built form in this part of the historic parkland altering the character of the soft landscape dramatically. The large scale and massing of the units would make them overly prominent and alien in the landscape. This would result in harm to the setting of the Langleybury House.

In order to reduce this harm, development in this area needs to be substantially reduced in area to minimise the spread of built form into the historic setting of the building.

h) Backlot

This is the name given to the large area of hard standing behind the sound stages. This area would be used as ancillary storage area for the sound stages or as a space to set up large outdoor sets. The hard landscaping would be incongruous in the open soft landscape.

This area extends into the parkland and into key site lines from the Langleybury House and its historic core. While the intention is for this to be used on a temporary basis large sets that would be set up for considerable periods of time and potentially on a back to back basis would dramatically alter the parkland character and detract from the rural setting of Langleybury House.

i) General design

We have concerns regarding the general design approach.

We understand the desire to create buildings 'of their time' but in the context of the historic farm buildings we question whether buildings more traditional in form and material would be more appropriate.

We have concerns regarding the large areas of metal proposed on the larger buildings. While we understand this aspect of the proposal is outline, we feel important to raise concerns at this stage. Metal would be reflective and incongruous in the traditional parkland setting.

Legislation, Policy and Guidance

a) Legislation

Historic England's advice is provided in line with the statutory requirement placed on local planning authorities by the Planning (Listed Buildings and Conservation Areas) Act, 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2)).

b) National Planning Policy Framework (NPPF)

The overarching purpose of the planning system is to contribute to the achievement of sustainable development. This means the planning system has three overarching objectives, economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways, paragraphs 7 and 8.

Paragraph 197 encourages local planning authorities to take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation b) the positive contribution that conservation of

heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 further advises that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to less than substantial harm to its significance”.

Paragraph 200 states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

Paragraph 202 advises that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

c) Guidance

Our advice reflects guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision- Taking in the Historic Environment, GPA 3; The Setting of Heritage Assets.

Historic England’s Position

A large amount of the proposals are matters reserved however we understand the submitted parameter plans are broadly of the scale intended for the site.

In our view the proposed new build elements to create the ‘Film Hub’ would result in less than substantial harm of a high level to the setting and significance of the grade II* listed mansion and other listed buildings.

This level of harm could be reduced if the amount of new development and its scale was reduced as indicated in our advice. This is particularly relevant for the proposed development in the southern part of the site (Sound Stages, Backlot and Support Workshops).

We understand these proposals are put forward to bring about the repair and long-term viability of the site. Historic England wants the house to have a secure future and, while we welcome the repair of the Langleybury House and associated buildings/ structures, we have serious concerns regarding the proposed level and scale of development associated with this use.

The supporting information does not demonstrate that the current proposals are the minimum necessary to support the site. We are therefore not yet convinced this level of development has been fully justified in accordance with paragraph 200 of the NPPF.

Your authority should also be satisfied that the proposed use would secure the long term future of this building at risk. Were the proposed use to cease, development of this scale would affect any other future use of the house. In addition, it is not clear how the long-term repair and maintenance of the house could be secured/ tied to these proposals and your authority might explore how this could be achieved.

National planning policy states that less than substantial harm should be weighed against the public benefits including securing an optimum viable use (paragraph 202).

It is for your Council to consider public benefits arising from this scheme and weigh the harm against these. In doing so we would urge you to give great weight to the conservation of this highly significant Langleybury House and its setting and be convinced that the harm is outweighed by wider public benefits which could not be similarly delivered in a less harmful way.

Historic England has serious concerns regarding the amount and scale of proposed new build on the site. In view of the significance of Langleybury House, the high level of harm the proposed development would cause, together with the absence of a clear and convincing justification to show the proposals are required to secure the future of the site, if the proposals are not amended and a robust justification provided, please treat this as an objection.

Recommendation

Historic England objects to the application on heritage grounds.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 197, 199, 200 and 202. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of these paragraphs of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

4.2.5 Victorian Society: No comments received.

4.2.6 National Amenity: No comments received.

4.2.7 Dacorum Borough Council: [No objection]

Thank you for consulting with Dacorum Borough Council (DBC) in relation to the above scheme for the creation of a film hub at Land East of Langleybury Lane and including Langleybury House Estate.

These comments are provided on behalf of the Council by a Lead Officer within the Development Management team and should be construed accordingly.

We would acknowledge the desire to see this land redeveloped for appropriate purposes as set out through the creation of a development brief for the site and note that the proposals have been subject to positive pre-application discussions. We do not wish to raise any objections per se to the development of the site, however we would ask you to consider whether public access and associated improvement works to the site (footpaths, habitat creation) could be undertaken with a view to providing Suitable Alternative Natural Green Space (SANG).

As you may appreciate, consultants working for DBC have recently identified that recreational pressure was causing substantial harm to the Chilterns Beechwoods Special Area of Conservation and Natural England therefore indicated that we should be subject to

a moratorium on new residential development pending the formulation of a mitigation strategy.

The mitigation strategy has been approved as set out in the following document:

<https://democracy.dacorum.gov.uk/documents/s36836/Appendix%20A%20-20Draft%20Mitigation%20Strategy%202.pdf>

Whilst DBC are currently seeking to provide SANG solutions through the development of land within our ownership, the capacity of these sites is finite and is unlikely to sustain the level of housing growth anticipated in the Borough. This site may be able to assist in providing additional SANG capacity for Kings Langley and settlements in the south east of the borough subject to meeting the requirements in paragraphs 3.5.10, 3.5.17, 3.5.18 and Table 4 of this mitigation strategy.

We would ask that SANG is provided at this site if possible and would welcome further discussions on this matter.

4.2.8 Watford Borough Council: No comments received.

4.2.9 Environment Agency: [No objection]

Thank you for consulting us on the above application which we received on 10 November.

As part of the consultation we have reviewed the documents submitted in line with our remit. Including the following specific documents:

Phase 1 Desk Study, No. 001, Rev. V2.0, dated October 2022, prepared by Wardell Armstrong LLP

Environment Agency Position

Based on a review of the submitted information we have no objections subject to the inclusion of the below Landscape and ecological management plan condition and 7 Groundwater and Contaminated Land conditions.

Biodiversity

The ecological enhancements that have been proposed including the proposed restoration of historic ponds, management of wet woodland and grazing marsh will require a management plan to be in place to ensure the landscape provides a maximum benefit to people and the environment and ensures their ongoing biodiversity value is not lost.

In light of the above, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to the existing wet woodland and grazing marsh.

Condition 1

Landscape and ecological management plan

No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of maintenance regimes for the ponds, wet woodland and grazing marsh
- details of any new habitat created on site including the dimensions, depths of the ponds and proposed planting schemes for all habitats.
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan for the River Gade and the on-site tributary
- details of management responsibilities for the habitats across the wider site
- details of the proposed structure of the inlet to the River Gade including dimensions, materials and proposed management regime
- details of any proposed footpaths, fencing and lighting, ensuring that the river corridor remains a dark ecological corridor (light below 2 lux)

Reason(s) 1

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy DM6: Biodiversity, Trees, Woodland and Landscaping of the Three Rivers Local Plan.

Groundwater and Contaminated Land

The previous uses of the development site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located:

- within source protection zones 1 and 2
- upon a principal aquifer and secondary aquifers

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 2

Universal condition for development on land affected by contamination No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby

permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason 2

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Note 2

The following report was submitted as part of the Environmental Statement: Phase 1 Desk Study, No. 001, Rev. V2.0, dated October 2022, prepared by Wardell Armstrong LLP. This information is sufficient to discharge part 1 of the above condition.

Condition 3

Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason 3

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4

Long-term monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason 4

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 5

Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason 5

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 6

SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reason 6

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 7

Piling/boreholes/tunnel shafts/ground source heating and cooling systems– lack of information – details to be agreed Piling/ other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason 7

To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.

Condition 8

Decommissioning of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason 8

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework.

Informative

Land contamination: risk management and good practice

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

- Refer to the contaminated land pages on gov.uk for more information

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert, or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to applicant

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

We also recommend you contact your local planning authority for more information.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

4.2.10 Canal and River Trust: [No objection]

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the character and appearance of the waterway corridor.
- b) The impact on the biodiversity and water quality of the canal.
- c) Energy Efficiency

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The impact on the character and appearance of the waterway corridor.

The site lies to the west of the Grand Union canal which to the north-east of the site passes through the Hunton Bridge conservation area. The Masterplan provided indicates that the built form proposed would be set back substantially from the canal and is therefore likely to have minimal impact on the waterway corridor. The desire to maintain the majority of the open parkland and to supplement the existing trees is welcomed as this would aid in maintaining the current bucolic feel of the waterway in this location.

The majority of the wider site is separated from the canal by a main road and builder's yard, with only the southern third of the site having a direct connection to the canal corridor. Overall the proposals appear appropriate with access to existing footpaths being maintained and views from the canal would be sufficiently screened by the 'Parkland' area.

The submission indicates that access points are proposed to the towpath and full details on these, any necessary improvements/mitigation measures to the access points and provision of wayfinding signage should be provided to assist with the additional usage that the towpath will experience and to ensure that the Councils aspirations for improving walking and cycling are met. It should also be ensured that any landscaping close to the canal is of native species, appropriate to this waterside location, and has regard for any potential impacts on the stability of the canal. The future maintenance and management regimes and responsibilities for the open spaces should also be provided for consideration. These matters could be addressed by the submission of reserved matters and conditions on any outline approval. The Trust wish to be consulted on this information when available.

There is reference to the potential for new moorings on the canal though no further details have been provided, such as what type of moorings, works involved in their provision, assessment of impact on navigational safety/biodiversity, future maintenance /management requirements etc. Any proposals for moorings would require the separate agreement of the Trust and until such time that this detail is provided, to the satisfaction of the Trust, and relevant agreements/ consents are in place, the Trust cannot guarantee these works could be undertaken. Further discussions will be needed with the Trust's Business Boating Team and the applicant/developer is advised to review our Business Boating Online Moorings Process and discuss this with them. The applicant /developer is also advised that any access or connection to the towpath would also be subject to a separate commercial agreement with the Trust.

The impact on the biodiversity and water quality of the canal.

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations.

Developments can have an adverse impact on the ecology of the waterways. The drainage methods of new developments in particular can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage.

Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. This could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.

The proposals indicate the restoration of wetlands and a historic inlet with discharge to the River Gade. These works would be close to the canal and any discharge would ultimately flow to the canal. It is therefore important to ensure that there is no contamination of the waterway during construction or operation of the site. The full details on the restoration of the wetlands and inlet should be provided and supported by appropriate ground investigations and remediation measures. This matter could be addressed by condition and the Trust wish to be consulted on this detail when available.

4.2.11 Hertfordshire County Council: Highways Authority [No Objection – Objection overcome]

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

REASONS AND COMMENTS

The proposals are not currently compliant with Policies 1 (The Transport User Hierarchy) and 5 (Development Management) and fail to maximise access by sustainable means. There is insufficient information on the number of person trips numbers to allow the council to gauge the impact of this development upon the sustainable transport network. Furthermore, the suitability of the base traffic models have not been compared to the base level of queuing in order to demonstrate their validity for use in further assessment.

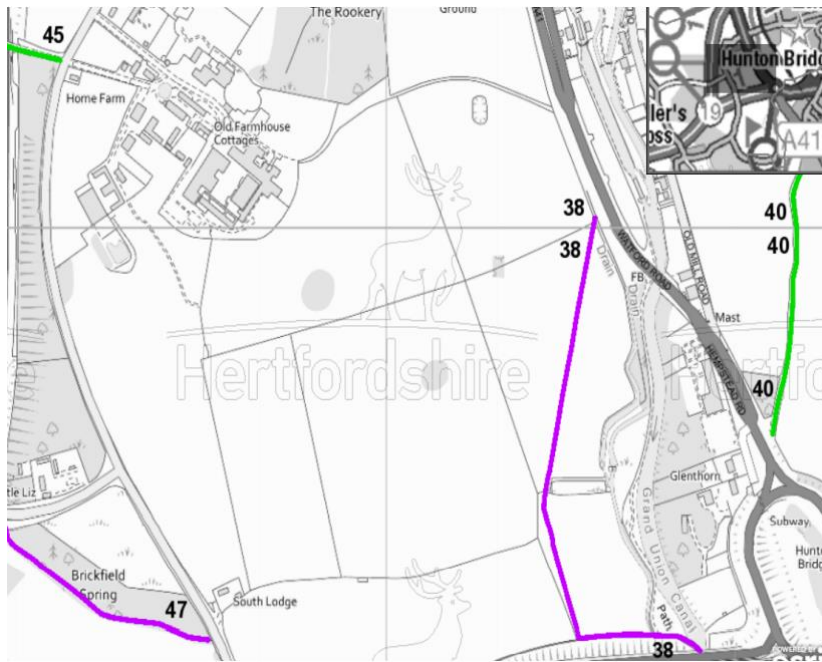
The existing Langleybury Estate (film hub and Children's farm) is located circa 6-7km cycle northwest of Watford's town centre and rail station. In addition to access to the national rail network the rail station also provides access to the London Over and Underground networks. The estate is bound to the south by the A41 spur road to Junction 19 of the M25 (dual carriageway); to the east by the River Gade and a single carriageway section of the A41 which bridges over the river; to the Northeast by the St Pauls CoE primary school; and to the north and west by the single carriageway Langleybury Lane. The film hub/ House and Children's Farm are located towards the north west of the estate. The A41 currently provides a barrier to the site for direct pedestrian/cycle access from the residential area of Abbots Langley (circa 1-4km east of the site).

The estate currently has two formal motorised vehicle accesses from Langleybury Lane, one directly opposite Langleybury Fields (farm access track and PROW 45) which serves the existing house/film hub; and a second access circa 30m north which serves the Children's Farm. There is also a third motor vehicle access onto Langleybury Lane for an individual residential property (South Lodge) and the southern field of the estate. A fourth and narrow (circa 3m wide) gated access to the northern fields of the estate forms the western arm of the mini roundabout which serves as the motor vehicle access to the St Paul's CoE primary school. The northeastern arm of the roundabout forms a priority 'T' junction with Langleybury Lane. circa 80m north east Proposals are to expand the Film Hub and relocate the Children's Farm north within the estate towards the St Paul's CoE Primary school access.

It is proposed that the former Children's Farm access is upgraded to facilitate two way working and HGV access and becomes the principal motor vehicle access to the Film Hub. Whilst the former main road access, which would be similarly upgraded, becomes a secondary vehicle road access. The third and less formal to the estate is to be upgraded into a formalised access that can also support two way traffic and HGV's. HCC would recommend that the number of access junctions into the expanded film hub are rationalised.

As mentioned previously the Children's Farm within the Langleybury Estate is being relocated towards the St Paul's CoE primary school. The relocated Children's Farm and a 50 space car park will be accessed from the eastern arm of the St Paul's CoE primary school access roundabout. The car park is being built to accommodate car parking for the school which is currently uncontrolled and problematic.

The public footpath PROW ABBOTS LANGLEY 038 currently traverses the south eastern area of the site.



Proposals would upgrade the PROW and extend it to Langleybury House and footpath connection made to the River Gade (Grand Union Canal) tow path towards the existing PROW's northern end. A further shared foot/cycle route will connect Langleybury House and the footway on the western side of the A41. Whilst this network of foot/cycleways is fine for recreational walks by staff, it is considered it is inadequate in terms of ensuring compliance with Policies 1 (The Transport User Hierarchy) and Policy 5 (Development Management) with regards to ensuring a safe and direct sustainable access to the site from along desire lines. As previously discussed the A41 currently obstructs the desire line from Abbots Langley. HCC Highways advised the applicant to look at providing a pedestrian/cycle crossing across the single carriageway 40mph section of the A41 in the vicinity of the pedestrian/cycle access to the site to ensure that the development would be LTP4 compliant.



The developers transport consultant responded:

3.41

The future pedestrian / cycleway access will be provided onto the A41, however a crossing could be provided so that pedestrians/cyclists can tie into the existing footway network on the eastern side of the A41 due to the lack of footways along the western side. An image of where the crossing would be located is shown in **Photo 3.7** below. Vehicles may be travelling at fairly high speeds and therefore it is envisaged that the crossing would comprise a pedestrian island as a traffic signal crossing is not deemed appropriate.



Photo 3.7 – A41 Adjacent to Future Pedestrian/Cycleway Entrance

Further to this the HCC Road Safety team has been consulted and it is considered that a crossing could and should be provided. This is a 40mph section of road and is subject to 40mph for circa 600m on approach to a potential pedestrian crossing from the south. From the north the southbound approach reduces from a national speed limit dual carriageway to a 40mph single carriageway circa 70-90m in advance of a potential crossing. The short section of dual carriageway is interrupted by a signalised junction with Langleybury Lane/ Bridge Road circa 300m north of a potential crossing.

The junction is also subject to some congestion and the transport modelling presented in the supporting Transport Assessment (TA) corroborates this. It is not considered that traffic speeds in this location would be prohibitive to a pedestrian/cycle crossing. Furthermore, the recently HCC Highways DM approved Warner Bros expansion (22/0491/FUL) will install a pedestrian crossing circa 500m south of the potential crossing.

Road Safety (Personal Injury Accident (PIA) Analysis)

HCC Highways have reviewed the Personal Injury Accident (PIA) analysis within the TA and whilst there was a serious accident in the vicinity of the existing road access to Langleybury house this and other accidents within the last 5 years have been reviewed and the councils accepts the finding reported in the TA that these events are not consistent in the type of accidents, nor are they consolidated to any singular point, with the majority recorded to be as a result of driver or individual error. Hence there is no underlying road safety issues apparent in the vicinity of the site that would be exasperated by the proposals.

Trip Generation/ Attraction

Whilst HCC would have preferred a Multi Modal and Person Trip Based analysis HCC Highways DM has reviewed the traffic generation/ attraction presented within the TA and accept the rate/ traffic trip numbers presented.

Modal Split

In line with the previous comment regarding a people trip assessment the predicted percentage modal split should have been applied to person trips or applied retrospectively

to predict the number of trips by all modes that this development would attract in order that the developments impact upon all modes can be predicted.

It is noted that whilst the 2011 census recorded that only 66% travel to work trips for trips with a destination within the Middle Super Output Area (MSOA) Three Rivers 003 within the development is located are by car, the TA predicts based on information from their consultants that 87.5% of the trips to the proposed site will be by private car.

Trip Distribution/Assignment

The origin of motorised vehicle trips to the proposed development has been predicted according to the pattern of journey to work trips to the MSOA observed in the 2011 census considering origins with greater than 5 trips. The subsequent trips have been assigned to the road network according to the traffic routing information provided by Google Maps. HCC Highways are satisfied by this process in order to consider their distribution on the Hertfordshire road network.

Traffic Analysis

The TA subsequently presents traffic analysis of the following junctions:

- 3 x Site Accesses (PICADY).
- School Access / Langleybury Lane (PICADY).
- Langleybury Lane / Old House Lane (PICADY).
- Langleybury Lane / Fir Tree Hill (PICADY).
- A41 / Langleybury Lane (LinSig).
- M25 Junction 20 (LinSig).
- A41 Western Avenue / A411 Hempstead Road (LinSig).

However, the base models of these junctions have not been compared against existing queues in order to demonstrate that they are valid for use and at this time the council is unable to gauge the traffic impact of the proposals.

Travel Plan

HCC's Travel Plan teams notes that the walking and cycling route audit included in the Transport Assessment assesses routes to main destinations, provides recommendations made rather than commitments. However it is noted that there is a willingness to contribute towards off site walking/cycling improvements is stated. However, the developer must also actively install pedestrian/cycle infrastructure to encourage modal shift in the interim and update the travel plan to reflect them.

At 670m away, the nearest bus stop is over the recommended accessibility criteria that we use (400m) and bus services have changed since the Transport Assessment and Travel Plan was written.

There is still the hourly 501 service on Sun between Aylesbury and Watford, but the 500 route has gone and been replaced with the 508 Hemel Hempstead-Mt Vernon service (Mon-Sat half hourly, hourly). Bus users subsequently require to change in Hemel Hempstead if you want to get to Tring/B'std/Aylesbury Mon-Sat. However, buses now continue to Mt Vernon and there is a better service with both 501 and 508 running. The proposals include extension of the existing shuttle bus between The Grove, Watford Jnc and Town Hall (every 20-30 mins) into the site and a willingness to put on an extra electric shuttle bus to Kings Langley station.

Whilst an updated travel plan given the addition of a commitment to annual monitoring would be acceptable at this stage in the planning process and the travel plan is considered generally good, there will be a need to assess the adequacy of public transport links once

staff/visitor origins known so shuttle services can be tailored appropriately to complement available bus services and other sustainable transport options. Prior to its full acceptance post planning the travel plan team further comment that:

- Travel Plan Co-Ordinator contact details as well as those of a secondary contact to be made available on appointment. Details of hours allocated to the role and frequency on site will also need to be provided once known.
- A statement of commitment to the effective implementation of the Travel Plan is provided from a suitable member of senior management once in post is made;
- Paragraph 6.4 which states that feedback from staff will be included in the review process – this should be formalised with a Steering Group for the Travel Plan which can comprise key individuals and form part of other meetings/groups that exist on site.
- The package of proposed measures is comprehensive. Discussion with HCC is recommended regarding the travel app as others already exist (eg in Watford) and there may be an opportunity to create links to relevant websites/data such as HCC travel information.
- Monitoring needs to be annual rather than every other year as proposed, with targets for each year based on survey data. Review of the plan should then take place after each survey. It is noted that no target is set for visitors. If visitor numbers are insignificant compared to staff/film hub workers then this is satisfactory, but may need review if not.
- An Evaluation and Support fee of £1200 per year (for a 5 year plan, so £6000 total) secured by S106 must be committed to.

Contributions

HCC Highways operate two levels of S106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 S106 agreement and those items mitigating the wider cumulative impact of development addressed in a Strand 2 S106 agreement.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 S106 agreement.

With regards to a Strand 2 contributions:

As part of the nearby Warner Bros planning application a contribution of £1,226,400 was agreed for to be used towards cycleway improvements (SM17 - A411 Hempstead Road and Grand Union Canal Corridor Cycleway Improvements) to support their 70,559sqm expansion. This is in addition to substantial offsite works which will be delivered by the developer. The proposed Langleybury House development is a circa 28,922sqm expansion and similar in nature and location. Therefore, if the development were to proceed, HCC Highways would request a pro rata contribution of £502,699. This would be in addition to the A41 toucan (delivered by developer) and be used towards the cycleway improvements serving the site.

Warner Bros are also committing £875,000 towards the improvement of the local bus services. Therefore, if the development were to proceed, HCC Highways would expect a proportional contribution of £358,661.

In total, if the development were to proceed, HCC Highways DM would expect a Strand 2 Contribution of £861,360.

4.2.11.1 Following receipt of these comments further information was submitted and sent to the Highways Authority for comment. The addition information overcame the Highways objections:

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the agreed to Strand 2 contribution and the following conditions:

CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Existing Accesses – Widened or Improved

Prior to the first occupation / use hereby permitted the vehicular access improvements, as indicated on drawing number (2107-IFDO-00-RF-DR-A-1005 Rev J), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4) Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 80% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and

approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan(adopted 2018).

6) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. 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. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7) Highway Improvements – Offsite

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level* shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (4909-006-Rev-) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

8) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

9) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

10) Requirement for Traffic Monitoring

No development shall commence until a monitoring programme to assess the level of traffic generation at defined intervals of occupancy shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall be implemented as agreed.

Reason: To ensure that agreed traffic levels are not breached and thus highway network is adequate to cater for the development proposed to be in accordance with Policies 5 and 12 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-anagement.aspx> or by telephoning 0300 1234047.

AN7) Roads to remain private: The applicant is advised that all new roads/ access routes associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name

plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN9) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

COMMENTS

The existing Langleybury Estate (film hub and Children's farm) is located circa 6-7km cycle northwest of Watford's town centre and rail station. In addition to access to the national rail network the rail station also provides access to the London Over and Underground networks. The estate is bound to the south by the A41 spur road to Junction 19 of the M25 (dual carriageway); to the east by the River Gade and a single carriageway section of the A41 which bridges over the river; to the Northeast by the St Pauls CoE primary school; and to the north and west by the single carriageway Langleybury Lane. The film hub/ House and Children's Farm are located towards the north west of the estate. The A41 currently provides a barrier to the site for direct pedestrian/cycle access from the residential area of Abbots Langley (circa 1-4km east of the site).

The estate currently has two formal motorised vehicle accesses from Langleybury Lane, one directly opposite Langleybury Fields (farm access track and PROW 45) which serves the existing house/film hub; and a second access circa 30m north which serves the Children's Farm. There is also a third motor vehicle access onto Langleybury Lane for an individual residential property (South Lodge) and the southern field of the estate. A fourth and narrow (circa 3m wide) gated access to the northern fields of the estate forms the western arm of the mini roundabout which serves as the motor vehicle access to the St Paul's CoE primary school. The northeastern arm of the roundabout forms a priority 'T' junction with Langleybury Lane. circa 80m north east.

Proposals are to expand the Film Hub and relocate the Children's Farm north within the estate towards the St Paul's CoE Primary school access.

It is proposed that the former Children's Farm access is upgraded to facilitate two way working and HGV access and becomes the principal motor vehicle access to the Film Hub. Whilst the former main road access, which would be similarly upgraded, becomes a secondary vehicle road access.

The third and less formal to the estate is to be upgraded into a formalised access that can also support two way traffic and HGV's.

The new Children's Farm and a small (50 space) car park shared with the primary school would be accessed the existing school access onto Langleybury Lane.

HCC Highways DM had originally objected to the proposals having then considered primarily that they were not at the time compliant with the policies both national and local, particularly those contained in HCC's Local Transport Plan (LTP) 4, aimed at creating sustainable developments. Secondly and related to the primary objection, HCC considered there was insufficient information on the number of person trips numbers to allow the council to gauge the impact of this development upon the sustainable transport network. At the time the suitability of the base traffic models were yet to be confirmed demonstrating their suitability for use in further traffic assessment.

Caneparo Associates have subsequently responded to these objections and HCC Highways request for Strand 2 Contribution in a Transport Technical Note (N12-JT-SD-Transport Response Note HCC F2 (230206)). Subsequently, this response by HCC Highways Development Management (DM) considers that note in addition to the original Transport Assessment (TA, October 2022).

Sustainable Transport Policy

Whilst proposals would upgrade the PROW network within the estate and establish a new foot/cycle path to the west side of the A41; the A41 is considered a barrier to direct sustainable access to the site to/from the nearby residential area of Abbots Langley. HCC proposed a Toucan crossing of the A41 to overcome this barrier and unlock the site sustainably. Initially the applicant through Caneparo did not consider the crossing was required.

However the need for the Toucan crossing has now been recognised:

"It is understood that should a toucan crossing be provided that the proposed development would be compliant with Policy 1 and Policy 5, as the walking/cycling route to/from Abbots Langley would be improved."

Whilst Caneparo has also indicated that 'the Applicant is willing to provide the funding in order to allow a toucan crossing to be provided'. HCC Highways consider that in order to unlock the site in time appropriate to the development it is considered that the applicant should provide the crossing under a S278 agreement rather than waiting for the council to develop a scheme.

HCC Highways also had concern over the number of motor vehicle accesses to the proposal site, considering that this also did not establish a policy compliant site that considers the sustainable modes first. However, Caneparo have explained that for operational reasons the three accesses are required. Caneparo also point out that the original proposals had yet more accesses still and the number of proposed access have already been rationalised according to pre applications discussions with HCC Highways and further rationalisation would not be efficient in terms of the site operation.

Given the provision of the crossing and the explanation regarding the number of vehicle access points HCC Highways will withdraw the objection on policy grounds.

Mode Split

As indicated previously initially HCC Highways DM considered that there was insufficient information within the TA regarding the number of person trip numbers which would allow the council to gauge the impact of this development upon the sustainable transport network. Caneparo have subsequently provided this information to HCC Highways in the transport technical note. It must be noted that estimates by Caneparo are based on a 87.5% usage of the private car, whereas the application travel plan seek to reduce this to 70% through greater use of the sustainable modes which the above 'toucan' crossing will help to facilitate. The existing modal split for employees destinating in Three Rivers 003 (the area which includes the site and west side of Kings Langley) includes only 66% driver mode share. 78% of employment trips destinating in the southern area of Kings Langley (Three Rivers 002) are driving a private car and 73% of employment trips destinating in the northern area of Kings Langley (Three Rivers 001). Therefore, the 70% target is considered realistic at this stage.

Furthermore, HCC Highways now accept the traffic generation attributed to the site subsequent to the person trip generation approach presented in the Traffic Technical Note.

Modelling

As indicated earlier HCC were unable to consider the traffic modelling analysis presented in the TA as it had not been demonstrated at that time that the base traffic models used in the analysis were approximately reflective of observed traffic queues. It must be noted however, that it is only feasible to capture traffic data, including queues, for a limited time window. There is also a large debate as to what actually constitutes a queue. Furthermore, a traffic model is unable to reflect the constantly adaptive nature of the traffic network. Thus predicted queues in a traffic model should not necessarily exactly match only give an indication whether the model is approximately valid.

In response to HCC Highways concerns Caneparo have produced a Traffic Model Validation Report (Appendix E of the Transport Technical Note). The report also demonstrated the robustness of the utilised traffic inputs into the model. Having reviewed

the Validation Report HCC Highways DM now consider the base traffic models suitable for further analysis.

Caneparo indicate that for distribution purposes they have selected Travel to Work trips residing MSOA 003 with destinations elsewhere from the 2011 Census results. HCC Highways consider though that this is the wrong way round and journey to work trips destinating in MSOA 003 and originating elsewhere should have been used for estimation purposes. However, once removing the large number of trips that drive within MSOA alone for work, HCC Highways have not found the utilised distribution estimate significantly different from that estimated by HCC Highways. Therefore, HCC Highways are happy with the distribution estimate utilised by Caneparo.

Caneparo have subsequently assigned these trip estimates to the highway network using Google Maps and making assumptions about the accesses use. HCC Highways are also satisfied with this.

M25 Junction 20

The analysis of the M25 Junction 20 roundabout presented by Caneparo indicated that the signalised roundabout operates currently well above its effective operational capacity (90% DoS) and just within its absolute capacity (100% DoS) during the peak hour. With the A41 southbound approach being subject to the most significant queuing (circa 36 pcu's per lane during the AM peak just before the lights change to green).

With growth alone 2025 the roundabout goes just over absolute capacity during the network peak hours (101.1% AM and 103.3% PM). The original Caneparo TA indicated that the queuing remains the exact same during the most critical AM peak hour, however that was considered by HCC Highways to be a 'copy and paste error' and Caneparo have sent a revised table of results for this junction which predicts (under growth alone) the highest mean maximum queue (MMQ) on the A41 southbound approach would rise to 42pcu's (passenger car equivalents). With the addition of the proposed development due largely to the instability of the junction operating over absolute capacity the highest MMQ rises by 5pcu's. Whilst not ideal, HCC do not consider that this is a significant impact that can't be mitigated through the travel plan process and improving the site's accessibility (predominantly the A41 toucan).

A41/ Langleybury Lane Traffic Signal Junction

The A41/ Langleybury Lane traffic signals according to the Caneparo analysis are currently operating slightly above their optimal traffic efficiency level (90%) during the AM peak hour with the inside lane of the southbound A41 approach being slightly over capacity (although still within absolute capacity, 100%) at 91.3% seeing a MMQ of 23 pcu's before the lights go green. According to the Caneparo model all other approaches operate within capacity during the AM peak hour and the junction operates with sufficient operational capacity.

With traffic growth alone to 2025 the A41/ Langleybury Lane the performance of the traffic signals are predicted by the Caneparo model to slightly deteriorate. However, the overall situation is approximately the same as presently. The degree of saturation of the inside lane of the southbound A41 approach being 92.5% during the AM peak hour and the corresponding MMQ before the lights go green is predicted to rise slightly to 24pcu. Furthermore, the junction though performs within its absolute capacity during the AM peak. During the PM peak hour as before the junction operates within its ideal capacity.

The addition of the development traffic in the AM peak hour is shown to have a significant impact.

The degree of Saturation of the inside lane of the southbound A41 rises to almost absolute capacity at 99.7% and the corresponding queue rises to 38pcu. HCC Highways consider that it is appropriate to mitigate this impact through the travel plan process, improving the site's accessibility (predominantly the A41 toucan) and as discussed at the end of this response contribution to schemes encouraging a wider modal shift.

A41/ Hempstead Road Partially Signalised Roundabout

The prepared model of the A41/ Hempstead Road Partially Signalised Roundabout suggests that the roundabout currently is operating over its operationally ideal capacity (90%) but within its absolute capacity (100%) during both peak hours. With the junction operating at 97.1% during the AM peak hour and 98.3% during the PM peak respectively. As with the previous analysis it is the southbound approach that experiences the greatest degree of congestion during the AM, operating with a Degree of Saturation of 97.1% and a MMQ of 8pcu, although other links within the junction experience slightly more queuing despite a lower operating DoS. During the PM conversely the NB approach to the roundabout suffers most, where the DoS is 98.3% and a queue of 22pcu's spread across 2 lanes.

With growth alone to 2025 the junction is predicted to be nearly at absolute capacity during the AM peak (DoS = 99.8%) and over its absolute capacity during the PM peak (DoS = 100.6%). This is seen in the queuing increasing slightly on the SB approach during the AM peak (MMQ = 11pcu's) but rising substantially for the NB approach during the PM peak where the predicted MMQ across two lanes is 48pcu's.

As growth due to other developments has done to the PM junction performance, growth due to the proposed development pushes the junction over absolute capacity during the AM peak (DoS = 100.8%) and the queuing rises significantly to 37 pcu's. During the PM peak hour whilst the proposals have little impact upon the peak NB direction, they create a new slightly greater peak on the southbound approach of 105.5% which generates significant queuing of 48 pcu's which is confined to a single lane (the left lane being a free flow slip). HCC Highways consider that it is important to mitigate this severe impact through the travel plan process, improving the site's accessibility (predominantly the A41 toucan) and as discussed at the end of this response contribution to schemes encouraging a wider modal shift.

Site Access Junctions, Old House Lane / Langleybury Lane and Grove Mill Lane / Langleybury Lane

The analysis presented by Caneparo indicates that the existing access junctions that will be reconfigured; Old House Lane / Langleybury Lane and Grove Mill Lane / Langleybury Lane are currently (2022) operating well within capacity at the moment with little or no queuing evident.

During the peak hours of 2025 prior to expansion of the Langleybury Studios the performance of these junctions (the existing access junctions that will be reconfigured; Old House Lane / Langleybury Lane and Grove Mill Lane / Langleybury Lane) changes little, operating well within capacity and with little or no queuing evident.

With the addition of the proposed development and reconfiguring of the junctions there is a very marginal increase in queuing at the Grove Mill Lane / Langleybury Lane junction but certainly nothing that would be considered significant and the junction remains significantly within capacity (with the highest RFC being 0.26, where 0.85 is the desirable maximum capacity and 1.0 is the absolute maximum capacity). The other junctions (the reconfigured access junctions and Old House Lane / Langleybury Lane) continue to operate with significant spare capacity (the highest RFC being 0.13).

Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF). This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

As part of the nearby Warner Bros planning application a contribution of £1,226,400 was agreed for to be used towards cycleway improvements (SM17 - A411 Hempstead Road and Grand Union Canal Corridor Cycleway Improvements) to support their 70,559sqm expansion. This is in addition to substantial offsite works which will be delivered by the developer. The proposed Langleybury House development is a circa 28,922sqm expansion and similar in nature and location. Therefore, if the development were to proceed, HCC Highways would request a pro rata contribution of £502,699.

This would be in addition to the A41 toucan (delivered by developer) and be used towards the cycleway improvements serving the site.

Warner Bros are also committing £875,000 towards the improvement of the local bus services.

Therefore, if the development were to proceed, HCC Highways would expect a proportional contribution of £358,661.

In total, if the development were to proceed, HCC Highways DM would expect a Strand 2 Contribution of £861,360.

Caneparo have agreed to this contribution in their February 2023 Transport Note "The requested contribution of £861,360 is agreed".

Summary

In summary, HCC Highways DM agrees that with the provision of the Toucan crossing, in order to establish a policy compliant proposal, and strand 2 contributions, to mitigate the development's impact in the area, our objection can be withdrawn. In order however, that the crossing is provided in good time to un lock this development sustainably in the interest of the developer it requires to be provided under a S278 agreement.

Referring to the planning application referenced above, notice is hereby given that Highways England's formal recommendation is that we

- a) offer no objection (see reasons at Annex A);
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);**
- d) recommend that the application be refused (see reasons at Annex A)

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

National Highways Planning Response (NHPR 22-10) October 2022

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A

National Highway's assessment of the proposed development NH has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN).

The SRN is a critical national asset and as such NH works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this proposed site, National Highways is interested in the potential impact that the development might have upon the M25 Junction 20. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN during the construction and operation.

Accident data

Accident data has been analysed for 2017 to 2021. Two years of this data was during the Covid-19 pandemic where there were restrictions on travel. NH therefore request that data for a five-year period prior to the Covid-19 pandemic is analysed to ensure that the effects of the pandemic has been considered. Data used must be Stats 19 validated data. Furthermore, it is requested that Figure 2.4 is provided in a higher resolution in order to see the locations and severity of the accidents particularly around the M25 junction 20.

Accessibility

It is noted that the closest bus stops from the site are approximately an 8-minute walk, 670m east of the main site access with a frequency of one bus every 30 minutes. Whilst 670m is an acceptable walking distance to bus stop, this distance is taken from the eastern edge of the site and doesn't represent the average or 'worst case' walking distance to existing bus stops. Furthermore, with a low frequency of bus service it is not considered to be an attractive service to staff occupying the site.

Policy Review

It is noted that the DfT circular 02/2013 has not been included within the policy review.

Parking and Access

The TA has assumed a split of the following across the access points;

All staff arriving to the film hub would utilise Access Point 3

All staff arriving to the industrial units, office, education facility and creche will utilise either Access Point 1 or Access Point 2, depending on which direction they arrive from.

NH seek clarification on how the three accesses will be managed ie how will the site ensure that only the correct users are using each existing access point?

The Transport Assessment sets out the total number of car parking spaces for each land use. The overall reduction in the maximum standard is welcomed to promote the use of sustainable travel to the site.

It is also noted that the existing site currently accommodates a children's farm which will be retained, and that no new trips are associated with this land use. It is therefore unclear why the children's farm is seeking additional parking if there are no new trips on the network, furthermore the number of car parking spaces sought are substantially above the maximum parking standard as set out in the table below.

Use	Description	Area (sqm)	Standard	TA	Maximum	% Reduction/Increase
A3	A3 Ancillary Café	383	1 space per 5 sqm plus 3 spaces per 4 staff	0	Unknown number of staff	N/A
B1a	B1a Office Space	6,303	1:30 sqm	108	210	-49%
B1a	Craft Workshop	11,254	1:30 sqm	204	375	-46%
B1c	Sound Stages	10,596	1:30 sqm	215	353	-39%
B1c	Support Building	12,518	1:30 sqm	196	417	-53%
B1c	Production Offices	5,587	1:30 sqm	136	186	-27%
B1c	Backlot	30,000	1:30 sqm	0	1000	N/A
D1	D1 Creche	422	1 space per 4 pupils			
D1	D1 Education Facility	2,159	1 space per 4 pupils	11	Unknown number of pupils	Unknown number of pupils
Sui Generis (D2)	Children's Farm	136	1:22sqm	50	6	709%

An overview of the car Parking Management Plan has been set out. This indicates that priority will be given to those who car share and that fines will be issued if they don't comply. NH would request to know how many of the car parking spaces will be dedicated for car sharers and how will this be split across the site? Clarification of whether enforcement of the EV spaces will be included in the Car Park Management Plan is also required.

The use of an electric minibus to provide access to The Grove, Watford Junction and the Town Hall is welcomed. The Transport Assessment sets out the frequency of services and indicates that the levels of services will be increased to Watford Junction. However, details of the services and frequencies are required to indicate the site's commitment to this service. A new shuttle service will be provided between the site and Kings Langley Railway Station. This will provide two services each hour during the morning and evening commuting periods, with no services provided between 10:00-14:00. Due to the shift patterns of staff using the site and in line with the existing shuttle services to the other locations. NH requests that services are also provided throughout the duration of the day (ie the off peak hours) and that all new services are provided from first occupation.

Travel Plan (TP)

NH welcomes the inclusion of a travel plan. NH note that There are no firm commitments to provide a docking area for the cycle hire scheme closer to the site.

There are aspirations to provide a docking area within the proposed site and discussions have taken place with the operator. Appendix A simply sets out all the costs options available without any commitment to fund any option.

The TA indicates that 'it is pertinent to note that the first service during the week is at 05:18 which arrives at the site at circa 06:25, with the last servicing operating from the site at circa 22:00. This therefore demonstrates that travelling by bus is a viable option for future staff.' However, the distance from the edge of the site to the closest bus stop is 670m. To the middle of the site, it is considerably further, therefore this is not considered a particularly viable option.

The target of 15% reduction in single occupancy car use is indicated. This 15% reduction is relied upon as part of the assessment of the junctions within the Transport Assessment.

It indicates in the TP that the Travel Plan co-ordinator will discuss the results of the surveys with HCC officers within one month of each survey and review progress towards any agreed targets. NH request to be given an opportunity to be included in the review process to be assured that the TP targets are being met.

Trip Generation and Mode Share

It is noted that the floor areas used in the Transport Assessment come from the scoping note. However, the floor areas being applied for within this application are different in comparison to the scoping note that NH has reviewed. The floor areas are slightly higher for the office and education land use and lower for the craft workshops in comparison to those used in the scoping note. Can the Transport Assessment be updated to use the correct updated floor areas? Can you also please confirm what the anticipated trip generation for the other land uses being applied for are ie Sound stages, support building, production offices and backlot or are these considered ancillary and won't create trips in their own right?

The modal share has been adjusted to reflect that car use will be the predominant mode of travel to the site. However there does not seem to be any justification for the changes and why the mode shares used have been selected.

Effect on the Highway Network

The network peak hour of 07:00-08:00 and 17:00-18:00 have been identified. It is unclear why 08:00 -09:00 has not been identified as the network peak hour.

In Appendix O there is a slight mismatch between the distribution for the film hub and the commercial vehicles leaving the site, the proportion turning from the northbound off slip right at the roundabout is slightly different for each scenario yet it is understood that the distribution is supposed to be the same (28% vs 31%). Census data has been used to determine the destination trips. Based on the information presented in the Transport Assessment, the number of trips is not likely to have a material impact on the M25 junction 20.

National Highways have requested additional information be supplied by the applicant and so, at this time, we are unable to conclude a review of the impact this development proposal may have on the SRN. For this reason, we recommend that the planning authority does not determine this application for a period of 56 days from the date of this recommendation – that is 18 January 2023 or until National Highways submits an alternative response.

4.2.13 Herts Footpath Section: [Information only]

I would draw the applicants attention to the County Councils Rights of Way Improvement Plan (ROWIP) suggestion list. The County Councils ROWIP is a requirement of the Countryside & Rights of Way Act 2000 and is a related document of the Local Transport Plan .

I have noted that a verge or field edge path has been identified. This would deliver a safer off road link for vulnerable non-motorised path users.

4.2.14 Herts County Council – Archaeology: [Object]

Thank you for consulting us on the above application.

The proposed development site comprises the former Langleybury Estate and Home Farm. Langleybury House [Historic Environment Record No 11391] is an early 18th century Grade II* Listed country house that was in use as a school between 1947-96. It is set within the remains of its former parkland and formal gardens [HER 12721], which were laid out in the mid 19th century. Associated buildings include the Grade II Listed Stables, to the south-west of the house, the notable late 14th century aisled barn, built by abbot John Moot [HER 4851], which is Listed Grade II, the Home Farm [HER 11393], and the associated 1-3 Old Farm Cottages (also Listed Grade II), which used to house farm workers.

We have previously commented on pre-application advice request 22/1423/PREAPP (letter dated 16th September 2022), noting that the proposed development area is of very substantial size, and that it is in a situation favourable to settlement. It therefore has a high potential to contain significant archaeological remains. The proposed development may have an impact upon undesignated heritage assets, some of which may be of regional significance.

We recommended that should a planning application be submitted for this proposed development it should be supported by:

- The existing archaeological desk-based assessment prepared by Lichfields: Lichfields, Langleybury Film Hub Archaeological Desk-Based Assessment, September 2022
- The existing geophysical survey report prepared by Magnitude Surveys, Geophysical Survey Report Langleybury House, Hertfordshire, July 2022
- Any existing assessment of the impact of the proposed development on the historic built environment and designed landscape.

In addition, we recommended that the following works be carried out (to meet NPPF, para 194), and the results also submitted:

- An archaeological geophysical survey of additional areas of the overall development site, as appropriate
- An archaeological trial trench evaluation to test the geophysics results and quantify the archaeological resource.
- If not already in existence, an assessment of the impact of the proposed development on the historic built environment and designed landscape.

As per our pre-application recommendations, the Archaeological Desk-based Assessment prepared by the applicant's archaeological consultant (Lichfields), and the geophysical survey report prepared by Magnitude Surveys are included in the Environmental Statement (N1 – N4) submitted. I also note the submission, within the ES, of The Langleybury Estate, Kings Langley, WD4 8RP, Historic Buildings Report for Ralph Trustees Limited, Douglas Insall Associates, October 2022).

It is stated (Planning Statement. Archaeology):

5.124 With regard to below ground archaeology, Chapter N of the ES addresses this matter and is informed by a detailed Desk Based Assessment (DDBA) and a separate Geophysical Survey Report.

5.128 Further to this, a programme of trial trenching informed by a Written Scheme of Investigation (WSI) is to be agreed with the County Archaeologist and will be undertaken to allow a full assessment of archaeological potential to be made by the LPA. This assessment will be provided prior to the determination of the planning application.

ES Chapter N – Archaeology re-iterates this undertaking.

I can inform you that this office has agreed a Written Scheme of Investigation for archaeological trial trench evaluation with the applicant's archaeological consultant (Lichfields).

The trial trenching is currently being carried out by Wessex Archaeology, and is likely to be completed this month.

However, we will not be in a position to provide the Planning Authority with informed advice as to the impact of the proposal on the historic environment, or detailed recommendations as to the extent and nature of the archaeological mitigation that will be required, until a detailed report on the results of the evaluation has been prepared and submitted to the Planning Authority, and to this Office.

I therefore recommend that the planning application is not determined until this report has been submitted.

Please do not hesitate to contact me should you require any further information or clarification.

4.2.15 Herts County Council – Lead Local Flood Authority (Consultant response): [Object]

1.SuDS and drainage will be dependent on a 1 in 1 year storm event surface water sewer capacity. Events exceeding this are anticipated to discharge to three attenuation basins (2no. in Catchment 2 and 1no. in Catchment 3). Basins are understood to discharge via infiltration up to a 1 in 30-year climate change standard. Events exceeding this are anticipated to include unrestricted overtopping of basin capacity. Further information is required. Applicant to provide further information.

How are the ponds to be designed for overtopping without embankment failure for the lifetime of the development?

- If high infiltration rates can be achieved, what will prevent seepage beneath embankments and associated failure risk?
- How will exceedance flow up to the 1 in 100-year climate change event be safely managed without scouring to fields downstream?
- We note that infiltration testing has been provided at a single location only. Applicant to provide the location of existing ground investigation and further testing to demonstrate infiltration at all appropriate locations.
- No typical details and design for safety information have been provided (including access for maintenance).
- Further information on basin management and maintenance, including soakaway, for the lifetime of development including climate change is required.

2. Based on the provided layout, proposed wetland features appear not to have a profile that resembles wetlands. Further information is required. Applicant to provide further information.

- EA flood mapping indicates numerous wet areas, how has potential groundwater emergence been considered and what would be the implications for wetland capacity?
- We note that the second (downstream) wetland area is located within EA defined Flood Zones. How will attenuation be achieved at this location?
- SuDS proposals include for exceedance storage yet no information as to how floodwater can be contained has been provided.
- No typical details and design for safety information have been provided (including access for maintenance).
- Further information on wetland management and maintenance for the lifetime of development including climate change is required.
- Evidence of EA consultation/permit to discharge required.

3. SuDS proposals include for various surface water swales. It is understood that filter drains will link swales within Catchment 2, however, it is unclear how other swale features will operate and what capacity they will provide.

- Applicant to provide information on swale capacity and interconnectivity.
- No typical details and design for safety information have been provided (including access for maintenance).

4. We note that key areas of parking are to be formed as permeable paving with infiltration. At present, no information has been provided as to suitability of ground conditions for infiltration specific to these locations (linked to Comment 1). Further information is required. We note that the provided Maintenance Plan does not include areas of permeable paving. It is critical that permeable paving is appropriately maintained, including replacement, for the lifetime of development to ensure long term effectiveness.

5. A single soakaway location does not give sufficient clarity as to ground conditions. Further information is required for elements of surface water drainage that are dependent on infiltration as the basis for design. Can you substantiate the Safety Factor of 2 for infiltration SuDS, which is very low, as a means of managing runoff and siltation for the lifetime of development? Has any sensitivity testing been undertaken to demonstrate viability of the scheme?

6. A full detailed drainage plan including location of SuDS measures, pipe runs and discharge points is required at full planning. We note that the level of detail provided on the surface water drainage network is insufficient. An appropriate level of details and controls should be provided, including full Micro Drainage (or equivalent) in accordance with requirements.

7. There has been no detailed assessment of Catchment 1 provided for review.

8. Whilst reuse of the cistern for watering gardens is a positive measure, the applicant should provide details on how connections will facilitate drainage to the system and how water levels in the cistern can be managed prior to flood events without causing localised flooding.

9. The Maintenance Plan needs to be adapted to include management and maintenance of all elements of the proposed scheme including access arrangements, and remediation and replacement of permeable paving if required for the lifetime of the development including climate change.

4.2.16 Herts County Council – Minerals and Waste Team: [Object]

I am writing in response to the above pre-planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Waste

The proposed development as described above will result in the production of additional waste to be managed within the county, arising from the ground works and construction stages and proposed usage. As a result, waste matters will need to be considered as part of the proposed development and waste prevention, re-use, recycling and recovery options employed to minimise waste requiring disposal, in line with the waste hierarchy.

Government policy seeks to ensure that all planning authorities take responsibility for waste management when determining applications at a district/borough level. In particular, the Waste Planning Authority wishes to highlight the content of the National Planning Policy for Waste, which was published by government in October 2014. This is of relevance to local planning authorities as it provides the following guidance that relates to the determination of non-waste planning applications:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. This includes encouraging re-use of unavoidable waste where possible and the use of secondary aggregates and recycled materials where appropriate to the construction. In preparing planning applications applicants are urged to pay due regard to policies within the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. In particular the following policies are of relevance and applicants should ensure their objectives are met by way of details submitted with the application(s):

- Policy 1: Strategy for the Provision for Waste Management Facilities. (This is relates to the penultimate paragraph of the policy only);
- Policy 2: Waste Prevention and Reduction: &

- Policy 12: Sustainable Design, Construction and Demolition.

In line with Policy 12, the Waste Planning Authority would expect the planning application to be supported by a Site Waste Management Plan (SWMP), which aims to reduce the amount of waste, produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

We are pleased to see that a Waste Strategy and Site Waste Management Plan (SWMP) (dated October 2022) has been submitted alongside this application.

The submitted SWMP provides sufficient and necessary details the Waste Planning Authority expects to see included. The SWMP provides a high level of information relating to the estimated amount of demolition waste to arise also detailed with EWC codes. Estimated amount of waste arising from the construction is also included, along with waste management proposal. A table for recording actual amount of waste arisings is also set out.

Details of Waste carriers and Waste management facilities for where waste is proposed to be sent should also be provided.

SWMP's are live documents which should be updated periodically throughout the duration of a project. Actual waste arisings should be recorded in the SWMP as the project progresses, as well as details of where waste is taken to.

Policy 12: Sustainable Design, Construction and Demolition of the Waste Core Strategy and Development Management Policies (2012) document under which the requirement for a SWMP has arisen, requests that completed SWMPs are submitted to the Waste Planning Authority to collate the waste data to assist with waste planning and monitoring by understanding the quantities of construction and demolition waste that is being produced which requires managing.

As a reminder, the SWMP must be available to any contractor carrying out work described in the plan and should be forwarded to the Waste Planning Authority when completed. There is no need to provide monthly progress; instead the final figures at the completion of the project would be sufficient. These should be sent to the Spatial Planning and Economy Unit at the above postal address or by email to: MineralsandWaste@hertfordshire.gov.uk

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development.

Policy 5 further states that:

The County Council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- i. the land affected does not contain potentially workable mineral deposits; and/or
- ii. there is an overriding need for the development; and
- iii. the mineral cannot practically be extracted in advance.

The Minerals Planning Authority therefore object to the proposed development and request a site investigation and evaluation by way of a Minerals Resource Assessment (MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD).

It should be noted that if the full resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA. If opportunistic extraction is undertaken the relevant issues could be covered within an EIA supporting the proposed development.

However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may also result in an objection from the county council.

4.2.16.1 Following receipt of these comments further information was submitted which Herts Minerals and Waste made the following comments removing their objections:

After consideration of the submitted Minerals Resource Assessment (MRA) dated September 2022, the County Council, as the Minerals Planning Authority recognises the limitations to prior extraction of the site due to borehole evidence indicating low quantity and quality of mineral and constrains around existing residential development.

Given this, the County Council, as the Minerals Planning Authority, insists that the applicant explores further the opportunistic use of the deposits across the site should permission be granted. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make for sustainable use of these valuable resources.

We would now withdraw our earlier objection subject to the recommendation that the following condition be applied, if officers are minded to approve:

Condition: Prior to the commencement of development/excavation or ground works in each phase of the development a minerals recovery strategy for the sustainable extraction of minerals shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted Mineral Resource Assessment dated September 2022. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved minerals recovery strategy. The minerals recovery strategy must include the following:

- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and
- b) A proposal for maximising the extraction of minerals, providing targets and methods for the recovery and beneficial use of the minerals; and
- c) a method to record the quantity of recovered mineral (re-use on site or off-site).

REASON: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals Local Plan Review and the National Planning Policy Framework.

4.2.17 Herts County Council – Property Services: [No objection]

I refer to the above mentioned application and am writing in respect of planning obligations sought by Hertfordshire County Council towards early years; primary and secondary education; SEND, library, youth, waste and HFRS services, to minimise the impact of development on HCC's services for the local community.

Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. Therefore we will not be seeking financial contributions.

However, you may receive separate comments from the Highways Unit.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

Should you require any further information, please do not hesitate to contact the Growth & Infrastructure Unit.

4.2.18 Herts County Council – Public Health: No comments received.

4.2.19 Hertfordshire County Council – Forward Planning: No comments received.

4.2.20 Hertfordshire County Council – Ecology: No comments received.

4.2.21 Herts and Middlesex Wildlife Trust: [Object]

Application must demonstrate a measurable net gain to biodiversity in accordance with NPPF.

In accordance with NPPF, BS 42020, and The Environment Act 2021 the following information should be provided to demonstrate compliance with these documents

- Net gain to biodiversity (habitats) should be adequately and objectively demonstrated by application of the Natural England Biodiversity Metric.

The NPPF states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy and deliver a measurable biodiversity net gain.

BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

A Natural England Biodiversity Metric must be completed before a decision can be made. It must show a biodiversity net gain of >10% to be compliant with planning policy.

All habitats selected in the metric must be justified with data, e.g. botanical surveys with relative abundances and quadrat photographs. Habitats selected must correlate with UK Habitats definitions.

All condition assessment sheets for different habitats must be supplied with evidence to justify why they do not meet criteria.

4.2.22 Natural England: [No objection]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Natural England's Advice:

No objection

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

4.2.23 Three Rivers District Council - Development Plans: [Comment]:

Representation: This application seeks permission for the creation of a Film Hub through demolition and alterations of some existing buildings and the construction of new buildings. The application also seeks permission to relocate the existing Children's Farm. The proposal also comprises of improvements to Locally Listed and Grade II and II* Listed Buildings within the site, which are sought for in a separate application for Listed Building Consent.

The site is located in the Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the National Planning Policy Framework (NPPF, 2021). The NPPF states, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. The application supporting documents state the following benefits anticipate the very special circumstances in the NPPF; contribution to the economy and employment opportunities, heritage value, sustainable development, ecology and biodiversity net gain and inclusion of public space, open space and shared facilities with local services. On this

basis, the development of a film hub on this site can be considered as very special circumstances.

Policy CP1 'Overarching Policy on Sustainable Development' of the Core Strategy states that new development, in contributing to the sustainability of the District, needs to take account of protecting and enhancing existing community facilities and providing new facilities. Policy CP1(m) of the Core Strategy states development should take into account necessary infrastructure to enable and/ or support development, including (but not limited to) education, green infrastructure, leisure and community facilities. The application proposal includes improvements, alterations and enhancement to existing community facilities including the relocation of the Children's Farm, within the vicinity of the site, to adjacent to St Pauls Primary School and Nursery. The application supporting documents state a new parking facilities, a café and learning space will be provided alongside the Children's Farm, as a means to support its use. The supporting documents also state three new pedestrian and cycle access are proposed alongside a new public footpath and cycle path within the parkland area, where improvements to the landscape and woodland are proposed.

The Spatial Strategy in the Core Strategy states in order to achieve the Spatial Vision for Three Rivers, new development will be directed towards previously developed land. Policy CP1(m) states development should make efficient use of land by guiding development onto previously developed, brownfield land and incorporate mixed-use development wherever possible, recognising that some previously developed land can have significant biodiversity value. The National Planning Policy Framework's (NPPF) core planning principle is to encourage the effective use of previously developed land and also supports development of brownfield land. The application proposes development on green-field land with a portion of the application site on previously developed land and on a brownfield site. The development proposal also includes retaining a significant portion of green-field land with improvements to landscape alongside biodiversity net gain and the planting of approximately 680 new trees to enhance the green space. Therefore, the proposal complies with the Spatial Strategy and Policy CP1(m).

Policy DM3(a) 'The Historic Built Environment' supports the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. The policy states development should sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. The development site contains one Locally Important Building, three Grade II and one Grade II* Listed Buildings within the vicinity of the site. The application supporting documents states improvements and enhancements to all Listed and Locally-Listed Buildings on site will be sought in a separate application for Listed Building Consent. *On this basis*, the proposal would comply with Policy DM3(a) however this will be considered in more detail as part of the Listed Building Consent application.

The South West Herts Economic Study (2019) states the TV and film studios in Three Rivers are key assets for South West Herts' creative industries. The forecast growth in demand for studio space presents significant opportunities to generate more value from these sectors. Therefore, the application proposal would be contributing towards the growth of the TV and film industry within the District. The Economic Study also estimates that there is a requirement for 28,800 sqm of industrial and warehousing floorspace over the period to 2036. After taking into account existing commitments and capacity on existing employment allocations, the total requirement for industrial and warehousing space is 21,945 sqm (or 5.5ha of employment land using the plot ratio of 0.4 recommended in the Economic Study). Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floor space within the district. The application proposes flexible units within the Craft Workshop zone which supports the use of industrial and warehousing space including B2 and B8 uses. The supporting documents state the South Site area will include Support

Workshops whereby each workshop will have the facilities to support activity falling within B2 and B8 uses. Subsequently, the application complies with the South West Herts Economic Study and Policy CP6 of the Core Strategy.

In respect of proposed offices, Policy CP6(n) states that the sustainable growth of the Three Rivers economy will be supported by releasing office space from employment use where this is expected to be surplus to employment needs across the plan period, as indicated by an up to date Employment Land Study. The South West Herts Economic Study (2019) estimates an oversupply of 6,263sqm during the period to 2036 and so the proposal would not be in conflict with Policy CP6(n).

4.2.24 Three Rivers District Council – Transportation and Parking: No comments received.

4.2.25 Three Rivers District Council – Environmental Health (Residential): No comments received.

4.2.26 Three Rivers District Council – Environmental Health (Commercial): [No objection]

Air Quality

I have reviewed Chapter I - Air Quality of the ES.

An Air Quality Assessment has been undertaken to assess the impacts of the construction and operational phases of the proposed development.

The assessment of construction phase impacts concludes that the implementation of embedded mitigation measures during the construction phase, will substantially reduce the potential for dust and particulate matter to be generated and any residual impact on sensitive receptors is considered to be not significant.

The assessment of operational phase impacts concludes that there will be no exceedances of the relevant air quality objectives or target levels and negligible impacts. The residual effect of the proposed development on sensitive receptors is considered to be not significant.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures discussed in paragraphs I5.3-I5.5 of the Air Quality Assessment.

Measures aimed at reducing private car use during the operational phase are welcomed. I understand from reading the Air Quality Assessment that the applicant has prepared a Travel Plan. The plan is also discussed in the Transport Assessment. Unfortunately, I could not find the Travel Plan amongst the documents available online.

Land Contamination

I have reviewed Chapter M - Ground Conditions of the ES and the Phase 1 Desk Study prepared by Wardell Armstrong (Report ref. GM12410/Final).

The preliminary risk assessment has identified a number of plausible contaminant linkages that require further investigation. The Environmental Consultant has recommended that a targeted ground investigation be undertaken.

Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.

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

i) A site investigation scheme, based on the Phase 1 Desk Study prepared by Wardell Armstrong (Report ref. GM12410/Final), 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.

ii) The site investigation results and the detailed risk assessment (i) 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.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

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

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced 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 approved monitoring and maintenance programme shall be implemented.

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

4.2.27 Affinity Water: [No objection]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

Water quality

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (THEG). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

4.2.28 Thames Water: [No objection]

Waste Comments

This site is affected by wayleaves and easements within the boundary of or close to the

application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this. To discuss the proposed development in more detail, the applicant should contact Developer Services - <https://www.thameswater.co.uk/developers>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

4.2.29 British Pipeline Agency: [No objection]

Thank you for your correspondence regarding the above noted planning application.

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

- 4.2.30 National Grid: No comments received.
- 4.2.31 Sarratt Parish Council: No comments received.
- 4.2.32 National Planning Casework Unit: No comments received.
- 4.2.33 Chiltern Society: [Object]

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

The applicant's submission is a 'Full' Planning Application, however, the covering letter states that "since part of the application is submitted in outline, with all matters reserved except for access. Until specific occupiers are identified the precise specification of the development proposals cannot be known within the outline zone" This statement rather undermines the 'full' planning status of the whole application. Table 1 of the covering letter lists the buildings that fall into this 'outline' category, (which seems to cover the majority of the new buildings) where it is stated that this is "based on baseline site information and an understanding of potential future occupier requirements". If the applicant is unclear on future occupier requirements, why is a 'full' planning application submitted and how can an economic assessment of any validity be carried out.

This large Green Belt site is already part developed (in the North of the site) but the majority of the site is an undeveloped open landscape with unrestricted views across the Gade valley. Whilst sympathetic redevelopment of the brownfield parts of the site may have the benefits of industrial development leading to employment and economic growth, the Chiltern Society believe the proposed plans, particularly for the more rural parts of the site (in the Southwest) are far too industrial and overbearing, destroying large areas of open land and obliteration of the open view across the Gade valley in all directions. Proposed buildings of up to 9m, 17m and 18m (just under 60ft) are totally inappropriate for this site.

NPPF Para 140 refers to exceptional circumstances in relation to changes in Green Belt. This is not relevant in this case as it relates to changes in Green Belt itself, which can only be changed as part of a Local Plan. In this respect, the land concerned is currently and will remain Green Belt unless reviewed in a new Three Rivers Local Plan.

Accordingly, the only basis on which this application could be approved is under NPPF 146/7 which requires 'very special circumstances' to be established. None of the 'exceptions' listed in NPPF 149 apply to this case, therefore the development is classed as inappropriate.

The Chiltern Society reject the claim that "the increase in the built form.... "has been sensitively designed as to mitigate harm.... [in].. the wider landscape of the site" and we

would not agree that the proposed mitigation would reduce harm even after 15 years of tree growth.

Abbots Langley Parish Council have published documentation supporting their draft Neighbourhood Plan on the importance of the Gade valley views which would be obliterated by this development.

As this development is intended to serve film operations across the South East it would add more traffic to Langleybury Lane, the A41 and surrounding motorway junctions. If the Warner Brothers expansion (22/0491/FUL) is approved, we will expect that the traffic flow analyses for this application will have to be reworked to incorporate the traffic flows in a new baseline.

It is our view that the 'very special circumstance' claimed has not been proven or expressed in relation to scale of the proposed development, in particular to the buildings in the more rural part of the site.

Para 5.32 of the Full Planning Statement claims that parts of the site will remain Green Belt and therefore will be protected for evermore. This clearly is a false assertion as all the land is currently Green Belt and under threat by this proposed development. Should this assertion be true no development would be able to take place across the whole site.

With the Developer's admission on the uncertainty surrounding the requirements of the potential occupiers and hence the economic viability of the site, the argument that the economics of the proposal tilt the balance harm/benefit to achieving the 'very special circumstances' claimed is clearly invalidated. With the proliferation of film making facilities in the local area (the expansion of Warner Bros at Leavesden, new facilities in Bovingdon and proposals for Marlow) one must question the risk of overcapacity.

With the site split between brownfield and rural, and the more speculative building in the rural section, the Chiltern Society would expect separate or phased assessments to be made with appropriate 'full' and 'outline' separate applications.

There are many misleading claims made by the developer. To claim the Langleybury mansion is "unique" is not true as the UK has many such buildings used for film sets. "Enhancements to the parkland" cannot be true with many oversized buildings overlooking the parkland. Only relatively small areas of the site will be opened-up to the public against the claim of "large areas of the site" to be open.

The Developer's site assessment shows that groundwater is vulnerable to pollution and this aspect requires independent scrutiny before any development is approved. Similarly, recognising the site is within a water stressed area more data is required on predicted water usage with comparisons to current usage.

Supporting information on biodiversity and net gain claims, including methodology used, could not be found in the application so comment is not possible at this stage.

Summary

In summary, the Chiltern Society consider this site as being two distinct areas which should be considered separately; one, the brownfield area to the North which may be suitable for sympathetic development; the other, an open landscape with views across the Gade valley that should be protected. With the Developer's very speculative and unsupported claim on the economic benefits, the assertion that the proposal meets the 'very special circumstances' test clearly fails.

The Society's position is therefore to strongly object to this proposed development.

Does not compromise the five purposes of Green Belt.

I am writing in support this planning application because of the many public benefits that result from these proposals, as result of major private investment from a local landowner - Ralph Trustees Ltd. I acknowledge that 'any development of Greenbelt Land must meet the requirements as defined in National Planning Policy Framework (NPPF) which states at Para 138: "Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas.
- b) to prevent neighbouring towns merging into one another.
- c) to assist in safeguarding the countryside from encroachment.
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

I believe none of the above five purposes will be compromised and legal agreements should be put in place to ensure any future development does not undermine this position. With regard to (c), the proposals do assist in safeguarding the countryside by the significant investment in renewing the natural landscape and removal of derelict and inappropriate buildings, whilst ensuring the new on-site activities provide funding for the continued maintenance of the natural environment of this estate.

The proposals do present 'exceptional' opportunities for the future use of this site NPPF Para 140: 'Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. ... Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.'

I believe the proposals in this Planning Application do represent 'exceptional circumstances' which provide proposals which are uniquely relevant to the Langleybury Estate. Eight particular benefits for the community include:

1. Restoring the Grade Two listed building, Langleybury House (built in 1720) and its formal gardens/orchard etc. This is on the English Heritage Buildings at Risk Register.
2. To replace the derelict Langleybury Secondary School that closed in 1996 - 26 years ago.
3. To provide a much-needed Craft Campus with units for long term hire as well as a Film and Television

Training Facility, workshops, sound stages and production offices. These are facilities directly relevant to the future development of the film/TV industries in this area and ensure local people can receive the skilled training, experience and qualifications to allow them to work locally on well-paid employment.

4. The proposed enlarged area of open parkland with access to the Grand Union Canal and tree planting.

5. Providing a joined up public foot paths and cycle network, improved facilities and relocation/renovation of the Children's Farm, additional parking facilities and a café in the restored walled gardens of Langleybury House.

6. The proposals have been developed in consultation with Historic England and could provide many benefits for the area as well as restoring the historic views from Langleybury House including the restored parkland.

7. Interest was shown by the Ralph Trustees in an Aspirational Project (See Draft Abbots Langley Neighbourhood Plan, Chapter 12, Page 100, <https://www.abbotslangley-pc.gov.uk/parish-council/draft-2abbots-langley-neighbourhood-plan/>)for a Community Garden and the range of services that the Sunnyside Trust could provide, if this planning application receives permission to go ahead. Sunnyside were asked to respond to this opportunity by preparing a list of proposals for the Langleybury Estate and summarise their 25 years of experience providing training and work for young people and adults with learning disabilities. This document was submitted by the Sunnyside Trust to the Ralph Trustees for discussion on 20th November 2022.

8. The Sunnyside Trust 'would like to be part of and potentially coordinate a group of community partners (Langleybury Church, St Paul's School, the Children's Farm, the Cricket Club, Electric Umbrella, New Hope, Watford Chamber of Commerce, Abbots in Transition) to offer a community hub to run a variety of social enterprises.

Addressing Local Concerns

The main two concerns that appear to be under discussion with regard to this planning application are:

1. Increased traffic on Langleybury Lane.
2. Siting new buildings on the south-west area of the site, adjacent to Langleybury Lane.

Response to 1. Increased traffic on this road should not be significant due to the activities at the Film Hub.

The current main uses relate to school traffic to/from St Paul's School, and movement from Abbots Langley to schools in the Croxley Green area. Proposals for additional parking which parents can use when at St Paul's School will improve safety and remove roadside parking on Langleybury Lane. This is a rural road with few buildings along this section. Any traffic pollution and noise will be insignificant compared to the nearby M25 which is adjacent to this lane, although screened by trees and the motorway cutting.

Response to 2. Having visited the exhibition of the Film Hub Proposals in November 2022, I understand that the proposed new buildings are beyond a ridge and therefore cannot be seen from the public parkland in the Gade valley. These buildings can be seen from the ridge across the valley, adjacent to Gypsy Lane and some other housing areas in Hunton Bridge. If this is a concern for residents, I believe more native trees could be planted and, if necessary, additional earthworks on site, to ensure the rural views can be preserved.

My support for these proposals is because of the importance of this scheme for the local economy, the creation of employment and training for a wide range of people of differing abilities, the removal of derelict buildings and the restoration our local heritage whilst offering improved recreational facilities for the community and enhancing the biodiversity of the area. This is an exceptional opportunity providing a relevant future for this site and is compatible with the policies presented in the Draft Neighbourhood Plan for Abbots Langley.

5 Public/Neighbour Consultation

5.2 Site Notice: Expired 12 December 2022 (a number of site notices around the perimeter of the site).

Press Notice: Expired 18 December 2022

Number of neighbours consulted: 49

Number of responses: 36 (15 Objections; 21 support)

Objections

Support the many benefits however points need addressing. Development would increase volumes of traffic along an already busy and fast road. Speed calming measures are required; Existing traffic lights cause significant queues up Langleybury Lane; Car park would lead to a large number of cars entering and exiting the road to the school, how will they be supported to enter and exit Langleybury Lane where sight lines are blocked; Bollards along verges would stop parking; Access from A41 should be developed; Trees should be replaced; Overdevelopment; Urban development on Green Belt land will damage landscape for ever; Destruction of the valley and wonderful heritage; Additional traffic; Claims for special circumstances are unsubstantiated; Do not know who the specific occupiers will be; Should be considered alongside Warner Bros which will result in extensive industrialisation of Green Belt land; Hunton Bridge already have experienced the intrusive sound stages and messy backlots; Very little Green Belt left in Hunton Bridge/Langleybury; Visual impact would be great with development clearly visible from A41 and M25; Not all parts of site will remain in Green Belt; Does not include proof of the methodology for claims of biodiversity; Will not bring employment this is evidenced by Warner Bros.; Additional traffic will be safety risk for children; Support demolition of school and renovation of the mansion but film hub will not be open to public; Adverse effect on Listed Building, conservation area and trees; Road will not be able to cope with traffic; Site has already changed; No justification of very special circumstances for speculative proposal; Will destroy views and character of west side of Gade Valley with industrial buildings; 18m high buildings will be very visible from viewpoints around the valley and will dominate skyline; Will push back Green Belt and open up for future infill; Light pollution; Will destroy rural view as set out in neighbourhood plan; Lack of information on sound stages or backlots; Covenants to prevent future development down the valley welcomed; Additional traffic to Langleybury Lane and surrounding roads; Should avoid building on fields in times of drought; proposed water storage will prevent water reaching aquifers; Overshadowing; Sympathetic development of the brownfield part of the site could be achieved; Should demand full information on scale of development from view points which will be affected by the proposal; Large area will not be opened up to the public; Noise pollution; Will remove all views along Langleybury Lane; Incursion into Green Belt; Too close to boundary; Current traffic levels from existing use are excessive; Poor visibility; Large impact on pedestrian, equestrian and cyclist amenity and safety; Traffic report are inadequate; Lane could not cope with HGV traffic; Green Belt land in Hunton Bridge and Langleybury has been reduced; Not acceptable to spoil both sides of the valley; Will lead to increases in traffic along the A41.

Support

Support much needed training facility to support the ever growing motion picture industry in the UK; Will support infrastructure and operations of the film and TV industry complementary to the sound stages being built elsewhere; Will provide space for smaller independent productions that are squeezed out of space by long term takeover deals; Will allow the film industry to grow in a sustainable manner; Lack of film space in the south east; Good location; Herts is perfectly positioned to respond to demand; Would preserve the heritage asset which is a great filming asset; Film and TV Sector is a major contributor to the UK creative industries economy; Supply of studio space is not in line with growth; Film hub responds to the shortage of dedicated blended space; Support long term employment; Training will ensure industry will benefit local people; Will provide complementary development; The UK film and TV sector generates jobs, building skills and creates opportunities for young people; UK needs to expand the infrastructure; Allow restoration of the mansion; allow purpose built children's farm that will benefit school and local families; Parking will help school and traffic problems; will provide a place for people to learn and will respect local wildlife by maintaining green space; Site is within 30 minutes drive of 75 sound stages; Particular need for ancillary space; Will provide vocational experience

opportunities; Will benefit local area and UK economy; Film industry also brings in tourism; Well placed to serve major studio productions and smaller domestic ones; In favour of additional parking; Siting of farm closer to school will cement close links and provide improved educational facilities; Café at farm for visitors; Will provide exceptional opportunity to support community, environment and create employment; Supported by Sunnyside Rural Trust and will be involved in the workings of the Walled Garden; Langleybury School Alumni support scheme

5. Reason for Delay

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised objections, to address their objections.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S66 of Planning (Listed Buildings and Conservation Area) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it processes.
- 6.1.3 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.2 National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

6.3 The Three Rivers Local Development Plan

- 6.3.1 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

- 6.3.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 (Overarching Policy on Sustainable Development), CP6 (Employment and Economic Development), CP7 (Town Centres and Shopping), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).
- 6.3.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM13 (Parking) and Appendix 5 (Parking Standards).
- 6.3.4 The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA1 (H(7)) and SA7 are relevant.

6.4 Other

- 6.4.1 Hunton Bridge Conservation Area Appraisal (July 2008).
- 6.4.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Principle of Development

Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. The NPPF sets out that Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 7.1.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.3 Paragraph 149 of the NPPF identifies that new buildings are considered inappropriate; however, the NPPF sets out the following exceptions to this:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.1.4 Paragraph 150 of the NPPF further clarifies:

‘Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.’

7.1.5 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will “encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it”. Development Management Policy DM2 notes that “As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is (a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight..

7.1.6 In relation to the assessment of the impact on openness of a development within the Green Belt paragraph 001 of the NPPG states:

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

- 7.1.7 It will be necessary to assess whether the proposed development would represent inappropriate development within the Green Belt taking into the considerations as set out within paragraphs 149 and 150 of the NPPF.
- 7.1.8 If considered to represent inappropriate development it will be necessary to assess whether the proposed development would result in harm to openness of the Green Belt, taking into consideration factors such as but no limited to the scale of development, any intensification of use of the site and ancillary features such as lighting and hardstanding. The assessment of the impact on openness of the development within the Green Belt will take into consideration the guidance as set out within the NPPG.

Loss of Allocated Housing Site

- 7.1.9 Policy SA1 (H7) of the Site Allocations Document identifies that the Langleybury School Site is projected to deliver the replacement of the existing school buildings with 20 dwellings. The projected housing delivery date set out within the Site Allocations Document was 2016-2020. The housing has not been delivered within the estimated time period. The proposed development would result in the housing not being capable of being delivered in accordance with the projections as set out within the Local Plan. As part of the full assessment it will be necessary to take into consideration that the projected housing as set out within the Local Plan will not be delivered on site.

7.2 Impact on the character and appearance of the street scene and locality

- 7.2.1 Paragraph 126 of the NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”

- 7.2.2 Paragraph 130 of the NPPF states amongst other things that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 7.2.3 Paragraph 134 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes: and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

7.2.4 Policy CP1 of the Core Strategy (adopted October 2011) advised amongst other things that:

“All development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to:

n) Promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour”

7.2.5 Whilst this criterion talks about buildings and public spaces it stresses the importance of design quality and local distinctiveness.

7.2.6 In accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) development should amongst other things:

“a) Have regard to the local context and conserve or enhance the character, amenities and quality of an area.

d) Make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials”

7.2.7 The site is within the Chilterns Landscape Area as identified in the Local Plan and by Hertfordshire County Council’s Landscape Character Assessment. Policy DM7 requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure.

7.2.8 The detailed aspect of the scheme would be concentrated around the Langleybury House where there is existing built form. The existing buildings serving the farm will be demolished and the historic wall where required will be made good. The café building would be sited to the east of the existing wall which is clearly visible from public vantage points. It would be necessary to assess whether the siting, scale and design of the café would result in demonstrable harm to the character and appearance of the area and visual amenities of the street scene.

7.2.9 The craft zone, commercial zones and training facility would be sited within the existing school and agricultural uses of the site. Although the proposed development forming the craft zone would increase the density of built form within this area, a sympathetically designed scheme, of the farm area and area surrounding the existing E shaped barn, may not result in demonstrable harm to the visual amenities of the area and respect the historic agricultural use of the site. The training facility would be sited where the existing school building and ancillary structures are located. Considering the existing built form and location it is unlikely that this element of the scheme would result in a notable feature as viewed from Langleybury Lane however there would be views of the building from public vantage points along the existing and proposed access routes to the east of the site and wider long range views. The development within the farm area would be enclosed by existing and proposed built form thus its impact on the locality in terms of impact on visual amenities is likely to be limited.

7.2.10 To the south the development would result the addition of a number of buildings within the existing open landscape with a maximum height range of 17-18m. The buildings would sit in an elevated position relative to the land to the east which slopes down towards the Canal.

It would be necessary to assess the potential impact of the development from public vantage points sited both along Langleybury Lane, from the existing (and proposed) public footpaths to the east and wider range views from outside of the site.

7.2.11 The new farm would result in the addition of built form to the north of the Langleybury House and would include the provision of an area of hardstanding to provide parking. The area to the north of the Langleybury House is undeveloped and open in nature.

7.2.12 As part of a full application It would be necessary to assess whether the principle of the development of the site would be appropriate to the setting and character of the area and street scene.

7.3 Impact of proposal on heritage assets

7.3.1 Strategic Objective S10 of the Core Strategy is “To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings”. Core Strategy Policy CP12 states that “in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets”.

7.3.2 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets.

7.3.3 Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

7.3.4 Chapter N of the Environmental Statement includes a chapter in respect of Archaeology which assesses the potential effects of the proposed development on the historic environment.

7.3.5 Impact on the setting of the adjacent Listed Buildings

7.3.6 The application site contains a number of heritage assets including both listed buildings and curtilage listed buildings:

The Langleybury House – Grade II * Listed
Stable Bloc – Grade II Listed
Aisled Barn – Grade II Listed
Cottages (row of three dwellings) – Grade II Listed
South Lodge – Curtilage Listed
West Lodge – Curtilage Listed
Former Gardeners Accommodation – Curtilage Listed
E shaped Barn – Curtilage Listed
Former Laundry Building – Curtilage Listed
The historic garden and features such as the pond and Wall – Curtilage Listed.

7.3.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

7.3.8 Paragraph 195 of the NPPF advises that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

7.3.9 Paragraphs 199 and 200 of the NPPF state that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

7.3.10 Paragraph 202 of the NPPF advises that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

7.3.11 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

7.3.12 Historic England’s comments are set out in full within paragraph 4.1.12. In summary, Historic England have advised that they consider that the new build elements to create the ‘Film Hub’ would result in less than substantial harm of a high level to the setting and significance of the Grade II* Listed Mansion and other listed buildings. There are ongoing discussions regarding the development and impact on Heritage features.

7.3.13 Impact on the setting of the adjacent Hunton Bridge Conservation Area

7.3.14 The Hunton Bridge Conservation Area was designated in 1984, and the conservation area appraisal published in 2008. The original settlement is thought to have originated from early coaching routes and the crossing of the River Gade. The appraisal notes that the conservation area is effectively split by the A41 dual carriageway and the canal, which separate the main core of the settlement from the church and vicarage which are sited in more open rural landscape. The appraisal notes that the spire of the church is visible from many parts of the core of the settlement and provides a landmark to views from the east to the west. The eastern boundary of the northern part of the site (where the parking to serve the school and farm) adjoins the boundary of the Conservation Area.

7.3.15 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.

7.3.16 Assessment would be required as to whether the change of use of the adjacent field to include parking and hardstanding and associated lighting and siting of the farm building would adversely affect the setting and views into an out of the adjacent Hunton Bridge Conservation Area. The same assessment would be required as to whether the scale, siting

and design of the development around The Langleybury House and wider site would have any affect on the setting, character and views into and out of the Conservation Area.

7.3.17 Impact on Archaeology

- 7.3.18 The proposed development site comprises the former Langleybury Estate and Home Farm. Langleybury House [Historic Environment Record No 11391] is an early 18th century Grade II* Listed country house that was in use as a school between 1947-96. It is set within the remains of its former parkland and formal gardens [HER 12721], which were laid out in the mid 19th century. Associated buildings include the Grade II Listed Stables, to the south-west of the house, the notable late 14th century aisled barn, built by abbot John Moot [HER 4851], which is Listed Grade II, the Home Farm [HER 11393], and the associated 1-3 Old Farm Cottages (also Listed Grade II), which used to house farm workers. Herts Archaeology advised that that the proposed development area is of very substantial size, and that it is in a situation favourable to settlement. It therefore has a high potential to contain significant archaeological remains. The proposed development may have an impact upon undesignated heritage assets, some of which may be of regional significance.
- 7.3.19 Herts Archaeology required trial trenching to be carried out and submission of additional information. The trial trenching has been conducted and additional information submitted that has been sent to Herts Archaeology for comment.

7.4 Highways Impacts

- 7.4.1 Paragraph 110 of the NPPF advises that;

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 7.4.2 Paragraph 111 of the NPPF states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.
- 7.4.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113 of the NPPF).
- 7.4.4 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.4.5 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.4.6 The film hub would be served by the existing three accesses; all of the accesses would be increased in width and served by improved visibility splays. The farm and parking will be served by the same access serving the C of E Primary School.

7.4.7 The application is supported by a Transport Assessment and Addendums and Travel Plan (Appendix G1) as set out within the Environmental Statement. Following the submission of additional information by the applicant no objections are raised by Hertfordshire County Council as Local Highway Authority in relation to the impact of the development on highway safety along Langleybury Lane or impact on the wider highway networks. National Highways have objected to the scheme and have requested further information in respect of the potential impacts on the strategic road network..

7.5 Vehicle Parking

7.5.1 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the car parking requirements for the District.

7.5.2 There are no parking standards relating specifically to film studio use. The Policy advises that for uses not specifically identified, standards should be considered on a case by case basis. The most closely related standards are considered to be:

- Office and Research Development 1 space per 30sqm
- Light Industry 1 space per 50sqm
- General Industry 1 space per 75sqm

7.5.3 Appendix 5 does indicate that the car parking standards may be adjusted according to which zone the proposed development is located in. The site is within Zone 4, equating to 75-100% of the demand based standard.

7.5.4 As the application is in outline for the majority of the new build and the plans are indicative only with scale and layout reserved the level of parking for the wider site cannot be formally assessed at this time. However, considering the extent of the site and anticipated measures to reduce travel by car it is considered sufficient parking could be provided without requiring parking off site. Although the parking would be required to be sympathetically sited as to reduce impact on Green Belt and setting.

7.5.5 The area for full planning permission would provide in excess of 100 parking spaces. With the exception of the café, which would serve the Film Hub, the detailed element of the scheme proposes limited increase in built form. The site is already been used for filming. It has not been confirmed whether, if granted permission, filming would stop during to allow the change of use and full delivery of the detailed element of the scheme. Details of the estimated parking requirements for the full aspect and how this will be managed throughout the construction would be required to be clarified. The application is supported by a Travel Plan (Appendix G3 of the Environmental Statement) which sets out measures and initiatives to encourage use of sustainable modes of transport.

7.6 Impact on amenity of neighbouring occupiers

- 7.6.1 Paragraph 130 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.6.2 Policy CP6 of the Core Strategy (adopted October 2011) advises that the Council will support development that sustains parts of the District as attractive areas for business.
- 7.6.3 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.6.4 There are residential properties sited within and adjacent to the application site. Little Liz, the neighbouring Traveller site, is sited on the opposite side of Langleybury Lane to where the Sound Stages and Support Space will be located. The access serving the residential properties of Langleybury Fields and Berry Bushes Farm is sited opposite an access serving the Film Hub. These residential properties are however sited over 500m from the application site. St Pauls Vicarage is located on the opposite side of Langleybury Lane to the proposed parking area to serve the C of E Primary School and Farm.
- 7.6.5 The site is also elevated above the A41 and is clearly visible from the opposite side of the Gade Valley. It will be necessary to assess whether the proposed development would have any adverse impacts on the amenities of neighbours, either in terms of the visual impacts of the development or the impacts from any air, noise or light pollution.

7.7 Pollution – Air Quality

- 7.7.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.7.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.*
- *Introduce new point sources of air pollution eg. furnaces.*
- *Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.*

- 7.7.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- i. Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or*
- ii. Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.*

- 7.7.4 The Environmental Statement includes an Air Quality 'Chapter I - Air Quality'. An Air Quality Assessment has been undertaken to assess the impacts of the construction and operational phases of the proposed development. The assessment of construction phase impacts concludes that the implementation of embedded mitigation measures during the construction phase, will substantially reduce the potential for dust and particulate matter to be generated and any residual impact on sensitive receptors is considered to not be significant.
- 7.7.5 The assessment of operational phase impacts concludes that there will be no exceedances of the relevant air quality objectives or target levels and negligible impacts. The residual effect of the proposed development on sensitive receptors is considered to not be significant.
- 7.7.6 The Environmental Health Officer has raised no objections to the proposed development subject to conditions.

7.8 Pollution – Noise and Vibration

- 7.8.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.8.2 Policy DM9 of the Development Management Policies LDD (adopted July 2019) sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

- 7.8.3 The Environmental Statement includes a chapter on Noise and Vibration 'Chapter H -Noise and Vibration'.

- 7.8.4 The Council's Environmental Health Officer is reviewing the submitted details.

7.9 Pollution – Light

- 7.9.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.9.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states in relation to lighting proposals, that development proposals which include external lighting should ensure that:

- i. Proposed lighting schemes are the minimum required for public safety and security*
- ii. There is no unacceptable adverse impact on neighbouring or nearby properties*
- iii. There is no unacceptable adverse impact on the surrounding countryside*
- iv. There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians*
- v. Road and footway lighting meets the County Council's adopted standards*

- vi. *There is no unacceptably adverse impact on wildlife*
- vii. *Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting is sensitively designed to prevent negative impacts on use of these habitat features.*

7.9.3 The application is supported by a Lighting Assessment which reviews the lighting impact of the proposed development and concludes that the lighting methods suggested would reduce light spill over the site boundary into neighbouring areas, and minimise sky glow. The impact of lighting is also considered within the Ecology chapter (Chapter E) of the Environmental Statement.

7.9.4 The Council's Environmental Health Officer and Herts Ecology are reviewing the submitted details. The lighting assessment will also take into consideration impact on Green Belt and wider range views within the Landscape; this will be assessed as part of the landscape impact assessment of the scheme.

7.10 Pollution – Land Contamination

7.10.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

7.10.2 Chapter M of the Environmental Statement discusses Ground Conditions, Contamination and Geotechnical. The preliminary risk assessment has identified a number of plausible contaminant linkages that require further investigation. The Environmental Consultant has recommended that a targeted ground investigation be undertaken.

7.10.3 The Environmental Health Officer has commented that a condition would be required to secure further investigatory works to be undertaken, and a remediation strategy and verification plan.

7.10.4 The site is located within Ground Source Protection Zones 1 and 2. The Environment Agency have not raised any objections to the proposed development subject to conditions. The Canal and River Trust have also raised concerns regarding contamination of the canal and biodiversity networks and have suggested that these matters can be addressed by condition.

7.11 Impact on Wildlife, Biodiversity and Agricultural Land

7.11.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.11.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.11.3 Chapter E 'Ecology and Nature Conservation' of the submitted Environmental Statement is an Ecology report, with that chapter assessing the likely significant ecological effects of the construction and operational phases of the proposal. It is informed by a Preliminary Ecology Appraisal, Phase 1 Habitat Survey, Bat Survey, Invertebrate Scoping report, Reptile survey report and bird survey report, Scientific Technical Report.

- 7.11.4 The application is further supported by a Green and Blue Infrastructure Plan and Outline Nature Recovery Plan. The submissions place significant emphasis on the provision of protecting and improving biodiversity.
- 7.11.5 Herts Ecology are still reviewing the submitted information.
- 7.11.6 In respect of the potential impact of the proposal on Agricultural Land, the applicant has submitted an Agricultural Land Assessment. This demonstrates that the majority of the application site comprises Grade 3 Agricultural Land (good to moderate quality). The built form of the development will primarily be situated on non-agricultural land and Subgrade 3b land. Approximately 7.69ha of best and most versatile agricultural land and 11.89hectares of Subgrade 3b agricultural land will be permanently removed from agricultural use as a result of the development. A further 30.68 hectares of best and most versatile agricultural land will change use as part of the proposal but the Planning Statement identifies could be returned to agriculture with minimal effort. It is confirmed within the Planning Statement that 25 hectares of agricultural will be retained for public access, landscape enhancement and restoration. Natural England have been consulted in relation to the proposed development however no objections have been raised in relation to loss of agricultural land.
- 7.12 Impact on trees and landscaping
- 7.12.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with illustrative landscaping details, and layout is a matter for consideration, which requires consideration to be given to the impact on existing trees and hedgerows.
- 7.12.2 Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.12.3 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:
- i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.*
- 7.12.4 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 7.12.5 All 160 high quality (Grade A) trees will be retained. It is indicated in the Planning Statement that a small percentage of moderate quality and below grade tree are proposed for removal. Replacement planting is however proposed although this will form part of the reserved matters for the Outline aspect of the scheme. Three Rivers Landscape Officer is still considering the details in relation to impact of the development on the existing trees within the site.
- 7.12.6 A Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application which is set out within Chapter D of the Environmental Statement. The document concludes that after 15 years the development would not have significant impact affects on the landscape character from agreed visual receptors with the implementation of mitigation measures.
- 7.12.7 The LPA's Landscape Consultant has reviewed the documentation and advised that the following landscape principles and design amendments are explored:

- The built form edge should be pulled further away from the western boundary and stronger edge to the countryside through mitigation planting commensurate to the scale of development being proposed. This could be accomplished by predominantly through woodland shaw / belt planting of native species and the creation of an 'eco-tone' of native scrub / thicket and wildflower planting to assist the transition from built development to rural countryside.
- The blue Infrastructure section of the GI Strategy refers to drainage flow paths. We seek clarification as to whether there will be underground pipe systems in place, or whether nature based above ground solutions will be used?

7.12.8 The Landscape Consultant considered that the site has sensitive landscape qualities both designed and natural which need to be conserved. It is considered that, although not fully opposed to the principle of development within this location, it would have an adverse impact both on visual amenity and landscape character. Following receipt of these comments discussions are ongoing with further details anticipated to be submitted for consideration.

7.13 Energy Use

7.13.1 Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

7.13.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.13.4 Three Rivers District Council declared a 'Climate Emergency' in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Following the declaration of the 'Climate Emergency' Three Rivers District Council agreed a Climate Change and Sustainability Report at its Full Council meeting on 25 February 2021. The TRDC Climate Strategy is not a planning document, but an overarching Council Strategy which is informed by the draft policies in the new Local Plan. Whilst the declaration of the Climate Emergency and Climate Change Strategy are noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed.

7.13.5 The application is accompanied by Energy and Sustainability Statements. This sets out how the proposed development has been designed around a fabric first approach using building orientation, fabric enhancements and elements of thermal mass to deliver a series of low carbon buildings that will run on high efficiency of air and ground source heat pumps. It is estimated that the proposal will deliver 85% reduction in carbon emissions against current building regulations. The development is planned to be fossil fuel free. No details of the energy efficiency of the café proposed as detailed permission have been provided; this will be required to be clarified. It is anticipated that any future Reserved Matters submission

would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

7.14 Flood Risk and Drainage

7.14.1 The site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year. However, as the site area is over 1 hectare a Flood Risk Assessment is required.

7.14.2 Paragraph 159 of the NPPF states that;

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.14.3 Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

7.14.4 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District.

7.14.5 Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

7.14.6 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

7.14.7 The application is accompanied by an Outline Flood Risk Assessment including Surface Water Drainage Statement and Section K 'Water Environment' discusses drainage and flood risk.

7.14.8 The Environment Agency have raised no objections to the proposed development and impact on the flood plain that is sited at the lower level part of the site. On going discussions are however being had regarding the Sustainable Drainage aspects of the scheme. Part of the Drainage Scheme proposes the creation of water meadows on the lower fields. To allow continuous access for users of the existing footpath and to help retention of the water it is anticipated that the footpath will be raised above existing ground levels; elevational details of the raised path have not been provided.

7.15 Refuse and Recycling

7.15.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 7.15.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.
- 7.15.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste during construction, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.
- 7.15.4 In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls partly within the sand and gravel Mineral Safeguarding Area within HCC's Proposed Submission Minerals Local Plan, January 2019.
- 7.15.5 Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.
- 7.15.6 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

7.16 Infrastructure Contributions

- 7.16.1 Following receipt of Herts Highways comments the following has been identified as being required to be paid:

£502,699 towards cycle way improvements

£358,661 towards local bus service improvements

7.17 Referral to Secretary of State

- 7.17.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green

Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt..

7.18 Very Special Circumstances and Planning Balance

7.18.1 As the proposed development represents inappropriate development in the Green Belt, it is necessary to ascertain whether there are any very special circumstances which outweigh the harm caused to the Green Belt and any other harm which may be identified. In addition to the details summarised above, the applicant has submitted a case for very special circumstances within their Planning Statement which should be considered. The key headings from the applicants case are set below:

Heritage Benefits
Benefits to Natural Capital and Sustainability
Public Benefits
Economic Benefits
Need

Recommendation

- 8.1 Members should note that there is no recommendation for approval or refusal at this stage in the consideration of the application.
- 8.2 Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.

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PLANNING COMMITTEE - 23 March 2023

23/0083/RSP - Part Retrospective: Construction of two storey rear infill extension, removal of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail at no.63 WOLSEY ROAD, MOOR PARK, HERTS, HA6 2ER (DCES)

Parish: Batchworth
Expiry of Statutory Period: 15.03.2023

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: This application has been called in by Batchworth Community Council due to concerns regarding the impact of the alterations on the host dwelling and the wider Conservation Area.

1 Relevant Planning and Enforcement History

- 1.1 W/1727/57: House and garage.
- 1.2 8/336/83: Replacement study.
- 1.3 8/430/87/D3149: Bathroom.
- 1.4 99/01754/FUL: Two storey rear extension. Application permitted.
- 1.5 21/0064/FUL: Two storey rear extension and conversion of garage to habitable accommodation. Application withdrawn.
- 1.6 21/2750/FUL: Two storey rear infill extension, loft conversion including roof extension with rear dormers and rooflights. Application withdrawn.
- 1.7 22/0360/FUL: Two-storey rear extension, roof extension including construction of rear gables, insertion of rooflights and alterations to fenestration. Application refused for the following reason:

The proposed introduction of multiple rear gables by reason of their design including modern glazing detailing and lack of articulation would be unsympathetic to the character and appearance of the existing dwelling thus failing to preserve or enhancing the character of the dwelling. The unsympathetic additions therefore further erode the contribution the house has to the Moor Park Conservation Area. Having regard to paragraph 202 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006) and the NPPF (2021).

- 1.8 22/1375/RSP: Part retrospective: Two storey rear infill extension, loft conversion including roof alterations and increase in height of existing two storey side projection, installation of rooflights, conversion of garage to habitable accommodation and alterations to fenestration detail. Application refused for the following reason:

The proposed development by reason of its design and elevated bulk and massing at the rear would be unsympathetic to the character and appearance of the existing dwelling and would further erode the character of the dwelling to an unacceptable degree. Additionally,

it has not been demonstrated that the majority of the existing dwelling would be retained as a result of the significant internal demolition proposed. Having regard to paragraph 196 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006).

1.9 22/0133/COMP: Unauthorised works: Erection of two storey rear infill extension and removal of roof. Pending consideration.

2. Description of Application Site

2.1 The application site consists of an existing two storey detached dwelling located on the eastern side of Wolsey Road, within the Moor Park Conservation Area. The dwelling has been subject to recent works which have included the removal of the roof and the part construction of a rear extension. The Conservation Area is characterised by detached dwellings of varied architectural design, located on large plots with spacing between dwellings.

2.2 The existing host dwelling has been extensively altered from its original form as indicated on the plans dating from 1957. Due to previous extensions, the host dwelling had a stepped ridge height to the front elevation with varied roof forms present. There is an existing two storey front gabled projection with tile hanging in the roof form which is located centrally; and it appears that the dwelling has been historically extended towards the boundary with no.65 Wolsey Road. To the rear, the dwelling has been previously extended at two storey level which previously consisted of three separate projections across the rear elevation of the dwelling. The element adjacent to no.65 had a crown roof form, whilst the element adjacent to no.61 had a hipped roof form. These outer elements projected further rearwards than a central recessed element which also had a hipped roof form. Beyond the rear wall of the dwelling is a raised patio area. The boundaries of the site are screened by mature vegetation.

2.3 Located to the front of the dwelling is an existing paved carriage driveway with ample provision for off street car parking provision.

2.4 At the time of the site visit, the two storey rear infill extension had been constructed, although it did not yet have a roof form. In addition, the roof form of the dwelling had been removed, however, the works had not commenced in relation to the provision of a new roof form.

3. Description of Proposed Development

3.1 The applicant is seeking part retrospective planning permission for the construction of a two storey rear infill extension, removal of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail.

3.2 As the applicant has already removed the entire roof form of the dwelling including the former crown roof, a new roof form is proposed which would include a pitched roof form over what is considered to be the original part of the dwelling. The pitched roof form would be a height of 9m, and would be no higher than the pre-existing maximum ridge height. Over the remaining element of the dwelling, the applicant is proposing to erect a hipped roof form which would have a single ridge with a height of 8.7m for a ridge width of approximately 6m. As part of the development, the pitch of the gabled projection would be altered to match the pitch of the proposed roof form. The plans indicate that this element would still be tile hung.

- 3.3 To the rear, the two storey rear extension which has been partly constructed forms part of the extensions proposed. This two storey rear extension infills the recessed rear building line of the dwelling. The extension has a depth of 1m and a width of 3.6m, to bring the rear building line level with the line of the existing two storey projections. At present, it does not have a roof form, however, the new roof form would be constructed over the extended dwellings rear elevation.
- 3.4 Three rear dormer windows are proposed. These would have pitched roof forms with a height of 1.9m, a width of 1.5m and a depth of 2.6m.
- 3.5 The plans also include the conversion of the existing integral garage, however, the garage doors to the front elevation would be retained.
- 3.6 Amended plans have been received during the course of the application which have resulted in the:
- Removal of front dormer windows;
 - Addition of chimney adjacent to no.65 Wolsey Road;
 - Reinstatement of exposed rafters at eaves level;
 - Amendment to fenestration detail in rear dormer windows.

4. Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection]

There would be no objection extending the property at two-storeys to the rear and inserting pitched dormers to the rear roof slope. As noted previously, extending over the existing crown roof would be acceptable, amending the crown roof to a traditional duo pitched roof would be an enhancement to the property and wider Conservation Area. However, the proposed roof alterations to the original part of the dwelling, including alterations to the front projection, would not be supported from a conservation perspective. There are concerns regarding the cumulative impact of such alterations. With regards to the National Planning Policy Framework the level of harm is considered to be a low level of 'less than substantial' as per paragraph 202. It is understood that the roof has been removed without consent; Were the pre-existing roof form reinstated, with a small extension of the ridge over where the crown roof was, there would be potential for an acceptable scheme.

4.1.2 Batchworth Community Council: [Objection]

This property has a long list of applications with four alone in the past 18 months, two of which were withdrawn and two refused. The last of these applications was, we believe is similar to the current application and that one was refused. This last application generated several local objections as well as those from MP58 & BCC & we "called in the application".

The application also has an added complexity because almost the entire, if not all, of the original roof, was removed from what is a pre-1958 property in a Conservation Area. This was undertaken during the consultation process of a previous application that was subsequently refused. This we are of the opinion is unacceptable.

At the time of application 22/0360/ FUL BCC raised objections and comments. In addition, neighbours objected to that application and supported BCC's. We also supported the objections & comments raised by Moor Park 58.

Most importantly were the reservations of the Conservation Officer who stated the following:

The proposed form and appearance of the extensions would detract from the character and appearance of the Conservation Area. The proposed gabled form makes no relation to the hipped form of the host dwelling, hipped roof forms are a key feature of dwellings in the Moor Park Conservation Area so should not be undermined.

Furthermore, the overall design of the extensions does not relate to the architectural context of the area. The apex glazing appears overly modern, the placement of fenestration appears at odds and the overall appearance is bland, lacking any detail or articulation in plan form. The existing extensions are considered unsympathetic by virtue of their scale but at least relate to the character of the dwelling. The proposed extension would not be an improvement and would further detract from the character and appearance of the host and wider area. The proposed extensions would be cumulatively harmful.

The Conservation Officer added further negative points to this, and the application was refused.

This subsequent application (22/1375/FUL) was largely the same as previously withdrawn (two) and refused application. BCC stated at the time that worryingly work has commenced. This scenario was, in our opinion, to the detriment of the pre 1959 property in one of our (TRDC & BCC) Conservation Areas which we must protect.

Following the objections and comments received in respect of Application 22/1375/FUL and TRDC Planning Officers own review, the application was refused with the following decision stated:

The proposed development by reason of its design and elevated bulk and massing at the rear would be unsympathetic to the character and appearance of the existing dwelling. Additionally, it has not been demonstrated that the majority of the existing dwelling would be retained as a result of the significant internal demolition proposed. Having regard to paragraph 196 of the NPPF, the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies Document, the Moor Park Conservation Area Appraisal (2006). Batchworth Community Council (BCC) are of the opinion that whilst some changes have been incorporated within this application, when compared with the previously refused application, that the sentiments of TRDC's decision remain the same with this application.

BCC further note that the subject property has an ongoing Enforcement Case, dating back to September of last year (22/0133/COMP), in respect of the unauthorised works related to the erection of two storey rear infill extension and removal of roof.

BCC therefore object to this application for the following reasons.

1. The proposed & continual increase in the scale and in particular the bulk & massing of the roof is inappropriate for a Pre 1958 property and is visually determinantal to the South Approach properties that back onto this property.
2. Whilst acknowledging a small adjustment to the roof design it does not remove the fact that the roof was removed without consent, and we are strongly of the opinion that it should be reinstated in its original form & design. A revised application will need to be submitted accounting for this and making sure that all other changes to the design that required as a result of this being enforced are included. This is essential to ensure that all parties adhere to TRDC's Planning policies and account for clearly set our principals of the MPCA. Anything less is tantamount to allowing others to follow suit and damage our Conservation Area not just in Moor Park but throughout TRDC
3. The inclusion in this new & current application of the dormer windows in the front elevations is unacceptable. Again their inclusion sits outside the approved design and

specifications as details in the MPCA. It is out of character in Moor Park and changes the street scene. BCC strongly recommend that these are removed entirely from future design and applications.

4. Furthermore, we note that as part of the current redesign & included in this application are the three large dormer windows to the rear of the property. Again, we are of the opinion that these are over dominant, unacceptable and need to be significantly reduced in scale. The revisions also need to ensure that these windows do not have a negative effect on the privacy of the neighbours.

With the works that have already been undertaken it continues to be important that we ensure that the applicant, their professional team and contractor(s) adhere to all regulations and consents when eventually granted. It is important that they do not undertake any further works that could be damaging to the existing property and in due course exceed what has been approved and demolish anything beyond what has been agreed and consented.

Added to this any future consent would have very strict parameters included within the decision to ensure that there is no straying from what has been approved. As part of the planning application 22/0360/ FUL the Conservation Officer (CO) set out detailed reasons for refusal (as detailed above). Unfortunately, the CO did not provide any comments in respect of application 22/1375/RSP. We would request that comments are sought from the CO in respect of the current application and that BCC are provided the right to comment further once the CO's comments and advice is received.

We would seek TRDC Planning Officers support to refuse this application, enforce the exact replacement (like for like) of the roof so it matches the original removed roof and ensure that any future applications is aligned with both TRDC planning policies and the MPCA.

Accounting for all of our comments above Batchworth Community Council would ask that this application is called in for a decision by the TRDC Planning Committee unless the Planning Officers are minded to refuse.

4.1.3 Moor Park 1958: [Objection]

The Directors of Moor Park (1958) Limited wish to express the following strongest possible objections, concerns and related material planning comments on the submitted application as set out below.

1. At the outset, we find it completely unacceptable and intolerable that the entire roof of this pre-1958 dwelling within the Moor Park Conservation Area has been removed without the benefit of planning permission.

Consequently, we wish to raise our strongest possible objections to this outrageous act of vandalism and therefore ask that the Council do nothing to easily, readily or conveniently aid the applicant in attempting to now simply "replace the roof", under the guise of significantly extending the property in the form of extensive new roof accommodation and other extensions and alterations.

We urgently contend that the correct planning first principles must be applied in the determination of this application, when faced with an unauthorised situation on the site. **In light of this, we respectfully, but firmly, submit that the Council's Conservation Officer expert must first be asked to consider, in detail, this key question.....had the original roof of this pre-1958 dwelling (with its own angles of pitch, combined with its unique design with a variety of ridge heights and different slopes and features) still be in situ, would the Officer have supported the removal of the entire roof in favour of what is now proposed?**

We strongly contend that, if the answer to that question is “no” then this scheme cannot, and should not, be approved, because such a decision by the Council would merely allow the applicant to be “rewarded” for undertaking unauthorised works, after having previously been TWICE refused planning permission to do so! Just because the roof has been removed does not mean that the Council has to allow a new roof in its place. If this leaves the applicant in a state of limbo, it still does not justify or support an approval of a form of development that would not have been **supported or approved if the original roof was still in place.**

We should like to remind the Council that the following comments were made by its Conservation Officer expert when an earlier application was under consideration at the application site, viz:-

“.....The property is located in the Moor Park Conservation Area. The property is a pre-1958 dwelling, although heavily extended to the rear which is not positive, the property contributes to the significance of the Conservation Area by virtue of its derivation and appearance. There would be no in principle objection to sensitively extending the property.....”.

In light of this we are bound to ask, does removing the entire roof to accommodate the proposed extended new roof accommodation, correspond to “.....sensitively extending the property.....”?

We submit that it **does not**, and the direct and consequential harm to the character and appearance of the host dwelling, by virtue of the unauthorised removal of the roof and now combined with the current the development scheme, is entirely and demonstrably harmful and unacceptable. On this clear and irrefutable basis, the application should be refused.

If, after full and detailed analysis and exhaustive consultation with the Conservation Officer expert, the Council finally resolves that it has no alternative but to accept that a roof needs to be put back on the dwelling, we submit that, in light of all the circumstances and the calculated/cynical/reckless unauthorised demolition and removal, we strongly contend that the very **maximum** that should be permitted, is to allow the roof to be replaced **exactly as it was**, with precisely the same angles, slopes, features and varying ridge heights etc. If this means that only less (or no) potential exists for any roof accommodation, then that is simply how it should be based solely on the **material planning facts**. But this approach will enable the Council to clearly demonstrate that the protection and re-instatement of the original roof form of this important pre-1958 dwelling on the Moor Park Conservation Area estate is given maximum, paramount weight, and hopefully will equally serve as a deterrent to other developers who believe unauthorised demolition and/or development is the short-cut and somehow acceptable way to gain planning permission for what would otherwise be regarded as harmful and unacceptable and hence refused.

2. Turning to the details of the application and **without prejudice to any of our arguments and submission set out in 1 above**, we consider the scheme is also unacceptable for the following reasons:

(i) front dormer windows are unacceptable by virtue of paragraph 3.7 of the MPCAA which states that front dormer windows are “only acceptable” where they are a **common/predominant** feature in the street scene.

It is our view that simply the existence of “other dormers” somewhere in the street is not a sufficiently high test or simple justification here. The provisions of para 3.7 clearly requires the existence of front facing dormers in the vicinity to be “...**common nd predominant**..”. If they are not considered to be “common and predominant” in this section of Wolsey Road, we wish to raise our “in-principle” objections, due the harmful impact front dormer

projections have in the context of the prevailing roofscape within the wider character and appearance of the Conservation Area.

(ii) Paragraph 3.7 of the MPCAA also says that "where acceptable..." (note - effectively only at the rear of dwellings), "...dormer windows" should be.....

- of good proportions and balance
- -should appear subservient to the roof,
- **placed well down** from the main ridge and
- should **have smaller windows than the main fenestration** (as a guide, not more than two thirds the latter's height and width)."

We are of the opinion that the proposed three rear dormers, by reason of number, size, location and bulk, and proximity to the outer edges of the roof slope, represent an over-dominant and unacceptable form of development that is demonstrably not balanced nor subservient in scale and form to the roof within which is it placed. On this basis the dominance of the dormers should be significantly reduced. If this cannot be agreed, the application should be refused.

In addition, para 3.7 of the MPCAA also specifically stresses that "**rear dormers should not impair the privacy of neighbours**". Consequently, we would request that the Council ensures that the overlooking aspect from the rear dormers is also fully recognised and taken into account in the determination of the scheme.

3. The Council will be aware that prior to the submission of the current application two earlier scheme were withdrawn due to various shortcomings in scale, appearance and design, and two more applications were formally refused, for reasons including:-

- design and elevated bulk and massing,
- lacking sympathy to the character and appearance of the existing dwelling,
- eroding the character of the dwelling to an unacceptable degree and
- for not demonstrating that the majority of the existing dwelling would retained as a result of the significant internal demolition proposed.

We trust that the Council will apply exactly the same levels of scrutiny and close examination of the current scheme, in conjunction with the Conservation Officer as was applied in regard to the two withdrawn and two refused applications.

4. Finally, given

- (i) that the previous refusal refers to the **extent of internal demolition** and given.
- (ii) the applicant's contractors have already shown previously a keen willingness to **remove/demolish the roof and presumably other parts of the dwelling without consent,**

We respectfully request that IF the Council is minded to allow a modified form of development at some stage in the future (i.e. after this application is refused), then every conceivable control, condition, restriction and constraint is put in place to prevent the complete demolition of this important pre-19598 dwelling, in similar unauthorised outcomes as 27 Sandy Lodge Road and 30 South Approach.

Due to the dire situation and wholly harmful and unacceptable circumstances surrounding the unauthorised removal of the roof in order to facilitate this development, we will be seeking support for the application to be called in for Committee decision, unless officers proceed to refuse the application under delegated powers and thereafter vigorously pursue enforcement action.

that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.4 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

6.5 Other

The Moor Park Conservation Area Appraisal (adopted October 2006).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7. **Planning Analysis**

7.1 Demolition

7.1.1 Policy DM3 of the Development Management Policies LDD relates to Heritage Assets including development in Conservation Areas and advises the following in respect of demolition:

Within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:

- i) The structure to be demolished makes no material contribution to the special character or appearance of the area; or,*
- ii) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or*

iii) *iii) It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to the enhancement of the Conservation Area*

7.1.2 The Moor Park Conservation Area also provides guidance on demolition and sets out that the 'Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. As a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up'.

7.1.3 It appears from the planning history, that the dwelling located at no.63 Wolsey Road, was granted planning permission in 1957 and therefore may have been completed after 1958. However, it is clear from the 1957 plans, that the pre-existing dwelling had already been significantly altered beyond its original form. Notwithstanding this, it is acknowledged that the style of the pre-existing dwelling was reflective of the Arts and Crafts style which is typical of the wider Conservation Area. At the time of the previous application, the Conservation Officer did note that although heavily extended to the rear which is not positive, the property contributes to the significance of the Conservation Area by virtue of its derivation and appearance.

7.1.4 As set out above, the entire roof form of the dwelling has been removed without the benefit of planning permission and it is acknowledged that significant concern has been raised by consultees with regard to this. In addition, concern was expressed at the time of the previous application with regard to the extent of demolition with officers noting the following:

'The proposed plans indicate that nearly all the internal walls, some of which would appear to be structural walls, would be removed, with minimal replacements. As a result of this, Officers hold concerns in respect of whether the majority of the external first floor walls would be structurally supported in the event of the grant of planning permission'.

7.1.5 Although it is acknowledged that as a whole, no.63 as pre-existing did contribute to the appearance of the Conservation Area, it is considered that the scale of the pre-existing roof form did emphasise the significant alterations undertaken to the original host dwelling. Furthermore, the pre-existing roof form included a crown roof element which is a design element which is not in keeping with the Arts and Crafts style or reflective of the wider Conservation Area. It is also now an element highlighted to be unacceptable within the Moor Park Conservation Area Appraisal.

7.1.6 With regard to the extent of demolition, officer's central concern at the time of the previous application related to whether the majority of the first floor would be structurally supported given the extent of internal demolition. To date, a structural method statement has not been provided, however, the submitted plans indicate that the existing external walls have been retained, with the exception of the central recessed element. In the event of planning permission being granted, it is suggested that a condition be added requiring a Construction and Demolition Statement to be submitted within one month of the decision date to provide further detail on how the implementation would take place in accordance with the approved plans. Whilst it is acknowledged that internal fabric has been lost, it is not considered that these elements in themselves contributed to the significance of the heritage asset to justify refusal on this aspect alone, particularly given the retention of the most of the external walls, as well as the existing fenestration detail. Further, the removal of internal walls would also not comprise development.

7.1.7 In summary, it is acknowledged that the pre-existing dwelling did make some contribution to the character and appearance of the Conservation Area. As such, the loss of original fabric is acknowledged to be contrary to Policy DM3 of the Development Management Policies LDD and the provisions of the Moor Park Conservation Area Appraisal. However, the following sections, shall discuss whether there are material considerations that weigh in favour of the grant of planning permission.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that 'layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges).
- 7.2.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. Policy DM3 of the LDD also outlines that demolition in a Conservation Area will only be supported if the structure to be demolished makes no material contribution to the special character or appearance of the area. The Moor Park Conservation Area Appraisal (adopted 2006) states that the bulk and massing of large extensions or replacement houses will also be considered in terms of consistency with the characteristic building form of the Conservation Area.
- 7.2.4 Appendix 2 of the Development Management Policies document states; 'oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene'. Applications for two storey side extensions should be set in from the boundary by 1.2m at first floor level. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious character of the area: A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries.
- 7.2.5 The proposed development includes the provision of a two storey rear extension, from the recessed element of the rear wall. This extension has been constructed (excluding the roof form) and projects no further than the two projections sited to either side of the dwelling. Given this element is not visible from the frontage, it is not considered that this has a significant impact on the appearance of the host dwelling or wider Conservation Area. It is also emphasised, that officers have not previously raised an objection to this element of the proposed development.
- 7.2.6 A new roof form is proposed to extend over the main dwelling, and rear extensions. It is noted that the Conservation Officer has expressed concerns over the cumulative impact of the roof alterations with a preference for the existing roof form to be reinstated, with a small extension of the ridge over where the crown roof was. These concerns are acknowledged. However, in response, the plans indicate that a pitched roof form would be located over what is deemed to be the original part of the dwelling. This element would be no higher than the maximum ridge height of the pre-existing roof form, and as such, its visual impact on the streetscene is considered to be minimised. In this respect. A hipped roof form at a uniform height is proposed over the remaining element of the dwelling, thus resulting in the

loss of the pre-existing staggered ridge line in this area. Importantly, however, this element would remain as subordinate to the main ridge, with the hipped roof form minimising the overall bulk and massing of the development. Furthermore, the proposal omits the previous untraditional crown roof form and thus there is a benefit from the new roof form. . Following discussions with the applicant during the course of the application, the amended plans also include the reinstatement of the exposed rafters at eaves level, as well as the provision of a chimney. These elements would reflect the character of the pre-existing roof form and on balance, it is not considered that the new roof form would result in harm to the host dwelling and wider conservation area to justify refusal of the application.

- 7.2.7 The applicant is also proposing to alter the pitch of the gabled projection to the front elevation. It is noted that the Conservation Officer has raised concerns. Whilst these concerns are noted, a gabled projection would still be added which would reflect the style of the dwelling, with tile hanging still proposed to this element. It is therefore not considered that the alteration to the pitch of the gable would result in such adverse impact to result in demonstrable harm.
- 7.2.8 The original plans also included the provision of front dormer windows. Appendix 2 of the Development Management Policies states that front dormer windows may not always be appropriate within the streetscene. Likewise, the Moor Park Conservation Area Appraisal reiterates this guidance. Concerns were raised in relation to the provision of front dormer windows, as it was considered that they would increase the visual prominence of the extended part of the original dwelling thus they would detract from the original character.. As a result, the applicant has removed these from the plans to ensure that the original part of the house is still the most legible
- 7.2.9 The plans also include the provision of rear dormer windows. Appendix 2 of the Development Management Policies LDD provides further guidance and states that these should be subordinate to the main roof form. They should be set down from the ridge, set in from both sides and back from the plane of the wall. The proposed dormer windows would be in accordance with this guidance, and the pitched roofed forms are considered to be sympathetic. The amended plans include revised fenestration in the dormer windows which would be more reflective of the style of the existing rear fenestration detail at first floor level. It is also emphasised that the Conservation Officer has raised no objection in this regard.
- 7.2.10 The proposed garage conversion would result in internal changes with garage doors retained to the front elevation. As such, this would not result in harm to the overall character and appearance of the host dwelling or wider Conservation Area.
- 7.2.11 The Moor Park Conservation Area Appraisal also provides further guidance to protect the special character of the area. Paragraph 3.4 of the Appraisal sets out that 'buildings, including all out buildings (garages, car ports etc), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which over hang the ground floor or any built areas at basement level where these extend beyond the ground floor'. The proposed development would equate to a 16.5% plot coverage, thus exceeding the percentage increase set out in the Appraisal. However, no objection is raised in this regard, given that the main increase in size, relates to an infill rear extension and thus would not encroach further into the plot. In addition, the proposed development would not encroach any further towards the side boundaries, therefore there would be no erosion of space towards the boundaries of the site.
- 7.2.12 In summary, it is acknowledged that the Conservation Officer considers that the proposed roof alterations would result in a low level of less than substantial harm to the Conservation Area. However, on balance, given that there would be no increase in ridge height, that a hipped roof form would be retained, and that the proposal would result in the removal of a crown roof form, officers do not consider that the proposal would result in demonstrable harm to justify refusal on this basis. The amended plans also include the reinstatement of the exposed eaves rafters, as well as the provision of a new chimney, all of which would

further enhance the altered dwelling and weigh in favour. It is therefore considered that the development would, on balance, preserve the character and appearance of the host dwelling and wider Conservation Area and thus it would be acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the provisions of the Moor Park Conservation Area Appraisal (2006).

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'.

7.3.2 The proposed new roof form would have a ridge height, no higher than the maximum ridge height of the pre-existing roof form. In addition, it would remain as hipped, thus minimising the bulk and massing of the dwelling and the impact to both neighbouring dwellings.

7.3.3 Policy DM1 and Appendix 2 of the Development Management Policies LDD advises that development should not result in overlooking or a loss of light to neighbours. With regard to two storey extensions, Appendix of the Development Management Policies LDD advises the following:

Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

7.3.4 The development includes a two storey rear extension would be located centrally, effectively infilling the central recessed building line of the existing dwelling. Given the location of this element, it is screened by the existing projections and therefore does not impact on the residential amenities of neighbouring dwellings with regard to its depth. There is no intrusion of the 45 degree line as set out above.

7.3.5 It is noted that objections have been received with regard to overlooking from the rear dormer windows. With regard to overlooking, Appendix 2 of the Development Management Policies LDD advises the following:

Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which directly face one another or in situations where there are site level differences involved

7.3.6 The concerns raised by neighbours are acknowledged, however, the back to back distance between no.63 Wolsey Road and properties in South Approach exceeds 50m, and therefore is significantly in excess of the 28m set out in Appendix 2, even when accounting for the slight level differences. Whilst the extensions would be visible from South Approach, the distance between the properties would prevent the development from being unduly overbearing or prominent, and would prevent any significant harm in terms of overlooking. Whilst the dormer windows would provide some outlook to the rear gardens of the dwellings immediately adjacent on Wolsey Road, it is not considered that these would result in increased harm as to what is already experienced as a result of first floor windows.

- 7.3.7 With regard to fenestration alterations including the addition of ground floor flank windows facing no.61, no objection is raised given the nature of the windows as located at ground floor and being set in from the boundary.
- 7.3.8 There would be no harm to neighbours opposite the site.
- 7.3.9 In summary, given the existing site circumstances, it is not considered that the proposed development would result in significant harm to the residential amenities of neighbouring dwellings and thus no objections are raised. The development is viewed to be in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Wildlife and Biodiversity
- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist which specifies that no protected species would be adversely affected by the development; this was also specified in previous applications prior to the removal of the roof form. At the time of previous applications, no objections was raised with regard to the impact on protected species, and this is also considered to be the case at the current time.
- 7.5 Trees and Landscaping
- 7.5.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It advises the following: Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- 7.5.2 The proposed extensions to the dwelling are located centrally, with the elements adjacent to the boundaries of the site remaining of the same depth as existing. Given the existing circumstances, it is unlikely that the development would result in harm to any significant trees on the site. Whilst there are trees located in close proximity to the development, it is not considered that the development would result in significant harm and thus no objection is raised in this regard.
- 7.6 Highways, Access and Parking
- 7.6.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD relates to car parking provision, advising that a dwelling with four or more bedrooms should have three off street car parking spaces.
- 7.6.2 In this case, no alterations are proposed to the existing vehicular access. With regard to car parking, the dwelling has an existing carriage driveway with provision for three car parking spaces and thus no objection is raised in this regard.

7.7 Amenity Space

7.7.1 The proposed development would result in the provision of a six bedroom dwelling. Appendix 2 of the Development Management Policies LDD requires a dwelling of this size to have an amenity space of 147 square metres. The rear garden has an area exceeding 500square metres which is considered to be sufficient for a dwelling of this size.

8. Recommendation

8.1 That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions:

C1 The parts of the development not yet begun, shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 02, 03, 04, 05, 06, 07, 08, 09, 10 (07.03), 11 (07.03), 12 (07.03) 12A, 13A, 14A, 15A, 16A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 Prior to any further works on site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and the mono pitched roof form of the single storey garage projection as shown on the approved drawing numbers will be maintained throughout the erection of the extensions hereby permitted with only those walls as proposed for demolition to be removed.

Reason: To safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013)

C4 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building and pre-existing roof form.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Prior to any further works to the roofslope, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Commented [CW1]: Can I say this?

Commented [MR2R1]: I think we would want details of the new tiles as they could just put any old tile

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant engaged in the pre-application process. In addition, the Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

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PLANNING COMMITTEE – 23 March 2023

23/0099/LBC - Listed Building Consent: Installation of internal lift at THE OLD VICARAGE, 10 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BS (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 28.03.2023

Ward: Rickmansworth Town
Case Officer: Lauren Edwards

Recommendation: That Listed Building Consent be REFUSED.

Reason for consideration by the Committee: A District Councillor lives within the consultation area.

1 Relevant Planning History

- 1.1 12/0910/LBC - Listed Building Consent: Change of use of existing offices in The Old Vicarage and Coach House into three residential units. First floor extension over single storey office area. Demolition of single storey outbuilding attached to Coach House and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Withdrawn.
- 1.2 12/0906/FUL - Change of use of existing offices in The Old Vicarage and Coach House into three residential units. First floor extension over single store office area. Demolition of single storey outbuilding attached to coach house and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Withdrawn.
- 1.3 12/1370/LBC - Listed Building Consent: Change of use of existing offices in The Old Vicarage and Coach House into three residential units. First floor extension over single storey office area. Demolition of single storey outbuilding attached to Coach House and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Withdrawn.
- 1.4 12/1841/FUL: Change of use of existing offices in The Old Vicarage and Coach House into three residential units, first floor extension, first floor extension over single storey office area, demolition of single storey outbuilding attached to Coach House and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Application permitted. Permission implemented.
- 1.5 12/1842/LBC: Listed Building Consent: Change of use of existing offices in The Old Vicarage and Coach House into three residential units. Add first floor extension over existing single storey office. Demolish existing brick store attached to Coach House. Construction of new extension on two floors to Coach House, in similar style to existing. Alterations externally and internally to existing offices and minor alterations to existing residence. Application permitted. Permission implemented.
- 1.6 15/2406/LBC: Listed Building Consent: Internal alterations to coach house to create gallery over the living room, omit second staircase and re-site bathroom; extension to rear dormer; and alterations to fenestration. Application permitted.
- 1.7 15/2580/RSP: Retrospective: Internal alterations to coach house to create gallery over the living room, omit second staircase and re-site bathroom; extension to rear dormer; and alterations to fenestration. Application permitted.
- 1.8 16/1304/FUL - Part Retrospective: Alterations to facade of The Courtyard House and The Stream House including alterations to fenestration; construction of two dormers to front of

The Courtyard House; alterations to boundary treatment and access. The movement of the main gates and the modification of the entrance from Church Street – Application permitted and implemented.

- 1.9 16/1306/LBC – Listed Building Consent: Alterations to façade of The Courtyard House and The Stream House including alterations to fenestration; construction of two dormers to front of The Courtyard House; alterations to boundary treatment and access – Application permitted and implemented.

2 Description of Application Site

- 2.1 The application site relates to the Old Vicarage which is a two storey dwelling forming part of a wider collection of buildings at 10 Church Street in Rickmansworth. The application site has an extensive planning history and currently consist of four separate residential dwellings; The Old Vicarage (subject of this application), The Courtyard House, The Coach House and The Stream House, all of which are accessed via Church Street, located within the Rickmansworth Town Centre Conservation. The Conservation Area is mixed in character consisting of varying commercial and residential buildings of varied architectural style. Located to both sides of the site are commercial uses.
- 2.2 The application dwelling is the original dwelling on site and is a Grade II Listed Building The application site is the southern most dwelling within the courtyard of properties. The Steam House and The Courtyard house sit in the northern part of the building. To the south of the site is 12 Church Street which is a two storey building accommodating residential flats.

3 Description of Proposed Development

- 3.1 This application seeks Listed Building Consent for the installation of an internal lift.
- 3.2 The lift would be installed adjacent to the bottom of the staircase and would be facilitated by cutting the existing ceiling such that the lift is able to go up onto the existing first floor landing adjacent to the master bedroom. The lift footprint would measure 1m x 0.8m.
- 3.3 An existing partition has also already been removed at ground floor, opposite the stairs

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council:

Batchworth Community Council have no objections or comments in respect of this application.

This is subject to suitable wording being included within the decision whereby we seek to ensure that all aspects of the property are being retained and are carefully monitored. All parties (applicant, architect, contractors etc.) are aware of their responsibilities are pre-warned not to go beyond approved plans. We would kindly request that wording to this effect should be included in TRDC's decision.

If feasible we would like TRDC Officers to consider a reinstatement clause or personal consent and seek for the removal of the lift as this Listed Building when vacated by the existing owners.

4.1.2 Conservation Officer: [Objection]

This application is for the installation of internal lift. The property is Grade II listed (list entry: 1173498). The property has fifteenth century origins with eighteenth, nineteenth and twentieth century alterations. I understand the need and requirements for an internal lift.

However, the proposal would result in the loss of historic fabric, which appears to be eighteenth or nineteenth century in derivation and is therefore harmful to the significance of the listed building. There are other, more appropriate locations for an internal lift that would not result in the loss of historic fabric. For example, within the late twentieth century extension; this fabric is of limited significance and its loss would not detract from the architectural interest and significance of the listed building.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202.

4.1.3 Herts Archaeology: No response received.

4.1.4 National Grid: No response received.

4.1.5 Landscape Officer: No response received.

4.1.6 National Amenity Society: No response received.

4.1.7 Environment Agency: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 31

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 28.02.2023 Press notice: Expired 03.03.2023

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably outweigh the benefits.

6.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policy DM3 is relevant.

6.4 Other

The Rickmansworth Town Centre Conservation Area Appraisal and Character Assessment (1993).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

7 **Planning Analysis**

7.1 Impact on Heritage Assets

7.1.1 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance of a heritage asset. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.1.2 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote development of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area and conserve and enhance natural and heritage assets.

7.1.3 Policy DM3 of the Development Management Policies LDD (adopted July 2013) sets out that the Council will preserve the District's Listed Buildings and will only support applications where the extension or alteration would not affect a Listed Building's character as a building of special architectural or historic interest or its wider setting.

7.1.4 The original listing describes the following:

House, now part offices. C15 cross wing, hall rebuilt in early C18, with C18, early to mid C19 and later extensions. Timber framed wing, rendered. Extended in brick, whitewashed. Tile and slate roofs. Cross wing only survives so original plan obscure. 2 storeys and attics. Entrance front: gable to right over cross wing. Ground floor: plank and muntin door with arched head on left with C19 rectangular bay to right with brick and ashlar base incorporating C15 trefoiled, intersecting blind arcade, 10 light timber mullion and transom

casement with moulded surround. Jettied first floor with moulded bressumer. First floor 10 light oriel on brackets. 2 light Gothick window to left, leaded panes. 2 light window in gable, exposed purlins and plates. To left of cross wing is renewed hall range with a taller ridge. Roof swept down over 2 bays of 1 storey continuous outshut. Dentilled eaves and stack to front. A small gabled projection from left return of cross wing over hall. Left end to road has large gable with horizontal sliding sashes. 2 storey C19 block and 1 storey C20 addition.

To right of cross wing and projecting forward is 2 storey early to mid C19 block. Re-entrant angle has 2 light Gothick windows, leaded panes. Ground floor segmental headed window with hood mould. To front ground floor cast-iron verandah with slim colonnettes and arched braces. Stack to front. Right return or garden front. 3 bays. Ground floor French windows and continuous verandah. First floor sash to left and two 2 light casements, all openings have moulded architraves. Boxed eaves. 2 separate hipped roofs. Main stack is on right side of C15 wing where it joins C19 addition. To rear: 1 bay with verandah on C19 block. C15 wing projects forward with ground floor Gothick windows in a canted bay. First floor 2 light casement and Gothick attic light. An C18 2 storey block projects to rear to right of C15 wing. Ground floor French windows. First floor 2 light casement and horizontal sliding sash. Hipped roof. Interior: hollow chamfered ground floor binding beam, arch braced clasped purlin roof, curved windbraces. (RCHM Typescript: VCH 1908: Pevsner 2.3 The Old Vicarage, The Courtyard House and The Coach House are located within a courtyard style format and are accessed via the same pedestrian and vehicular access from Church Street. The Stream House, is accessed via its own pedestrian access to the south of the main courtyard. The boundary treatment with Church Street consists of a brick wall of approximately 2m in height. There is a gated pedestrian and vehicular access serving the main courtyard and currently a low level pedestrian gate serving The Stream House.

- 7.1.5 The proposal includes the installation of an internal lift. In order to facilitate this the existing ceiling will need to be cut between the ground and first floor to provide access between the ground floor hallway and first floor landing. The section of ceiling and associated timber which are to be removed are C18 or C19. The loss of such historic fabric would be harmful to the significance of the Listed Building.
- 7.1.6 A site visit was made by the Case Officer and Conservation Officer who observed the area in question including the timbers and ceiling upon temporary removal of a floor board to allow better visual access. From the findings on site together with the desk based assessment, the Conservation Officer has raised an in principle objection to the loss of the identified historic fabric of the Listed Building.
- 7.1.7 Loss of historic fabric would fail to preserve or enhance the significance of the Listed Building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The resultant loss of historic fabric would result in less than substantial harm within the context of Paragraph 202 of the NPPF. Therefore there is an in principle objection to the loss of historic fabric needed to facilitate the installation and use of the internal lift.
- 7.1.8 In summary the proposal would lead to the removal of historic fabric which would harm the significance of the Listed Building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would lead to less than substantial harm within the context of Paragraph 202 of the NPPF.
- 7.2 Are there any other material considerations?
- 7.2.1 Officers note that the lift is proposed to assist the current occupier in their access to the upper floors of the building and sympathise with the needs of the individual. However where it is concluded that a proposal has less than substantial harm to a heritage asset the NPPF at paragraph 202 is clear that this harm should be weighed against the public benefits of the proposal. . Whilst the lift would be for the benefit of the current occupier it would not, unfortunately, amount to a public benefit .

7.2.2 Nevertheless the current and future needs of the applicant arising from their mobility issues are acknowledged in the overall planning balance and are afforded weight by Officers. However unfortunately the weight attributed to the private benefits of the applicant would not outweigh the identified harm to the historic fabric of the Listed Building.

7.2.3 It is also acknowledged that the applicant advises that once the lift is no longer needed it could be removed. However once the historic fabric has been lost it cannot be replaced and therefore the development is not fully reversible. Batchworth Community Council also suggest a personal consent or reinstatement condition. However it is not considered that this would address the fundamental issue as the historic fabric would need to be removed in any event and would not be able to be replaced as currently in situ. As such Officers are of the view that a condition would not address the concerns.

8 Recommendation

8.1 That LISTED BUILDING CONSENT BE REFUSED for the following reason:

R1 The installation of the internal lift would lead to the removal of historic fabric which would harm the significance of the Listed Building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would lead to less than substantial harm within the context of Paragraph 202 of the NPPF. Whilst the benefits of the lift are acknowledged, it is not considered that the benefits outweigh the harm to the heritage asset. Additionally, no public benefits have been demonstrated to outweigh the identified harm. The development would be contrary to Policy CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

PART I - DELEGATED

9. 23/0117/FUL - Construction of a single storey side and rear infill extension at 31 Trowley Rise, Abbots Langley, Hertfordshire, WD5 0LN

Parish: Abbots Langley Parish Council Ward: Abbots Langley and Bedmond
 Expiry of Statutory Period: 20/03/23 (Extension Case Officer: Katy Brackenboro
 agreed to 30/03/2023)

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Councillor.

1 Relevant Planning History

- 1.1 09/1617/FUL- Demolition of existing house and erection of 4 new dwellings with associated parking and new vehicular accesses- Permitted. 21.12.2009.
- 1.2 11/2543/FUL- Single storey rear and side extension- Permitted and implemented.
- 1.3 16/2370/RSP - Part Retrospective: Raised patio area to rear garden. Permitted. 18.01.2017. Implemented.

2 Description of Application Site

- 2.1 The application site contains a two-storey detached dwelling located on the southern side of Trowley Rise, Abbots Langley. It is finished in brown brick and has implemented a single storey side and rear extension.
- 2.2 To the front of the dwelling is an existing area of hardstanding shared with No. 31A with off street parking provision for two vehicles. To the rear of the dwelling is an amenity garden. The land levels slope down to the rear of the application site. There is an existing raised patio extending from the rear elevation which has a depth of approximately 2m beyond the rear elevation to the south west stepping up to a section adjacent to the rear elevation adjacent to the single storey rear extension. The patio also steps down away from the rear elevation of the dwelling from the lower ground level grassed area. The land levels decrease to the rear of the application site.
- 2.3 The neighbour to the east (No. 29) is a semi-detached property with a beige pebble dash and painted white render to the exterior. This neighbour is set off the boundary of the application site by a footpath and is sited on a slightly lower land level than the application dwelling. It has a single storey rear projection.
- 2.4 The neighbouring to the west (No. 31A) is a detached property built of a brown brick and has a main ridge set down from the application dwelling. This property has front and rear dormers. It has no rear alterations.
- 2.5 The neighbouring properties to the south (No. 1a Cherry Hollow) is semi-detached property which is orientated at right angles to the application site on a slightly lower land level.
- 2.6 The common boundary treatment with all neighbouring properties is approximately 1.8m high close boarded fencing.
- 2.7 There is a public footpath located to the east of the application site.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a single storey side and rear infill extension.
- 3.2 The single storey side extension would project from the eastern flank of the host dwelling. It would have a width of approximately 1m and a maximum depth of approximately 5.4m to be set up to the eastern splayed boundary of the application site. It would partially infill the staggered eastern building line of the host dwelling. It would comprise of a w/c, utility and games room. It would have a parapet roof form with a maximum height of approximately 3.1m. No flank or rear glazing is proposed. Two rooflights are proposed to the flat roof.
- 3.3 The single storey rear extension would infill the south-western corner of the host dwelling. It would have a depth of approximately 3m and width of approximately 2.5m to adjoin the existing single storey rear extension and to be set in line with the western flank of the host dwelling. It would extend the crown roof to the existing rear projection, matching the height and design of the existing rear projection. . Rear fenestration is proposed. This element would comprise of an office.
- 3.4 The proposed extensions would be constructed in brickwork and roof tiles to match the host dwelling and the proposed fenestration would be made of upvc in brown to match the existing fenestration of the host dwelling.
- 3.5 Furthermore, a high level additional window is proposed to the western flank of the host dwelling at ground floor level serving the lounge.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: No comment.
- 4.1.2 National Grid: No response received.
- 4.1.3 Hertfordshire County Council Footpath Section: No comment received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 8 No of responses received: 0
- 4.2.2 Site Notice: [posted 03.02.203 and expired 24/02/2023]
- 4.2.3 Press notice: [published 10/02/2023 and expired 03/03/2023]
- 4.2.4 Summary of Responses: [No response received]

5 Reason for Delay

- 5.1 No delay.

6 Relevant Local and National Planning Policies

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.2 Policy/Guidance

National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Design and Impact on Character and Appearance of the Street Scene

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As set out within Appendix 2, single storey side extensions will be individually assessed in terms of their proximity to the flank boundary. In terms of single storey rear extensions, Appendix 2 states that they should have a maximum depth of 4m for detached properties. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.
- 7.1.4 The proposed side storey side extension would project from the eastern flank of the host dwelling and as such would be visible from the streetscene of Trowley Rise and from the public footpath to the east of the application site. It would be set in line with the principal building line and set up to the eastern boundary of the application site and would infill the area to the eastern boundary of the application site. Given its scale and siting, it would be read as a subordinate addition to the main dwelling and it is not considered that it would appear unduly prominent within the streetscene. It is not considered that it would result in any demonstrable harm to the character and appearance of the host dwelling or wider streetscene. Its roof form would minimise its impact. It is not considered that the proposed rooflights on the flat roof would result in harm to the character of the streetscene or the application dwelling.
- 7.1.5 The proposed single storey rear extension would infill the space between the existing single storey rear extension and the western flank of the host dwelling. With a depth of 3m, it would, comply with the guidelines set out above. The proposed rear extension would not project beyond the western flank of the host dwelling. The roof form of the proposed extension is considered to be of an appropriate scale and design to the application dwelling and would not result in any demonstrable harm to the character of the host dwelling or streetscene and would match the roof form of the existing single storey rear extension. The proposed extension would be visible from the streetscene on Cherry Hollow however owing to the single storey nature of the proposed rear extension, the set in from the boundary and that it is proposed to be constructed in materials to match the existing dwelling, it is not considered that this would result in any harm to the character of the streetscene or the application dwelling.
- 7.1.6 As such the development is considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.3 With regard to the proposed single storey side extension, it would project approximately of 1.1m from the eastern elevation and would be set up to the eastern boundary of the application site. Whilst the proposal would bring built form closer to the eastern boundary, given that the neighbour to the east at No. 29 is separated from the application site by a public footpath, with this neighbour also set in from the common boundary, it is not

considered that the proposed side extension would have an overbearing impact to this neighbouring property or result in a loss of light. Its parapet roof form is not considered excessive and would minimise any harm.

- 7.2.4 The proposed side extension would be screened from view by the host dwelling from the neighbour to the west at No. No. 31A and the neighbour to the south at 1A Cherry Hollow and as such would not result in any harm to these neighbours in terms of loss of light or overbearing impact. The proposed rooflights would not result in any unacceptable overlooking to any neighbouring properties given their scale and siting.
- 7.2.5 The proposed single storey rear extension would be built to the south-western corner of the host dwelling and would infill the space between the western flank of the host dwelling and the existing single storey rear extension. The proposed rear extension would have a depth of 3m and would be set off the shared boundary with the neighbour at No. 31A by 0.7m. Given that the proposed depth would not exceed the recommended figure of 4m as set out in Appendix 2 and the height of the proposed extension is not considered to be excessive, it is not considered that the proposed single storey rear extension would result in any adverse impact to the residential amenity of occupiers of the neighbouring property. The proposed rear extension would have a window within the rear elevation. This would predominately overlook the rear amenity space of the application site and is therefore not considered to facilitate additional overlooking of any neighbour beyond that of the existing situation.
- 7.2.6 An additional window is proposed to the western flank of the host dwelling at ground floor level serving the lounge. Given its single storey nature, siting and high level, it is not considered that it would result in any unacceptable overlooking to the neighbouring dwelling to the west at No. 31A Trowley Rise.
- 7.2.7 The neighbour to the south at 1A Cherry Hollow is sited beyond the rear boundary of the application site, the flank elevation of this neighbour faces the rear elevation of No. 31 and sits at a lower land level than the application site. The proposed extension is set approximately 7.3m off the shared boundary with this neighbour. Given the separation maintained to the southern boundary and that it is the flank elevation of the neighbour (not private garden area) that adjoin the boundary, it is not considered that the proposed single storey rear extension would result in any demonstrable harm to the residential amenity of this neighbour nor result in additional overlooking beyond that of the existing situation.
- 7.2.8 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD

7.3 Rear Garden Amenity Space Provision

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 The proposed development would not increase the number of bedrooms within the dwelling and would therefore not require additional amenity space. The existing dwelling has three bedrooms. The amenity standards state that a property of this size should have 84sqm of amenity space. Whilst the proposed extension would reduce the size of the rear garden to 78sqm, a slight shortfall of 6sqm against the standards, a reasonably sized rear garden would be retained for existing and future occupiers and it is not considered that the shortfall against standards would result in harm justifying refusal of planning permission.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.

7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.6.2 The application dwelling currently has three bedrooms. The proposal would not increase the number of bedrooms and as such there is no additional requirement for parking. There is an existing shared area of hardstanding forward of the dwelling with off street parking provision for two vehicles, Appendix 5 of the DMP LDD outlines that three bedroom dwellings should provide 2 assigned spaces within the dwellings curtilage. As such the proposal would comply with the parking standards and is considered acceptable in this regard. It is not considered that the proposed would result in harm to highway safety.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2309-SK-100A.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this

planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.