

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 22 June 2023 at 7.30pm

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)
Ruth Clark
Matthew Bedford
David Raw
Chris Lloyd
Stephen King

Steve Drury (Vice-Chair)
Debbie Morris
Ian Morris
Khalid Hussain
Philip Hearn

*Joanne Wagstaffe, Chief Executive
13 June 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.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 7
- 16)

To confirm as a correct record the minutes of the Planning Committee meeting held on 25 May 2023.

3. 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.

4. DECLARATIONS OF INTEREST

To receive any declarations of interest.

Where a member of this Planning Committee is also a member of a Parish Council they are entitled to take part in any debate at this Committee on an application within that Parish area provided that the Councillor

- has an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

Planning Applications

The following applications (agenda items 5 and 6) are submitted for the Committee's decision and, unless otherwise stated, staffing, financial and legal implications are not applicable. Environmental implications are dealt with in the individual report.

5. 22/1912/OUT - OUTLINE APPLICATION: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 50 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE, LANDSCAPING AND SUDS BASIN (APPEARANCE, LAYOUT, LANDSCAPING AND SCALE AS RESERVED MATTERS) AT 24 DENHAM WAY AND LAND TO THE REAR, MAPLE CROSS

(Pages
17 - 70)

The application be referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

Provided the Secretary of State does not call in the application for their own determination, and subject to no new material considerations being raised and the recommendation of approval/no objection from the Environmental Health Officer (EHO) and the completion of a Section 106 Agreement securing on-site affordable housing, biodiversity net gain and open space provision, that the application be delegated to the Head of Regulatory Services to GRANT OUTLINE PLANNING PERMISSION subject to conditions as set out at section 8 below and any additional conditions as requested by EHO.

6. 23/0657/RSP – PART RETROSPECTIVE: CONSTRUCTION OF TWO STOREY REAR INFILL EXTENSION, REPLACEMENT OF EXISTING ROOF FORM AND PROVISION OF NEW ROOF FORM TO ACCOMMODATE ACCOMMODATION IN THE ROOF SPACE, INCREASE

(Pages
71 - 92)

IN HEIGHT OF TWO STOREY SIDE PROJECTION, INSTALLATION OF REAR DORMER WINDOWS, CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION AND ALTERATIONS TO FENESTRATION DETAIL, AT 63 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTS, HA6 2ER

That Part Retrospective Planning Permission be granted.

7. OTHER BUSINESS IF APPROVED UNDER ITEM 3 ABOVE

8. 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.)

9. 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

Livestreaming details

To watch the meeting remotely please use the livestream details below:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDBjZTQ2Y2MtMjc0MS00ZGY5LTliYWMTYjI0NWNkMTcyOGJl%40thread.v2/

<0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%2258c99d6e-8c11-4f06-9519-c296e92897fc%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a>

PLANNING COMMITTEE

MINUTES

Of a Planning Committee meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 25 May 2023 from 7.30pm to 9.02pm.

Councillors present:

Sara Bedford (Chair)	David Raw
Steve Drury (Vice Chair)	Khalid Hussain
Matthew Bedford	Debbie Morris
Ruth Clark	Ian Morris
Philip Hearn	
Sarah Nelmes (for Cllr Chris Lloyd)	
Stephen King	

Also in attendance:

Batchworth Community Councillor Craige Coren, Chorleywood Parish Councillor Jon Bishop

Officers: Claire Westwood, Tom Norris, Lauren Edwards & Sarah Haythorpe

COUNCILLOR SARA BEDFORD IN THE CHAIR

PC 01/23 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Chris Lloyd with the named substitute being Councillor Sarah Nelmes.

PC 02/23 MINUTES

The minutes from the Planning Committee Meeting held on 20 April 2023 were confirmed as a correct record and were signed by the Chair.

PC 03/23 NOTICE OF OTHER BUSINESS

There was none.

PC 04/23 DECLARATIONS OF INTEREST

The Chair read out the following statement to the Committee:

All fellow Councillors should come to the Committee meeting with an open mind and be able to demonstrate that they have not pre-determined our decision in any way. We must only reach a decision after consideration of all the information provided by the officers, applicants, members of the public and other Councillors and the planning policies of the Council and should not do anything which may lead others to believe that we have already made up our minds as to whether to approve or refuse an application.

Councillor Debbie Morris declared a non-prejudicial interest in agenda item 5 (22/1621FUL – Partial demolition of existing dwelling and construction of basement, two storey rear extension, two storey side extension, loft conversion including rear dormers and rooflights, construction of chimney and alterations to fenestration at 36 MAIN AVENUE, MOOR PARK, HERTS, HA6 2LQ) as the Councillor had spoken against the application as a Member outside the Committee and would leave room for the debate.

Councillor Debbie Morris left the meeting.

PC 05/23

22/1621/FUL – Partial demolition of existing dwelling and construction of basement, two storey rear extension, two storey side extension, loft conversion including rear dormers and rooflights, construction of chimney and alterations to fenestration at 36 MAIN AVENUE, MOOR PARK, HERTS, HA6 2LQ

The Planning Officer reported that there was no update.

Batchworth Community Council noted the information provided in the interim period. They had raised concerns on this and the previous applications with regard to scale, height, the negative impact of the side extension, ridge height, the extensive development of the site, and the extensive demolition of a 1930s property in the Conservation Area leaving very little of the original property. The development is detrimental to the Conservation Area and key features were being lost and there would be extensive increase in the depth and width of the house.

Members of the Committee raised the following points:

Would the chimney be retained? If it was could Condition 4 which related to the construction and demolition statement include the chimney.

Could see no reason for refusal. Would be sufficient gaps between properties having looked at the plan with the west side looking the same and to the east larger due to the removal the existing single storey building.

Why was it now considered that reason for refusal R1 had been overcome.

The Planning Officer advised that the existing single storey garage was proposed to be removed. There would be the introduction of a 1st floor element to the side, but this would be less than what was currently there. In the officer's view there was sufficient evidence that the reasons for refusal had been overcome. With regard to the chimney this could be included within Condition 4.

Councillor Matthew Bedford moved that the recommendation that planning permission be granted with the conditions and informatives as set out in the officer report, and to include an amendment to Condition 4 to include specific reference to the retention of the existing chimney, seconded by Councillor Sarah Nelmes.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 10 For, 0 Against and 0 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE GRANTED (in accordance with the officer recommendation) with amendment to Condition C4 to include specific reference to retention of existing chimney.

Amended Condition C4 to read:

No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been 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), roofslopes and chimney as shown on drawing numbers 5678 /PL003 Rev B and 5678 /PL004 Rev C to be retained (i.e. hatched in grey (marked as existing)) will be maintained in situ throughout the erection of the extensions hereby permitted with only those walls and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown dashed in orange) to be removed.

The extent of demolition hereby approved shall not be implemented until a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings) has been made and a copy submitted to and approved in writing by the local planning authority.

Councillor Debbie Morris returned to the meeting.

PC 06/23

23/0089/FUL - Substantial demolition of existing dwelling and construction of part-single storey, part-two storey side and rear extensions, single storey front and side extensions; relocation of entrance door and rear Juliet balconies and terrace balconies; alterations to roof including increase in ridge height; front rooflight; alterations to the frontage, extension and alterations to rear patio and construction of swimming pool; internal alterations and alterations to fenestration at 5 ROSS WAY, NORTHWOOD, HERTFORDSHIRE, HA6 3HU

The Planning Officer reported that there was no update.

Batchworth Community Council said they had previously set out their concerns and objections. They did not feel the revised application significantly changed anything and felt it was overdevelopment of a small site. The extension of the property would make the dwelling 70% of the plot and wondered if it could be scaled down. They had concerns about construction traffic entering the site, which was in a cul-de-sac location, and the traffic flow. Neighbours had raised concerns on access, design and the use of the elevation. They referred to the landscape report and the removal of trees and shrubs and waste removal from the site.

It was advised that Condition 6 covered construction access to the site and the Highways Authority had not objected to the change of access.

A Member asked with regard to Condition 6 – Construction Management Plan – could this be extended for the whole duration of the project to enable continued access to the road and to stop vehicles parking on the pavement.

The Planning Officer advised that this could be added to Condition 6 for the whole duration of the works. There would clearly be a need to export a lot of

soil due to the construction of the swimming pool and the wording of the condition could be more detailed if Members wished.

Councillor Steve Drury moved, seconded by Councillor Stephen King, that Planning Permission be Granted (in accordance with the officer recommendation with the conditions and informatives set out in the officer report) with an amendment to Condition 6 to require full Construction Management Plan (CMP) for all works.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED (in accordance with the officer's recommendation) with amendment to Condition C6 to require full Construction Management Plan (CMP) for all works.

Amended Condition C6 to read:

Works to construct the swimming pool, hereby permitted, shall not begin until full details of construction vehicle access, movements, collection hours, on-site parking arrangements for construction workers and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details shall be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

The correct wording for Condition 6 (as included on the Decision Notice) should be:

No development shall take place, including any works of demolition and the swimming pool hereby permitted, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors*
- ii. construction of access arrangements including the routing of vehicles*
- iii. loading and unloading of plant and materials*
- iv. storage of plant and materials used in constructing the development*
- v. the erection and maintenance of security hoarding*
- vi. wheel washing facilities*
- vii. measures to control the emission of dust and dirt during construction*
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works*

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience 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).

PC 07/23 23/0099/LBC - Listed Building Consent: Installation of internal lift at THE OLD VICARAGE, 10 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BS

The Planning Officer reported that there was no update.

In accordance with Council Procedure Rule 35(B) point (e) the Chair used their discretion to allow the applicant to speak again on the application as there was updated information to provide to the Committee since the application was last considered.

Members made the following points:

If the lift is in the new part of the dwelling, would they be able to have access to the landing area.

If the lift was installed in the historical part of the building it would cause harm to the listed building.

What was the age of the beams were they Victorian or older.

What was the age of the staircase.

In response to the Member questions, the Planning Officer advised that the plan the applicant had alluded to was the 1990s extension which was on the right hand side of the lift. The proposed location of the lift was on the left-hand side of the lift in the historical part of the building. They did not know the exact age of the beams in question but looked around the 18/19th century and were part of the listed building. The applicant proposed to replace the timbers that needed to be removed with ones of a similar age. It was believed that the staircase was part of the 19th century part of building. Officers did not feel the proposal was acceptable for approval and it was not possible to ask the applicant to put back the timbers that were removed.

Councillor Matthew Bedford moved, seconded by Councillor Stephen King that Planning Permission be Refused (in accordance with the officer's recommendation).

On being put to the Committee the motion was declared CARRIED the voting being 5 For, 4 Against and 2 Abstentions.

RESOLVED:

That Planning Permission be REFUSED (in accordance with the officer's recommendation)

PC 08/23 23/0387/FUL - Change of use of woodland land into residential garden with timber fencing for the three properties (15, 17 & 19 Woodland Chase) at LAND ADJACENT TO 15, 17 AND 19 WOODLAND CHASE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3FN

The Planning Officer reported that there were no updates.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application to extend their garden into the woodland area and a member of the Croxley Green Residents Association spoke against the application and thought there should be special circumstances to move the boundary into the woodlands.

The Planning Officer advised that the 2012 permission applied to the developer whilst the development was ongoing, and it was not possible to reduce/amend the scheme and would require separate discussions to this application.

Members made the following points:

Were not happy with the proposal in the application and extending the boundaries and wished the woodlands to be retained.

Was the site a local wildlife site.

Concern around the impact of the designation change adversely affecting the adjacent local wildlife site.

What happens if planning permission was granted would the applicant have the right to build sheds on the land and would this involve the removal of trees and bushes?

The Croxley Green Residents Association had said the area was used by residents and the Parish Council preserve the area to make it usable. Would the residents still be able to use the area.

The application was just requesting to use part of the area in a different way and could not see lawns appearing. It would mean the fence would be moved but they were not asking for additional features.

The Planning Officer advised the site was adjacent to a local wildlife site. It would be possible to control any building under permitted development rights. It was possible, if members were minded, to remove permitted development regarding Class E buildings and any fencing around the parameters of the site. The application site and surrounding woodland is covered by a woodland Tree Preservation, and this would include both shrubs and trees. Noted it was not Green Belt woodland and there was already housing development in the Green Belt. Paragraph 7.1.11 provided details on the existing land which is not enclosed at present and is spatially open and appeared visually open. There had been a landscape objection due to the loss of the woodlands. There could be further requests on the land if in private ownership but would be protected as part of the woodland order but they could apply to fell or lop a tree. The officers reasons for refusal were set out in the report.

Councillor Sarah Nelmes said one the key issues was the introduction of a 6ft close boarded fence around the woodland. The Councillor moved, seconded by Councillor Matthew Bedford, that Planning Permission be Refused in accordance with the officer recommendation.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 10 For, 1 Against and 0 Abstentions

RESOLVED:

That PLANNING PERMISSION BE REFUSED (in accordance with the officer's recommendation)

The meeting was adjourned for a few minutes to check the livestreaming.

PC 09/23 23/0427/FUL – Two storey front, side and rear extensions and loft conversion including roof extensions, insertion of roof lights at 10 GROSVENOR ROAD, NORTHWOOD, HA6 3HJ

Under Council Procedure Rule 35(b) a member of the public spoke in support of the application emphasising that amended plans had taken into account the concerns raised and a member of the public spoke against highlighting the appeal decision and the land widths which the Inspector had raised and that the application should be within design policies.

Batchworth Community Council raised concern and did not feel the amendments changed the opinions raised by the Inspector and overcome the concerns raised. They would like the applicant to seek a better solution.

Members raised the following points:

The depth of the flanks, the crown roof, design, were contrary to Policies CP1 and CP12, and should be considered and did not feel the reasons for refusal had been overcome.

The reason for refusal last time was not part of the Appeal Inspector decision.

The design is not good, but it is not in a Conservation Area and it makes it difficult to refuse. Amendments had been made and they could not see a reason for refusal on design.

Streetscene was still a key issue and the impact it would have, its bulk and the lack of significant articulation, along with the crown roof and multiple roof lights.

Councillor Debbie Morris moved refusal, seconded by Councillor David Raw based on the impact on the streetscene, and excessive bulk and massing of the resultant dwelling. Other reasons for refusal raised for consideration were the effect on the streetscene, excessive bulk/dominance, massing, impact on character, roof lights, crown roof and the glazing had not been reduced.

The Planning Officer advised that following the motion to propose to refuse planning permission the details of the refusal were on the grounds of unacceptable impact of the extensions on the character of the streetscene resulting from the excessive bulk and massing of the resultant dwelling. The exact wording to be circulated to members. Offices considered the articulation, rooflights and glazing had been addressed.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous.

RESOLVED:

That Planning Permission be REFUSED (contrary to officer's recommendation) on grounds of an unacceptable impact of the extensions on the character of the streetscene resulting from the excessive bulk and massing of the resultant dwelling. The exact reason for refusal to be circulated to members.

Wording of Reason for Refusal:

By virtue of the overall scale of the proposed extensions and overall increase in the depth of the flanks, which lack any significant levels of articulation to alleviate their unduly rectilinear appearance, the resultant dwelling would have an overall bulk and massing which would appear as an unduly prominent and visually obtrusive form of development to the detriment of the character of the streetscene. The design of the glazing within the front elevation would also exacerbate the prominence of the extensions by virtue of its jarring relationship with the existing bay feature. The proposed development would result in the host dwelling appearing unduly prominent within the site and street scene and would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

PC 10/23 23/0449/FUL - Construction of part single, part two storey side and rear extension; loft conversion including rear dormer and front rooflights; relocation of entrance door and removal of chimney breast; internal alterations, at 5 POPES ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ

The Planning Officer had no updates.

Members made the following points:

Where the proposed wall would be located would not be acceptable on the neighbour.

Would support adding additional reason for refusal on the wall being unneighbourly on the neighbour.

Thought the 0.5 metre gap between the two properties would be unneighbourly.

The Planning Officer advised that Reason for Refusal R2 could be amended if Members were minded to include that the proposed 2 storey extension due to its proximity to the flank boundary would result in an unneighbourly and overbearing form of development on No.7 Popes Road resulting in the loss of light to the two first floor flank windows. The 0.5 metre gap between the two properties could not be a planning reason for refusal.

Councillor Matthew Bedford moved, seconded by Councillor Sarah Nelmes that planning permission be refused on the grounds set out in the officer report with an amendment to Reason R2 as set out by the officer.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous.

RESOLVED:

That Planning Permission be Refused (in accordance with the officer's recommendation) with amendment to R2 to include that; "The proposed two storey side extension due to its proximity to the flank boundary would result in an unneighbourly and overbearing form of development as experienced by

the occupiers of No. 7 Popes Road, resulting in loss of light to the two first floor flank windows.

Amended Reason R2 to read:

The proposed development would introduce two large first floor rear bedroom windows in close proximity of the boundary with No. 3 Popes Road that would afford direct views into the private amenity space of the neighbour, to the detriment of the residential amenities of occupiers of this property. The proposed two storey side extension due to its proximity to the flank boundary would result in an unneighbourly and overbearing form of development as experienced by the occupiers of No. 7 Popes Road, resulting in loss of light to the two first floor flank windows. The development would be contrary to 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).

PC 11/23

23/0577/RSP – Retrospective: Retention of temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further temporary period at BULLSLAND FARM, BULLSLAND LANE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5BG

The Planning Officer referred to Paragraph 1.1.9 of the report and advised that with regard to application 23/0542 this had been permitted today but had no material impact on this scheme.

Chorleywood Parish Council said there had been temporary access for 3 years and applicant was now now requested a further extension of the use of that temporary access for 3 years. They did not consider this to be reasonable and suggested 12 months with Condition 2 to be amended.

Members of the Committee made the following points:

Would be a lot of work for just 1 year to enable access for construction traffic and felt they could come back with a further application. 1 and half years would be more reasonable and allowed time for the work to be completed and the track removed.

Condition 3 controlled the use of the access track and the timings to access the development for deliveries.

The Planning Officer advised that a period of 12 months was a reasonable time and the applicant had considered this would provide sufficient time. Condition 3 required the applicant to submit a Construction Management Plan.

Councillor Matthew Bedford moved, seconded by Councillor Debbie Morris that planning permission be granted.

On being put to the Committee the motion was declared CARRIED the voting being 10 For, 0 Against and 1 Abstention.

RESOLVED:

That Planning Permission be GRANTED (in accordance with the officer's recommendation)

CHAIR

PLANNING COMMITTEE – THURSDAY 22 JUNE 2023

PART I - DELEGATED

5. **22/1912/OUT - Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters) at 24 Denham Way and Land to the Rear, Maple Cross**

Parish: Non-parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 26.01.2023
(Extension of Time: 30.06.2023)

Case Officer: Scott Volker

Recommendation: The application be referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

Provided the Secretary of State does not call in the application for their own determination, and subject to no new material considerations being raised and the recommendation of approval/no objection from the Environmental Health Officer (EHO) and the completion of a Section 106 Agreement securing on-site affordable housing, biodiversity net gain and open space provision, that the application be delegated to the Head of Regulatory Services to GRANT OUTLINE PLANNING PERMISSION subject to conditions as set out at section 8 below and any additional conditions as requested by EHO.

Reason for consideration by the Committee: Called-in by three members of the Planning Committee due to its effect on both the Green Belt to the rear and the existing residential dwellings on two sides of the application site.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RJOITUQFLAR00>

1 Relevant Planning History

- 1.1 8/759/74 - Established Use Certificate Market Garden – Permitted, February 1975.
- 1.2 8/773/93 – Erection of polytunnel – Approved, February 1994.
- 1.3 8/555/80 – Change of Use to Wholesale and Retail Market Garden – Refused, October 1980.
- 1.4 8/346/85 - Change of use of land for parking of vehicles – Refused, July 1985.

2 Description of Application Site

- 2.1 The application site is an F-shaped parcel of land covering an area measuring 1.1ha. The land levels of the site are generally flat, with a slight gradual change sloping down from the north-west to the south-east. The site is surrounded by agricultural land to the north and west and bounded by well-established trees and hedge lines. The site wraps around the residential curtilage of 22 Denham Way which is a two-storey detached property with associated ancillary outbuildings. To the south are residential developments at Crosslands and Oakhill Close.

- 2.2 The application site is comprised of two elements. One part of the site comprises a detached two-storey pitched roof dwelling known as 24 Denham Way and its large associated curtilage. This dwelling fronts the Denham Way service road. The dwelling has a large private garden which is predominantly laid to lawn which bounds the properties of the adjacent cul-de-sac, Crosslands to the south.
- 2.3 The other part of the application site accommodates a commercial use which is located within the northern and western portions of site with an active and well established B2 use operating as a Tree Surgery business. The business is accessed immediately to the north of 22 Denham Way from the service road. Within this part of the application site are material stockpiles and three associated workshop buildings, a large water tank and an area of hardstanding situated in an area to the west of 22 Denham Way. Two disused polytunnel frames, related to the former nursery use are also located in this area.
- 2.4 Within the application site there are some protected trees (TPOs) including two Cedar trees (TPO17 and TPO18) and Poplar trees (TPO043) located to the rear of No.24 Denham Way and to towards the south-western boundary.
- 2.5 In terms of policy designations, the application site falls within the Green Belt, a Secondary Centre (Maple Cross) and part of the site to the north is on the Brownfield Register.

3 Description of Proposed Development

- 3.1 This application seeks Outline planning permission for the demolition of existing buildings including 24 Denham Way and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin. Approval is sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved.
- 3.2 The development would consist of a combination of flats, detached, semi-detached and terraced housing. The scheme would include 25 affordable housing units which would equate to an allocation of 50%, broken down to 70% social rent, 25% first homes and 5% shared ownership. The proposed mix is indicative at this stage but as detailed in the supporting Planning Statement and is as follows:

	1-bed flat	2-bed flat	3-bed flat	4-bed house	Total
Market	0	9	10	6	25
Affordable Housing	8	11	6	0	25
Total	8	20	16	6	50

- 3.3 A new vehicular access would be created from the Denham Way service road in the general location of 24 Denham Way. The existing access serving the commercial part of the site (to the north of the site's Denham Way frontage) would be stopped up. A Parameter Plan (PO1) has been submitted and the supporting Planning Statement identifies that the proposal would provide the delivery of a range of house types and sizes and the scheme would provide active residential frontages to the two principal east-to-west roads, which would then feed into smaller clusters of dwellings in the western section of the site.
- 3.4 Although it does not form part of the application, an illustrative layout plan is provided within the submitted Planning Statement (Figure 5.3.0, page 12). From the illustrative drawing it is evident that traditional pitched roof designs are proposed for the houses with the majority being 2 storey height with a small number of 2.5 storey units. The majority of the flatted developments would be set in 3-storey blocks to the eastern section of the site. The smaller of the blocks would include pitched roof forms with the larger block incorporating a crown roof form with hipped sides.
- 3.5 An area of open green space of approximately 1250sqm is proposed adjacent to the access road (south of No. 22 Denham Way) which would include an attenuation basin, with an

additional landscaped space proposed adjacent to the western boundary approximately 740sqm in size.

- 3.6 The tree/hedge screen along the northern boundary would be retained along with the landscaping features on the western boundary. The proposal would result in the removal of 9 trees, 4 groups of trees and one hedgerow. This does include the removal of the two protected Cedars and Poplar trees located to the southern and western boundaries of the site and abutting 22 Denham Way.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Hertfordshire County Council – Highway Authority: No objection, subject to conditions

Proposal:

Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters).

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. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a. At least three months prior to the first use of the development hereby permitted, the details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site would need to be submitted and the Travel Plan Statement updated accordingly.*
- b. A level and type of car and cycle parking in accordance with Three Rivers District Council's (TRDC) adopted standard.*
- c. An appropriate level of active and passive electric vehicle charging provision.*
- d. Provision for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point;*
- e. Turning areas and swept path analysis to illustrate that a 12m long refuse vehicle (the size used by TRDC) and a fire tender (at least 8.1m in length for a standard fire tender and 10.1m in length for an aerial ladder appliance) would be able to safely access the site layout, turn around on site and egress to the highway network in forward gear. The swept path would need to 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 – Dwellinghouses (and subsequent updates).
*An internal layout of the site designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets. Visibility splays of 2.4m by 25m would need to be illustrated at any junctions / vehicle accesses within the site.**

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. A: 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 necessary offsite highway

improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Vehicle bellmouth access into the site from Denham Way.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

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).

B: 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 in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area 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).

4. 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 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. Provision of sufficient on-site parking prior to commencement of construction activities;*

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:

Construction standards for works within the highway (s278 works):

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> or by telephoning 0300 1234047.

Comments / Analysis:

The proposal comprises of the construction of up to 50 residential dwellings on land at Denham Way Maple Cross.

A Transport Assessment (TA) and Travel Plan Statement (TPS) have been submitted as part of the application.

Access:

The site is accessed via a Denham Way service road, on the west side of the main Denham Way highway. The service road is designated as an unclassified, local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. There is an existing shared vehicle access into the site.

The proposals include a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road with a carriageway width of 4.8m and a 2m wide footway, the layout of which is shown on submitted drawing numbers 101 and SK01 A. The general access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size with the technical details of the bellmouth access / highway works to be approved as part of the necessary 278 highways agreement.

The levels of available vehicular to vehicular visibility at the proposed vehicle access point (at 2.4m by 43m in either direction along Denham Way as shown on drawing number SK01 A) is acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets. The eventual full internal layout of the site would need to be designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets. Visibility splays of 2.4m by 25m would consequently need to be illustrated at any junctions / vehicle accesses within the site.

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However the works would need to be built to a design speed of 20mph and to adoptable standards to be in accordance with guidelines as documented in RiH and MfS. The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

Section 278 Highway Works:

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- Vehicle bellmouth access into the site from Denham Way.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway and submit a Stage One Road Safety Audit and Designers Response. Please see the above conditions and informatives.

Refuse, Service and Emergency Vehicle Access:

Swept path analysis plans (drawing numbers SK07 to SK12) have been submitted as part of the TA to illustrate that a 12m long refuse vehicle would be able to use the proposed access arrangements, turn around on site and egress to the highway in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The TA does confirm that “layout is a reserved matter at this stage” and therefore the final layout would need to ensure turning areas and swept path analysis is provided to illustrate that a 12m long refuse vehicle and a fire tender (at least 8.1m in length for a standard fire tender and 10.1m in length for an aerial ladder appliance) would be able to safely access the site layout, turn around on site and egress to the highway network in forward gear. The swept path would need to 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 – Dwellinghouses (and subsequent updates). Furthermore, provision would need to be made for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point.

Car Parking:

No specific details on the level of car parking have been submitted at this outline stage of the application. The level of car and cycle parking would need to be provided in accordance with those levels as outlined in TRDC’s parking standards (it is acknowledged that the submitted TA states that “parking will be provided in accordance with the guidance set in the Supplementary Planning Guidance on Parking at New Developments (2002), the details of which will be submitted at the reserved matters stage. All dwellings will have secure cycle parking through either a shed or garage space for the houses or secure cycle storage for the apartments”).

Any proposals would need to be in accordance with the following guidance, which states that “Parking provision shall not be located within the visibility splays at junctions and accesses. Parking areas should not obstruct forward visibility requirements, turning areas or inhibit the movement of refuse vehicles, buses or the emergency services” RiH, Sec 4, 9.2.

An appropriate level of electric vehicle charging (EVC) provision would need to be included as part of any full application. It is recommended that at least one active EVC point is provided for each house; that at least 20% of all car parking spaces for flats have active EVC provision and that passive provision is provided for all other spaces. Specific reference would need to be made to LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future”.

Nevertheless, the applicant is reminded that TRDC, as the planning authority for the district, would ultimately need to be satisfied with the proposed type and level of parking on site.

Trip Generation, Distribution and Traffic Impact Assessments:

A trip generation assessment for the proposed use has been included as part of the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed use are estimated to be 20 two-way vehicle movements in the AM peak and 21 two-way vehicle movements in the PM peak.

A Junctions 8 PICADY assessment has been carried out and included in the TA to assess the operation of the Denham Way Service Road / A412 Denham Way junction both at present and in addition to a future year of 2027 using baseline traffic data + committed developments (including HS2, the Maple Cross warehouse development – planning application 21/0573/FUL and hotel development – planning application 07/1401/FUL) TEMPRO growth factors to 2027 and the above TRICs vehicle trip rates in the AM and PM peak. The results of the modelling show that the Ratio of Flow to Capacity (RFC) at 0.76 (AM peak) and at 0.60 (PM peak) are well within the generally agreed practical capacity of 0.85 and therefore considered acceptable. Furthermore, the predicted queue levels on the highway would not be deemed to have a severe impact on the junction.

A LinSig model assessment has been carried out and included in the TA to assess the performance and functioning of the traffic signalized junction of Denham Way Service Road / Chalfont Road / A412 Denham Way / Maple Lodge Close. The proposed signalized junction has been modelled using baseline traffic data + committed developments (including HS2, the Maple Cross warehouse development – planning application 21/0573/FUL and hotel development – planning application 07/1401/FUL) TEMPRO growth factors to 2027 and the above TRICs vehicle trip rates in the AM and PM peak. From a highways and transport perspective, HCC as HA has assessed and reviewed the capacity and modelling results from the proposals in the context of paragraph 109, National Planning Policy Framework (NPPF) (update 2019), 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”. In this context and in conjunction with a review of the application and above model results have demonstrated that there would not a severe impact on the road network.

Sustainable Travel Options:

The application site is located on the north side of the settlement of Maple Cross. Therefore, the location is within an easy cycling distance and acceptable walking distance from the facilities and amenities in the settlement.

The nearest bus stops are located approximately 80m (north-east bound) and 100m to 155m (south-west bound) from the site and therefore are within the normal recommended walking distance of 400m and therefore there is potential for bus services to provide a convenient sustainable travel option for any future residents. Rickmansworth Railway Station is located approximately 3.3km from the site and therefore within cycling distance although would not be an acceptable walking distance, although this would not be considered to be a significant enough reason to recommend refusal on its own when taking into consideration that the site is linked to an existing settlement area and its relative facilities/amenities.

An appropriate level and type of secure, convenient and covered cycle storage would need to be provided to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this.

A TPS has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire’s Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally

acceptable although the applicant would need to provide details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site (at least 3 months prior to first use of the development) in addition to secondary contact.

TRDC has adopted the Community Infrastructure Levy (CIL) and the development would be located within area A 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.

SUDs:

HCC as Highway Authority would recommend that the Lead Local Flood Authority is formally consulted on the proposed SUDS and drainage strategy at: FRMconsultations@hertfordshire.gov.uk.

Conclusion:

HCC as Highway Authority considers that the proposal would not have an unreasonable 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. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives.

4.1.2 Affinity Water: No objections, subject to conditions:

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.

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 (SPRW). 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.

We have reviewed the draft drainage strategy submitted within the flood risk assessment and would ask that the final drainage strategy, as well as considering the above, includes the flow pathway within the diagram. It needs to be demonstrated that surface water will engage with at least 2 stages of treatment before infiltrating. If surface water from the roads goes directly to the infiltration basin (1 stage of treatment) or the infiltration crates (no stage of treatment) this would be unacceptable.

We would also need cross section diagrams of the infiltration areas demonstrating that these will remain at least 1m above groundwater and will need to be supplied with all the groundwater level monitoring data that proves this is the case throughout all seasons.

In addition, it would need to be demonstrated that these infiltration areas have been assessed for contamination to avoid the risk for contamination mobilisation into the aquifer and towards public water supply abstraction.

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".

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.

4.1.3 Environment Agency: Initial objection raised but overcome subject to conditions:

Thank you for consulting us on the above application which we received on 7 November. As part of the consultation, we have reviewed the documents submitted in line with our remit.

Environment Agency Position:

Based on a review of the submitted information 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, in line with paragraph 174 of the National Planning Policy Framework and Preferred Policy Option 17 Ground Conditions, Contamination and Pollution of the Three Rivers Preferred Policy Options consultation (June 2021).

Reason:

Previous industrial uses of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive at this location as:

- *The site is located within a groundwater Source Protection Zone 1 (SPZ1), relating to a nearby abstraction. Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.*
- *The site is underlain by a Principal Bedrock Aquifer (Chalk)*
- *The site is underlain by a Secondary A Superficial Aquifer (Shepperton Gravel Member)*
- *The site is located within a Water Framework Directive Groundwater water body with “Poor” overall classification (Mid-Chilterns Chalk GB40601G601200).*

Our approach to groundwater protection is set out in the Environment Agency’s Approach to Groundwater Protection. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater, especially where the risk of pollution is high, and the groundwater asset is of high value.

We note from the site drainage strategy that several infiltration methods for the drainage of surface runoff is proposed, including shallow soakaway systems. In this instance position statement G13 of the Approach to Groundwater Protection applies:

Where infiltration SuDS are proposed for anything other than clean roof drainage (see position statement G12, a hydrogeological risk assessment should be undertaken to ensure the system does not pose an unacceptable risk to supply”.

Unless a supporting risk assessment demonstrates that a SuDS scheme in SPZ1 will not pose an unacceptable risk to the drinking water abstraction, the Environment Agency will object to the use of infiltration SuDS under position statement G10 and an alternative drainage strategy would need to be adopted.

As the planning application is not supported currently by an appropriate hydrogeological risk assessment, it does not meet the requirements set out in Paragraphs 174 and 183 of the National Planning Policy Framework.

In addition, the Thames River basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal could cause deterioration of a water quality element to a lower status class of adjacent surface waterbodies and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body.

Overcoming our objection:

The applicant should submit a hydrogeological risk assessment in order to demonstrate that the drainage proposals will not result in an adverse impact to groundwater quality.

The design of infiltration SuDS schemes and of their treatment stages needs to be appropriate to the sensitivity of the location and subject to a relevant risk assessment, considering the types of pollutants likely to be discharged, design volumes and the dilution and attenuation properties of the aquifer.

Surface run-off from roads and parking areas may contain substances present on the JAGDAG list (i.e. metals, organics including PAHs and BTEX). Any discharge must be treated to such a level that it will not result in a discernible input of hazardous substances to groundwater. A discernible input occurs when the concentration within the discharge exceeds either the natural background quality or a minimum reporting value (MRV). Examples of MRVs are:

- *Benzene 1µg/l*
- *Toulene 4µg/l*
- *Xylenes 3µg/l*

A full list of MRVs can be accessed at <https://www.gov.uk/government/publications/values-for-groundwater-risk-assessments/hazardous-substances-to-groundwater-minimum-reporting-values>.

Alternatively we would reassess our position if an alternative drainage strategy that does not utilise infiltration SuDS were submitted. We note the close proximity of a Thames Water surface water sewer to the site.

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.

All new residential development is 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.

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.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

- 4.1.3.1 **Environment Agency - Second consultation:** Following the receipt of the above comments further information was provided by the applicant for review by the EA. The EA were re-consulted and provided the following additional comments and removed their objection:

Thank you for consulting us on the above application which we received on 3 January. As part of the consultation we have reviewed the following document:

- Denham Way and land to rear, Maple Cross, Hertfordshire: Flood Risk Assessment and Drainage Strategy, Revision B, dated December 2022.

Environment Agency Position

Based on a review of the submitted information we are now able to withdraw the objection from our previous letter (EA Ref: NE/2022/135130/01-L01 dated 30th November 2022) subject to the inclusion of the following conditions on any grant of planning permission.

Without these conditions we feel that the development would pose an unacceptable risk to groundwater, and we would object. We ask to be consulted on the details submitted for

approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Conditions:

Condition 1 - Land Affected by Contamination

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

- 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason 1:

Previous industrial uses of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive at this location as:

- *The site is located within a groundwater Source Protection Zone 1 (SPZ1). Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. Groundwater at this location is therefore particularly vulnerable to polluting uses on the surface. All development proposals are carefully monitored within SPZ1.*
- *The site is underlain by a Principal Bedrock Aquifer (Chalk)*
- *The site is underlain by a Secondary A Superficial Aquifer (Shepperton Gravel Member)*
The site is located within a Water Framework Directive Groundwater water body with "Poor" overall classification (Mid-Chilterns Chalk GB40601G601200).

This condition will 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

No occupation of any part of the permitted development shall take place until a verification report demonstrating 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 human health or 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 and Maintenance Plan for Groundwater

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be 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. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved 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 - 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. This condition ensures that the development does not contribute to, 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 - Borehole Management

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 and Position Statement N Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

Condition 6 - Piling / Foundation works Risk Assessment with Respect to Groundwater Resources

Piling, deep foundations and other intrusive groundworks using penetrative measures 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 any proposed piling, deep foundations and other intrusive groundworks do not harm groundwater resources in line with paragraph 174 of the National

Planning Policy Framework and Position Statement N. Groundwater Resources of the 'The Environment Agency's approach to groundwater protection'.

Condition 7 - Infiltration of Surface Water onto the 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, 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.

Advice

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management (formerly CLR11), when dealing with land affected by contamination.*
- Refer to the Environment Agency 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. 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>)*
- Refer to the contaminated land pages on GOV.UK for more information.*

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and reference with these documents:

- BS5930:2015 Code of practice for site investigations.*
- BS 10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites.*
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points.*
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details).*
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples*
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples*
- Use MCERTS accredited methods for testing contaminated soils at the site.*
- Guidance on the design and installation of groundwater quality monitoring points*
- Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In*

layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. The following should be considered:

- Use MCERTS accredited methods for testing contaminated soils at the site.*
- The DQRA report should be prepared by a “Competent person” (e.g. a suitably qualified hydrogeologist). The DQRA should be based on site-specific data, however in the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.*
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m. Further guidance is available at <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>*

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with the Land Contamination: Risk Management guidance.

Any remediation strategy must be carried out by a competent person, in line with paragraph 183 of the National Planning Policy Framework. The National Planning Policy Framework defines a “Competent Person (to prepare site investigation): 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”.

Where SUDs are proposed:

Infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx.

Piling:

For piling (or other deep penetrative) works, where the piles (or other deep structures) extend into aquifer units within SPZ1, a foundation works risk assessment and groundwater monitoring programme will be required. The foundation works risk assessment should consider potential risks to groundwater resources that could arise as a result of deep piling works. A groundwater monitoring programme should be designed to collect information prior to and during the works to demonstrate that any piling (or other deep penetrative) works are not having an adverse impact on groundwater quality in the area. The piling risk assessment and groundwater monitoring plan should provide a mitigation / action plan should any adverse impacts to groundwater quality be noted during the works.

Within SPZ1, due to the close proximity of potable abstractions, we recommend that real-time monitoring for in-situ groundwater quality parameters, including conductivity and turbidity, should be incorporated into the groundwater monitoring plan as these provide valuable on site data that can enable rapid decision making with respect to mitigations if required.

A brief introduction to the potential hazards associated with piling through contaminated soils can be found:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

Monitoring wells installed to support a piling risk assessment should be installed to at least 5m deeper than the deepest piled foundation to capture any impacts from the proposed groundworks during and post construction.

Waste off-site:

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period the developer will need to register with us as a hazardous waste producer. Refer to the waste management page on GOV.uk for more information.

Material Re-use on-site:

The CL:AIRE Definition of Waste: Development Industry Code of Practice (Version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site provided they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.uk

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.

All new residential development is 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.

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.

4.1.4 National Grid: No response received.

4.1.5 TRDC Landscape Officer: Made the following comments:

The site is within Metropolitan Green Belt and there are trees on site, protected by Tree Preservation Order. The site comprises of an old garden / farmyard area to the rear of housing on Denham Way. Despite its location in the Green Belt, the site's position on the edge of an existing settlement would be only a minor adjustment to the Green Belt boundary that would not result in a significant loss of openness. In addition, the existing TPO is very old (1972) and the majority of trees included on it appear to have been removed many years previously. The plans indicate that remaining significant trees would be protected and, provision would be made for substantial new planting.

Further details should be required regarding landscaping and new planting, in particular the proposed attenuation basin. A multifunctional SUDs system that has some ecological and / or play value, in addition to storage of surface water at times of high rainfall, would be desirable. Details of the protection of existing trees would also be required.

4.1.6 Thames Water: Made the following comments:

Waste Comments:

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.

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.

4.1.7 TRDC Environmental Health: No objection subject to conditions:

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.

Contaminated Land

I have reviewed the following reports prepared by BRD Environmental Ltd:

- *Phase 1 Geo-Environmental Desk Study (Report ref. BRD3982-OR1-B);*
- *Geo-Environmental Site Investigation (Report ref. BRD3982-OR2-B).*

The investigation has identified some potentially complete contaminant linkages that require remediation. An outline remediation strategy has been proposed.

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) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment (*reference to approved documents), giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) 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.

4.1.8 TRDC Environmental Protection: No response received.

4.1.9 TRDC Housing Strategy and Development Manager: Made the following comments:

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 that you intend to provide Affordable Housing onsite, please clarify what your proposal is to meet the requirement or contact me to discuss further.

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.

4.1.10 TRDC Development Plans Officer: Made the following comments:

The application seeks permission for the demolition of existing buildings and erection of up to 50 dwellings (Use Class C3). The application site has not been allocated as a housing site in 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 site is located in the settlement of Maple Cross, which is a Secondary Centre in the Three Rivers Settlement Hierarchy (Core Strategy, 2011). Policy PSP3 of the Core Strategy states that development in Secondary Centres will focus future development predominantly on sites within the urban area, on previously developed land. The Council recognises that part of the northern portion of the site is classified as previously developed land through its inclusion in the Brownfield Land Register. The proposal would therefore comply with Policy PSP3 and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land. The site is located within walking distance to some facilities, including schools, public open space and retail uses which could cater for essential day to day services, although it is noted that travel to other settlements would be needed in order to access other services. The site is located within 100m to the nearest bus stop on Denham Way and also within close proximity to a number of other bus stops, served by various bus routes. The nearest train station is Rickmansworth Station which is approximately a 40-minute walk from the application site. Nevertheless, the development would result in a net gain in housing, which would make a positive contribution towards the District's current housing target of 633 dwellings per year as well as helping to address its shortfall in demonstrating a five year housing land supply.

The southern portion of 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.' 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 partially entails the re-use brownfield 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%

The application proposes an indicative total of up to 50 dwellings, with an indicative unit mix as shown below:

	1-bed flat	2-bed flat	3-bed house	4-bed house	Total
Market Housing	-	9 (18%)	10 (20%)	6 (12%)	25 (50%)
Affordable Housing	8 (16%)	11 (22%)	6 (12%)	-	25 (50%)
Total	8	20	16	6	50 (100%)

The proposed indicative housing mix does not align with the recommended mix as set out in the LHNA. However, 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. Where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

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 state 50% (25 dwellings) of the proposed indicative housing mix would be contribute towards affordable housing provision. On this basis, the application would comply with Policy CP4 but would be subject to receiving further information on the proposed housing and tenure mix.

4.1.11 Herts & Middlesex Wildlife Trust: – Objection

Biodiversity metric not supplied, habitats not justified, condition scores not justified, net loss predicted, not compliant with NPPF requirement of net gain.

NPPF para 174 states:

'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'

A biodiversity metric is quoted but not supplied. It must be supplied in original excel form to enable scrutiny. All habitats selected 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.

Irrespective of the missing information the proposal currently delivers a biodiversity net loss.

This is not compliant with NPPF and so should be refused.

5 Pre-application consultation

5.1 Prior to the submission of this Outline application the applicant undertook their own pre-consultation with local residents.

6 Public/Neighbour Consultation

6.1 Number consulted: 29

6.2 No of responses received: 9 objections, 0 letters of support.

6.3 Site Notice: Posted 14.11.2023 Expired 05.12.2023.
Press notice: Published 25.11.2023 Expired 16.12.2023.

6.4 Summary of Responses:

Character

Three storey dwellings is going to be directly be behind dwellings in Crosslands; three storey building not sympathetic to local buildings; government and local authorities need to start looking at developing new towns instead of cramming more and more houses into small villages like Maple Cross; why weren't two or three storey dwellings placed at the back of the site; doctors surgeries, schools and hospitals are fully oversubscribed; removal of trees; increase in pollution; loss of habitat; infrastructure appears to be non-existent; council

should consider repairing old buildings before building new ones; inappropriate development in the Green Belt.

Noise impact on neighbours during and post construction; development will cause a mess to neighbouring properties and cars during construction; overlooking; loss of privacy; loss of outlook onto open fields; invasion of privacy; cut out light to windows of existing properties; views into habitable rooms of existing properties; new outlook onto brick wall is unacceptable; development would have a massive impact and upheaval for the local residents; significant loss to natural daylight; increase in disturbance; too close to the boundary; three storey blocks of flats built so close to existing homes is completely unacceptable.

Highways and Infrastructure

Local bus routes run once an hour; additional traffic; adversely affect existing infrastructure; A412 comes to a standstill very often; more traffic congestion from development; sewers are already overwhelmed; increase congestion; how will the development affect the slip road; already building warehouses and HS2 in Maple Cross don't need further development in Maple Cross at this time; development would be devastating to local wildlife and habitats; bats are protected species.

Technical Matters

Lack of consultation for all Crosslands residents.

6.5 Other Comments:

6.5.1 Chiltern Society: Objection

'Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters) | 24 Denham Way And Land To Rear Maple Cross Rickmansworth Hertfordshire WD3 9RN

The Chiltern Society is a charitable body with 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area,. Our role in the planning system is co-ordinated through a network of voluntary planning field officers and co-ordinators.

The proposals in this application for 50% affordable housing are admirable and in accord with the Chiltern Society's principles that at least this percentage should be included in any new development. There is a greater need for this kind of housing than for other higher specification housing.

The location of the site appears to have a lot to commend it from the point of view of access to services. However it is necessary to assess whether the local schools have space for more pupils. The bus service to Rickmansworth is not very frequent and tends to be unreliable it would need improvement. The doctors' surgeries are under heavy pressure and the need for further medical services should be planned before more housing is built.

The site access road would be on to a one way service road leading to a junction with the A412 that is designed mainly for traffic turning left. It could prove difficult for traffic wanting to travel south particularly when there is added warehouse traffic on this road.

With regard to the warehouse traffic, it would be good to have air pollution in the area monitored carefully before more building is considered.

The Society is aware that this area has been included in the Three Rivers proposals for development which are still under discussion. We are nevertheless unable on principle to

support any site which is on Green Belt land as this is. The gap between Maple Cross and Rickmansworth would be narrowed and the Green Belt is designed to prevent the merging of towns and villages.'

7 Reason for Delay

7.1 Delay in obtaining consultee comments.

8 Relevant Planning Policy, Guidance and 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).

S66(1) 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 planning permission.

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.

8.1 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.

8.2 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 PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 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, DM2, DM3, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

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.

8.3 Other

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

South-West Hertfordshire Local Housing Need Assessment (September 2020)

Housing Delivery Test Action Plan (June 2022)

Housing Land Supply Update (December 2022)

9 **Planning Analysis**

9.1 Procedural Matters

9.1.1 The application has been submitted in outline form with all matters apart from access reserved for future determination. Should Outline Planning Permission be granted the reserved matters of appearance, landscaping, layout and scale would need to be submitted for future consideration.

9.1.2 The application is accompanied by a Parameter Plan (P01) which demonstrates how the proposed pedestrian and vehicular access would be provided. In addition, the supporting Planning Statement includes an illustrative layout drawing (Figure 5.3.0) which shows how the site could potentially be developed, although approval is not sought for these details within the application and this illustration is considered as indicative only. Therefore, whilst the following assessment may acknowledge the layout, appearance, landscaping and scale of development, the detail of these matters would be assessed at a subsequent stage should this application be deemed acceptable and permitted.

9.2 Principle of Development

9.2.1 The proposed development would result in a net gain of up to 49 dwellings. The site is not identified as a housing site in the Site Allocations document and would be considered as a windfall site. 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 will be tested in accordance with relevant national and local policies.

9.2.2 Core Strategy Policy CP2 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:

- 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, and
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 9.2.3 The application site falls within Maple Cross which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, or previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Maple Cross will provide approximately 24% of the District's housing requirements over the plan period.
- 9.2.4 It is noted that within the Local Plan Regulation 18 Preferred Policy Options and Sites for Potential Allocation Consultation (June 2021) the site has been put forward as a housing site referenced CFS31 with an indicative dwelling capacity of 55 dwellings. However, the Council's new local plan is yet to be adopted and is still at consultation stage. It's planned adoption is now scheduled for summer / autumn 2025 and thus the consideration of potential allocation of the site for housing can only be afforded limited weight at the current time.
- 9.2.5 Part of the application site is also on the Brownfield Land Register (2020) which confirms that the site is appropriate for residential development and that development is achievable.
- 9.2.6 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.
- 9.2.7 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.
- 9.2.8 It is well documented that the Council cannot demonstrate a deliverable supply of housing as required by the NPPF, with the Council's current position at approximately 1.9 year supply of housing. The NPPF at paragraph 11 is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. As a result, when engaging paragraph 11(d) of the NPPF it states that planning permission should be granted unless 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 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 fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.
- 9.2.9 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 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'.
- 9.2.10 As stated above, the application site falls within a Secondary Centre in the Core Strategy which states that new development should be focused on sites within the urban area, or previously developed land. Whilst some areas of the application site can be considered as

previously developed land, namely the land containing the buildings at 24 Denham Way along with the buildings and hardstanding used by the tree surgery business; the remainder would be development on garden land within a built-up area which falls outside the definition of previously developed land found in the NPPF.

- 9.2.11 Notwithstanding the above, the location of the site is considered to be highly sustainable. It is located immediately adjacent to the settlement of Maple Cross, opposite other existing residential properties and within walking and cycling distance to local amenities and schools. Furthermore, it is reasonably well connected to services and to local bus routes providing a regular service into the Principal Town Rickmansworth and other nearby settlements. As such, there are no in principle objections to the addition of residential development on the application site in relation to Policies PSP3 and CP2, however this is subject to consideration against other material considerations as discussed below.

9.3 Loss of Commercial Business

- 9.3.1 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 development would result in the loss of existing commercial tree surgeons (Sui Generis) use on the site. No evidence has been submitted as part of the application demonstrating that the existing use of the site for commercial use is no longer attractive to the market and suitable. The loss of this space would inevitably conflict with the aims of Policy CP6.

- 9.3.2 Whilst recognising this loss there is some tension between Policy CP6 and the NPPF. 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'. There is a clear need for housing across the District. On the basis that Three Rivers cannot meet its 5-year housing land supply, the loss of the commercial use is considered acceptable to enable the land to come forward as housing.

9.4 Green Belt

- 9.4.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts serve 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.

9.4.2 *Inappropriate Development*

- 9.4.3 Policy CP11 of the Core Strategy sets out 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. This policy is reflective of the NPPF.

- 9.4.4 Policy DM2 of the DMP LDD also sets out that 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.

- 9.4.5 Policy DM2 is a part of the statutory Development Plan for Three Rivers and post-dates the 2012 NPPF (it was adopted following examination in 2013). It was therefore adopted at a time when national planning policy in respect of development in the Green Belt was very similar as it is today (i.e. very limited difference between 2012 NPPF and 2021 NPPF in

respect of Green Belt). On this basis, it is considered that full weight can be given to DM2 in decision making.

9.4.6 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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.

9.4.7 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.4.8 Within the supporting Planning Statement, it is accepted that the proposed development would not fall within any of the exceptions listed above and therefore does not constitute an appropriate form of development. The site is not located within a village and is bounded by open fields thus would not constitute limited infilling in a village. In addition when taken as a whole, the development cannot fall within the scope of 149(g) given that it is not limited infilling and comprises areas which are not previously developed land and for the reasons detailed later in this section of the report, the proposed development would have a greater impact on the openness of the Green Belt in comparison to the existing built form within the site.

9.4.9 In light of the above, the development would therefore fail to fall within any of the exceptions within Policy DM2 of the Development Management Policies LDD or at paragraph 149 of the NPPF and thus would constitute inappropriate development in the Green Belt, which by definition, is harmful. Therefore, conflicting with both local and national planning policy. The harm is afforded substantial weight.

9.4.10 *Openness and Purposes of Green Belt*

9.4.11 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. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.

9.4.12 As existing, the site is reasonably open, aside from the limited buildings and hardstanding areas serving the tree surgery business and the two storey dwelling (24 Denham Way) as detailed within Section 2 of this report. Thus, the proposed development which proposes up to 50 new dwellings with ancillary garages, and internal footpaths and roads would introduce

significant levels of built form. The indicative Parameter Plan (PO1) details that the heights would range between single and three storey buildings. These would appreciably reduce the spatial and visual openness of the site. The harm to openness would also not be just as a result of the built form, but the intensification of use through the change of use to residential and the addition of greater vehicular movements and residential paraphernalia which would also serve to materially reduce the openness of the site and change its character to a more suburban environment. The change of use to residential and construction of 50 dwellings would significantly intensify the use of the site; however, as further expanded below the impact on the visual openness is considered to be at a more localised perspective.

- 9.4.13 The Planning Statement makes reference to the Stage 2 Green Belt Assessment (GBA) for Three Rivers District and Watford Borough (October 2019). This Assessment the identified the site as 'Parcel MC11'. The assessment concluded that the overall harm to the Green Belt purposes from the release of the land would be *'Low Moderate'*, with a *'negligible'* impact on the adjacent wider area Green Belt. Furthermore, it set out that a proposal would have a 'relatively limited' impact to the contribution to the three Green Belt purposes namely - check the unrestricted sprawl of large built up areas; prevent neighbouring towns merging into one another and assist in safeguarding the countryside from encroachment which will be considered below.
- 9.4.14 The application site is located on the west side of Denham Way towards the northern edge of Maple Cross settlement. The proposed development would result in an extension to urban development within this northern section of Denham Way; however the site is bounded by well-established tree and hedge lines along its north and west boundaries which will be retained, in part, and enhanced to contain the development and provide a clear separation and provide a continuous and defensible boundary between the development site and the adjacent open countryside to the north and west. Crosslands borders the site to the south and the depth of the application site reflects that of the residential development of Crosslands and the other residential development to the south-west (Chalfont Road & Oakhill Close/Oakhill Road). These developments are also contained by similar tree and hedge line boundaries to the open countryside, thus the proposed development would form a continuous and defensible boundary. In addition, the area of the site considered to be previously developed land is within the northern portion of the site, thus taking this into account along with the current appearance of the land and use, this part of the site has been developed. The remaining part to the south would be infilling the gap between Crosslands/Oakhill Close and the developed northern part of the site. On the opposite side of Denham Way is a mix of both residential and industrial developments which extend the spread of more prominent built development considerably further to the northwards and well beyond the application site. Thus, it is not considered that the proposed development would result in encroachment into the countryside; cause the merging of neighbouring towns or result in the unrestricted sprawl of Maple Cross.
- 9.4.15 In the assessment of the impacts of the proposed development towards the Green Belt, regard is had to an appeal in respect of a submission for Outline permission for 22 new dwellings at a site in Benfleet, Essex referenced APP/M1520/W/20/3246788. In determining the appeal the Inspector noted that the proposal would result in a *'spatial diminution'* of the openness of the Green Belt and – where visible – a loss of openness as *'perceived visually'*. The Inspector also acknowledged that the undeveloped appeal site contributed to four of the five purposes of the Green Belt identified by the NPPF (listed at paragraph 8.5.1 above) and attached substantial weight to the harm by reason of inappropriateness and identified the harm to openness and purposes. Notwithstanding this, the Inspector included that the harm was mitigated by a number of factors, such as the presence of development on three sides and thick woodland development to its open side.
- 9.4.16 In conclusion, the proposed development does not fall within any of the exceptions listed at Policy DM2 and paragraph 149 of the NPPF and therefore represents inappropriate development which, by definition, would be harmful to the Green Belt. This harm is attributed

substantial weight. Whilst substantial harm has been identified, for the reasons set out above it is not considered that the proposed development would conflict with the purposes of Green Belts. Furthermore, whilst the proposed development would undoubtedly have a spatial impact on the Green Belt, the perceived visual impact of the residential development would be at a localised level and it is not considered that the development would have a detrimental impact on the wider landscape of the Green Belt in terms of openness.

9.4.17 Paragraph 148 of the NPPF 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'. This is discussed at para 8.18 below.

9.5 Housing Mix

9.5.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

9.5.2 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 Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:

1 bedroom 5% of dwellings
 2 bedrooms 23% of dwellings
 3 bedrooms 43% of dwellings
 4+ bedrooms 30% of dwellings

9.5.3 The indicative targets for affordable housing are:

1 bedroom 40% of dwellings
 2 bedrooms 27% of dwellings
 3 bedrooms 31% of dwellings
 4+ bedrooms 2% of dwellings

9.5.4 The application proposes the following:

	1-bed flat	2-bed flat	3-bed flat	4-bed house	Total
Market	0	9	10	6	25
Affordable	8	11	6	0	25
Total	8 (16%)	20 (40%)	16 (32%)	6 (12%)	50

9.5.5 Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. In addition, the housing mix is yet to be finalised as Layout is to be dealt with at reserved matters stage. Nevertheless, the Housing Strategy Officer commented that the mix is agreeable as the proposal seeks a high number of family sized accommodation. The Housing Strategy Officer commented that the main requirement is for 2 bed 4 person units, as Three Rivers have a high requirement for family sized accommodation.

9.5.6 As such, whilst the indicative housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to

deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

9.6 Affordable Housing

- 9.6.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing with developments resulting in a net gain of 10 dwellings or above required to provide on-site affordable housing.
- 9.6.2 The development proposes the provision of up to 50 dwellings. The submitted Planning Statement details that 50% of the housing provided would be affordable units.
- 9.6.3 At this stage the tenure and mix of the units has not been confirmed and is only indicative at this time. The proposal would result in 50% of the housing units being provided as affordable housing provision. The applicant has been advised that any future reserved matter application should seek to ensure that affordable housing is tenure blind to ensure that there is no distinction between affordable and market housing on site. This provision would exceed the 45% affordable housing requirement as set out within Policy CP4 of the Core Strategy. The development would also provide the tenure split for rented and ownership products as set out within Policy CP4 of the Core Strategy. The proposal would also provide a high proportion of 2 bed units; the Housing Officer has confirmed that there is a greater need for 2 bed four person units.
- 9.6.4 Whilst the details submitted are indicative due to Layout being a reserved matter, there is a firm commitment from the applicant that the tenure mix of 70% social rent; 25% first homes and 5% shared ownership, and this would be secured via the completion of a S.106 agreement. The S.106 Agreement would be worded such to refer to the provision of affordable housing dwellings as 50% of the total number of dwellings. This would ensure that if the total number of units proposed at reserved matters stage is less than 50 there would still be a requirement for 50% of the revised total to be affordable.
- 9.6.5 In summary, the proposed development would meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) by providing a minimum of 45% affordable housing on site. Whilst the housing mix in terms of unit sizes does not strictly accord with Policy CP3, the Housing Officer has raised no objection to the proposal in this regard.

9.7 Impact on Character and Street Scene

- 9.7.1 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'.
- 9.7.2 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:
- i. 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.)

9.7.3 As previously noted, this application has been submitted in outline with only the matter of access to be considered. Matters of appearance, layout, landscaping and scale are reserved for consideration as part of a future formal reserved matters application. Therefore, there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the surrounding area is residential with groups of houses fronting the roads, with parking to the front. It is considered that the application site could accommodate a residential development of a design and appearance which would preserve the character of the area.

9.8 Impact on nearby Heritage Assets

9.8.1 There is a Grade II Listed Building known as Barn at Woodoaks Farm and Former Farmhouse at Woodoaks Farm, both are situated north of the application site. There is also a Locally Listed Building 3 Crosslands located to the south of the site.

9.8.2 Policy DM3 of the Development Management Policies LDD sets out that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. 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.

9.9 In this case, the development site is located approximately 350m (Listed Barn), 300m (Listed Former Farmhouse) and 35m (3 Crosslands). The application is supported by a Heritage Impact Assessment which concludes that the development would have no material effect on the heritage values of either listed building or the locally listed building. In addition, it set out that the proposed development has a low potential to impact on below ground archaeology. It did suggest that given part of the site is a 'greenfield' site, archaeology may be present and thus if so, it would be of local significance and recording. A condition regarding archaeology is therefore suggested to ensure that the development was not harmful for the purposes of the NPPF. Impact on amenity of neighbours

9.9.1 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 residential 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.

9.9.2 No in principle objections are raised to the use of the site for residential purposes in terms of impact on the residential amenities neighbouring properties. Loss of light, impact on visual amenities and overlooking is not a consideration under this application as the layout is indicative only and as such any harm cannot be identified as part of the outline application. A full assessment of the impact of appearance, landscaping, layout and scale to be made as part of any subsequent Reserved Matters application.

9.9.3 The siting of the access would be between 22 Denham Way and 12 Crosslands however it is not considered that the proposed access and the subsequent trip generations by those

accessing the development would result in substantial harm to the residential amenities of these closest neighbouring properties or others in the vicinity.

9.10 Open Space Provision and Amenity Space

9.10.1 Policy DM11 of the Development Management Policies LDD states that developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on site for open space and play space. 10% of the site area should be set aside as open space, and where the development is likely to be occupied by families with children 2% of the site area should provide formal equipped play facilities. Where open space is provided on site, the Council will also seek to ensure the proper maintenance of the space and guidance on the provision and maintenance of open space and children's play space is set out in the Open Space, Amenity and Children's Play Space Supplementary Planning Document.

9.10.2 The site area measures approx. 11,000m² and 10% equates to 1,100m².

9.10.3 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, it is considered that given the nature of the site sufficient space would be available to provide acceptable levels of amenity space provision to serve new residential development. Furthermore, the applicant has confirmed that the development would provide 18% of the site area, more than the minimum 10% requirement for public open space. This would be fully considered as part of any subsequent Reserved Matters application however a condition is attached to secure the provision of 18% of the site area

9.11 Wildlife and Biodiversity

9.11.1 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.

9.11.2 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.

9.11.3 Paragraph 180 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

9.11.4 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that (d) 'development must conserve, enhance and, where appropriate, restore biodiversity through: ii) providing compensation for the loss of any habitats'.

9.11.5 Both Herts Ecology and Herts and Middlesex Wildlife Trust were consulted on the application. HMWT provided a response and raised an objection to the proposed development that the development results in a Biodiversity Net Loss. Herts Ecology were chased for their comments ahead of publication of the report however none were received. Members will be verbally updated at committee should comments be received.

9.11.6 The application has been submitted with a Biodiversity Checklist, an Ecology Survey Report dated October 2022 and a Biodiversity Net Gain Assessment dated September 2022 prepared by RPS Group. The Ecology Report detailed that a Preliminary Ecological

Approach was undertaken in September 2022 which identified habitats present on or near the site with the potential to support reptiles, breeding birds and bats. The site comprises of mainly modified grassland and areas of bare ground with areas of scrub.

- 9.11.7 No reptiles were found on the site. The scrub and woodland were considered suitable for nesting birds and thus advised that development should be undertaken outside of breeding season (March-August inclusive). Bat emergence and re-entry surveys were recommended, following the preliminary bat roost assessment. These surveys identified a roost of low conservation status (a single male/non-breeding female pipistrelle bat) in one of the existing buildings on site and thus concluded that it was suitable for demolition with an appropriate licence. The Local Planning Authority is not aware of any records of other protected species within the immediate area that would necessitate further surveying work being undertaken.
- 9.11.8 The submitted Biodiversity Net Gain Assessment concluded that off-site provision will be necessary in order to ensure that an overall net gain is delivered. The BNG Assessment calculated that the pre-development score of the site when considering the existing habitats was 1.46 biodiversity units. The post development score was based on the proposed plan to provide the creation of new buildings and vegetated gardens with some area set aside for modified grassland, meadow and broadleaved woodland. At present the assessment concluded the habitat was calculated to be 1.19 biodiversity units. The overall score for the site is therefore a net loss of 0.27 habitat units or as a percentage -18.75% of the pre-development score. Based on these figures there would be a net loss of biodiversity as a result of the development, contrary to local and national policy. The Environment Act proposes to mandate the requirement for BNG 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. Notwithstanding this, the supporting Planning Statement sets out that there is a commitment from the applicant to provide a 10% net gain in biodiversity based on the existing biodiversity value of the site, to include off-site biodiversity enhancements in the local area as necessary. The exact requirements can only be determined at reserved matters stage, once the detailed layout is known, because this affects the BNG metric calculations. Despite the unknown final figure, the Section 106 Agreement would include Heads of Terms setting out the broad principles and binding commitment to provide 10% BNG.
- 9.11.9 In addition to the commitment to 10% BNG the submitted Biodiversity Net Gain Assessment set out that on-site the development would include bat boxes, bird boxes, hedgehog highways and inclusion of long, meadow grassland areas and SUDS features which would provide habitat for invertebrates.
- 9.11.10 In summary, with a 10% BNG provided off-site secured by legal agreement along with the other ecological on-site provisions the proposed development would accord with the Policy DM6 of the Development Management Policies LDD.

9.12 Trees and Landscaping

- 9.12.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy 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”.
- 9.12.2 Policy DM6 of the Development Management Policies LDD 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.

9.12.3 The Landscape Officer was consulted on the application and commented that the existing Tree Preservation Order is very old (1972) and the majority of trees included on it appear to have been removed many years previously. The plans indicate that remaining significant trees would be protected and, provision would be made for substantial new planting. This application has been submitted in outline form, with landscaping to be considered as part of a later reserved matters submission. Any planting would be required to be sited and of a scale and density that would not overshadow the proposed properties and lead to future pressure to fell or lop the trees in the future.

9.13 Highways & Access

9.13.1 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. It further states 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.

9.13.2 In relation to accessibility the NPPF states at paragraph 110:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users'

9.13.3 The NPPF goes on to state (Paragraphs 111 and 112):

'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.'

'Within this context, applications for development should:

'a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport.'

9.13.4 The proposal includes a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road with a carriageway width of 4.8m and a 2m wide footway.

9.13.5 Hertfordshire County Council as Highway Authority were consulted in relation to the proposed development. They considered that the proposal would not have an unreasonable 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. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of conditions relating to the submissions of a Travel Plan Statement and Construction Management Plan, offsite highway improvements and implementation of access roads, parking and service areas. Informatives for the applicant have also been suggested.

9.14 Parking

9.14.1 Three Rivers District Council are the Parking Authority. Appendix 5 of the Development Management Policies LDD sets out the requirements for off-street car parking provision as follows:

1 bedroom - 1.75 spaces (1 assigned space)

2 bedroom - 2 spaces (1 assigned space)

3 bedroom - 2.25 spaces (1 assigned space)
4 or more bedrooms- 3 spaces (3 assigned spaces)

9.14.2 The plans submitted are indicative only and thus the provision of vehicular and cycle parking spaces have not yet been determined. Due to the scale of the site it is reasonable to assume that sufficient parking could be provided to serve the development. The Transport Statement states that all dwellings would have secure cycling parking through either a shed or garage space for the houses or secure cycle storage for the apartments.

9.15 Sustainability

9.15.1 Paragraph 93 of the NPPF states that “Planning 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”.

9.15.2 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.

9.15.3 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.

9.15.4 The application has been accompanied by an Energy Strategy Statement which details that the proposed development would provide a 19% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. The Statement contains a table of potential renewable energy technologies which could be implemented and details that the energy saving measures for the development would comprise the provision of Solar Photovoltaic panels and incorporate a Fabric First approach for the proposed buildings. The development is therefore considered acceptable in respect of Policy DM4 of the Development Management Policies LDD.

9.16 Sustainable Drainage

9.16.1 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.

9.16.2 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). 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 consultation, the Lead Local Flood Authority were unable to respond to consultation requests due to resourcing pressures. In light of this the LPA instructed a consultant to advise in respect of the appropriateness of the proposed drainage system.

- 9.16.3 The development site is located in Flood Risk Zone 1. The application is supported by a Flood Risk Assessment and Drainage Strategy (Revision A) dated 4th October 2022 and a Phase 1 Geo-Environmental Desk Study (Second Issue) dated 20th September 2022. The scheme proposes to discharge all runoff to ground and has provided supporting infiltration testing. The council's consultant reviewed the information provided and raised concerns with the proposal. They stated that whilst the most conservative site-wide infiltration rate of 7.31×10^{-5} m/s has been used for all features, a Safety Factor of 2 has been used which is considered very low. In addition, the FRA identifies that *"Surface water runoff from the proposed plots will generally be attenuated within the permeable paving on the adjacent driveway or private access/parking areas except for plots 31– 35 which will drain via back garden soakaways"*. Furthermore, the FRA also identifies that *"Where permeable paving is proposed on private driveways, this will be maintained by the homeowners/residents. Homeowners will be made aware of their maintenance responsibilities which will also be included in the deeds for the property and the Homeowner Pack/Homecare Booklet or similar"*. Further to this, the FRA does not clarify how back garden soakaways will be maintained. This was not acceptable by the consultant as surface water will not be managed effectively by all private owners for the lifetime of development including climate change.
- 9.16.4 In light of the comments from the consultant the applicant provided further details and clarification in subsequent Flood Risk Assessment and Drainage Strategy (Revision C) dated 2nd February 2023 and an additional cover letter from Woods Hardwick dated 7th March 2023. The additional information confirmed that a Safety Factor 5 would be used which is considered acceptable. Furthermore, the permeable paving areas across the site would be maintained by a management company and a landscape management and maintenance plan that is secured by condition would ensure this is implemented would also include a requirement for access to private drives. A covenant would also be included on the land to further secure this once the properties are sold. In respect of back garden soakaways these would be maintained by the residents.
- 9.16.5 Thames Water have confirmed that with regard to waste water network and sewage treatment works infrastructure capacity, they do not have any objection to the planning application.
- 9.16.6 It is therefore considered that the proposed development would not cause any unacceptable risk of flooding and is acceptable in accordance with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- 9.17 Refuse and Recycling
- 9.17.1 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

9.17.2 The layout of the access to the site would form part of the consideration of any subsequent Reserved Matters application and this would set out the accessibility and turning space for refuse collection vehicles, as well as full details of waste collection and for the provision of the storage and recycling of waste. Tracking diagrams should be provided identifying that the refuse vehicle can be within 25m of each collection point and can then turn and egress in a forward gear. This will be required to be provided when designing the internal layout as part of a reserved matters application.

9.18 Contamination

9.18.1 Policy DM9 of the Development Management Policies LDD 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 groundwater or surface water quality.

9.18.2 The application site is located within Source Protection Zone 1 (SPZ1).

9.18.3 The Environment Agency were consulted on the application and initially objected to the proposed development as it was highlighted that the previous industrial uses of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters which they identified as particularly sensitive in this location. To overcome their objection a Hydrogeological Risk Assessment was required and other supplementary information. In response to the EA comments the applicant provided the required information and the EA subsequently withdrew their objection subject to the inclusion of conditions relating to the following

- Remediation Strategy
- Verification Report
- Long Term Monitoring and Maintenance Plan for Groundwater
- Unidentified Contamination
- Borehole Management
- Piling / Foundation Works Risk Assessment
- Infiltration of Surface Water

9.18.4 Affinity Water were also consulted on the application and raised no objections to the application subject to their own suggested conditions relating to contamination. Some of the conditions are similar to those suggested by the EA.

9.18.5 The Council's Environmental Health Officer was consulted on the application and assessed the development in respect of both impacts on air quality and contamination. The commented that 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. They commented that the proposed development may meet the Stage 2 criteria detailed within the aforementioned document. In this case the development would comprise of more than 10 residential units on a site greater than 0.5ha and would provide more than 10 parking spaces. As such, an air quality assessment would be required. The EH Officer considered that 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 for an assessment of the potential impacts of the development and to evaluate any proposed mitigation measures. The applicant has been made aware and an Air Quality Assessment is being prepared for consideration and Members will be updated verbally at the committee meeting.

9.19 Planning Balance

Very Special Circumstances and Tilted Balance

- 9.19.1 The site is located within the Metropolitan Green Belt and it is has been clearly demonstrated that the scheme would result in significant harm to the Metropolitan Green Belt through its inappropriateness and harm to the openness. On that basis, Paragraph 11(d)(i) is not triggered because the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development.
- 9.19.2 In relation to very special circumstances, 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 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'*
- 9.19.3 As set out in the analysis above, it is considered that the proposed development would fail to fall within any of the recognised exceptions to inappropriate development.
- 9.19.4 The material considerations put forward in support of the application by the applicant include the provision of additional housing to serve the district, provision of 50% affordable housing (up to 25 units); the accepted need for Green Belt releases which includes the application site; suitability of the site; a secured commitment to 10% biodiversity net gain, and that the development would provide 19% less carbon emissions than Part L higher than the policy requirement.
- 9.19.5 When considering the harm to the Green Belt, it has been set out in detail at 8.4.8 of this report above that the visual impact on openness is contained at a more local level. The Stage 2 Green Belt Assessment (GBA) undertaken on behalf of the council concluded that the overall harm to the Green Belt purposes from the release of the application site would be 'Low Moderate', with a 'negligible' impact on the adjacent wider area Green Belt. Furthermore, it is also set out that future redevelopment of the site would have a relatively limited impact to the contribution to the Green Belt purposes as set out in the NPPF. This report has set out that is not considered that the proposed development would result in encroachment into the countryside; cause the merging of neighbouring towns or result in the unrestricted sprawl of Maple Cross. As such, whilst harm arising from the proposed development has been identified through its inappropriateness the application site is not considered unsuitable for development.
- 9.19.6 In relation to housing supply, it is acknowledged that the LPA cannot currently demonstrate a 5-year housing land supply. The provision of additional housing would hold significant weight in favour of the proposed development, especially considering that the site is considered highly sustainable, located immediately adjacent to the settlement of Maple Cross. On the ground the site is read as falling within the settlement – it is located adjacent and behind existing buildings and opposite residential development. The site therefore has a clear physical and functional connection with Maple Cross. The site is also within walking and cycling distance to local amenities and schools and well connected to services and local bus routes to other nearby settlements including the Principal Town Rickmansworth. In addition, weight should be attributed to the site's locational context to the Maple Cross and that part of the site is previously developed land. This all combines to ensure that significant weight in favour of the development.
- 9.19.7 Moderate weight can be given to the fact that the development would provide 50% affordable units which would be more than the policy requirement of Policy CP4 and greatly assist with the lack of supply within the District. Whilst the details submitted are indicative at Outline stage due to Layout being a reserved matter, there is a commitment from the applicant that the tenure mix of 70% social rent; 25% first homes and 5% shared ownership

which would meet the guide and this would be secured via the completion of a S106 agreement.

- 9.19.8 Additionally, moderate weight can be afforded to the commitment by the applicant to provide a biodiversity net gain of at least 10% which would be secured by way of a legal agreement. Whilst it is noted that the net gain would be off-site the development would continue to provide biodiversity enhancements include bat boxes, bird boxes, hedgehog highways and inclusion of long, meadow grassland areas and SUDS features which would provide habitat for invertebrates.
- 9.19.9 In addition, further moderate weight can be attributed to the sustainability gains of the proposed development which is shown to result in a 19% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. This would assist in the council's aim to achieving net-zero emissions by 2045 for the District.
- 9.19.10 Lastly, moderate weight can be attributed to the provision of 18% of open public space (subject to useability) which would exceed the 10% requirement for this development in accordance Policy DM11 of the Development Management Policies LDD.
- 9.19.11 The material considerations in favour of the development as noted by Officers are as follows:
- **Significant weight** can be given to the delivery of housing given Three Rivers cannot currently demonstrate a 5 year housing land supply combined with the highly suitable and very sustainable location within the settlement of Maple Cross.
 - **Moderate weight** can be given to the provision of 50% affordable housing which is much needed within the District that will be secured by legal agreement.
 - **Moderate weight** can be given to the commitment by the applicant to provide off-site 10% biodiversity net gain, secure by legal agreement.
 - **Moderate weight** can be given to the provision of approximately 18% public open space for future occupants (subject to useability).
 - **Moderate weight** can be given to the sustainability gains by reducing carbon emissions by 19% assisting in the council's aim to achieving net-zero emissions by 2045 for the District.
 - **Others benefits of weight** include boost to local economies of Maple Cross and Rickmansworth from future occupants of the new dwellings and creation of employment opportunities and jobs during the construction phase.
- 9.19.12 In respect of the applicant's comments regarding Green Belt release, the site has been identified as a potential site for release from the Green Belt and this has been further highlighted by its inclusion in the council's potential allocation of sites or housing within the District. Whilst this is a consideration, the new Local Plan is still at consultation stage and thus only limited weight can be afforded to this point.
- 9.19.13 In conclusion, when considering the above it is considered that the weight afforded to the delivery of much needed housing and affordable housing in a highly sustainable and accessible area, on the edge of the urban area, along with both biodiversity and sustainability gains and above policy open space provision would combine to constitute very special circumstances which outweighs the harm to the Green Belt by reason of its inappropriateness and impact on openness. As a result, the development, subject to conditions and a legal agreement would be acceptable.
- 9.20 Section 106 / Heads of Terms

- 9.20.1 Any grant of planning permission would be subject to the completion of a Section 106 Agreement. The Section 106 Agreement would include Heads of Terms securing the provision of 50% affordable housing at a tenure split of 70% social rent, 25% first homes and 5% shared ownership and a commitment to provide 10% biodiversity net gain. It will also cover the provision of the open space and play equipment, the timing and any maintenance/management required.

10 Recommendation

- 10.1 The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

- 10.2 Provided the Secretary of State does not call in the application for their own determination, and subject to no new material considerations being raised and the recommendation of approval/no objection from the Environmental Health Officer (EHO) and the completion of a Section 106 Agreement securing on-site affordable housing and biodiversity net gain, that the application be delegated to the Head of Regulatory Services to GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:

- C1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) 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 commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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.

- C3 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act.

- C4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Nos. BO1, PO1 and LO1.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

- C5 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

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.
 5. No residential unit shall be occupied until a verification report for that unit demonstrating 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.

Any changes to these components require the express written consent of the local planning authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: This condition will 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 accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C6 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.

The works shall be undertaken only in accordance with the details approved by this condition.

Reason: To ensure that the development does not impact public water supply in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C7 Prior to the commencement of development, details of a Surface Water Drainage Scheme should be submitted to and approved by writing by the Local Planning

Authority that sets out how the scheme would prevent contamination of any public water supply abstractions present. The development shall thereafter be implemented only in accordance with the approved scheme.

Reason: To ensure that the development does not impact public water supply in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C8 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. 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. Provision of sufficient on-site parking prior to commencement of construction activities;

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 CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C9 The development hereby permitted shall not be first occupied until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- a. At least three months prior to the first use of the development hereby permitted, the details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site would need to be submitted and the Travel Plan Statement updated accordingly.
 - b. A level and type of car and cycle parking in accordance with Three Rivers District Council's (TRDC) adopted standard.
 - c. An appropriate level of active and passive electric vehicle charging provision.
 - d. Provision for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point;
 - e. Turning areas and swept path analysis to illustrate that a 12m long refuse vehicle (the size used by TRDC) and a fire tender (at least 8.1m in length for a standard fire tender and 10.1m in length for an aerial ladder appliance) would be able to safely access the site layout, turn around on site and egress to the highway network in forward gear. The swept path would need to 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 – Dwellinghouses (and subsequent updates).
 - f. An internal layout of the site designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets. Visibility splays of 2.4m by 25m would need to be illustrated at any junctions / vehicle accesses within the site.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C10 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be 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. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved 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 in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C11 Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- *Vehicle bellmouth access into the site from Denham Way.*
- *Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.*

Prior to the first occupation of any dwelling within development hereby permitted the offsite highway improvement works 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 in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C12 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 in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C13 No occupation of any part of the permitted development shall take place until a verification report demonstrating 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 human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in

accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C14 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 prior to the installation of any such borehole. 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 development shall thereafter be implemented only in accordance with the approved scheme.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C15 Piling, deep foundations and other intrusive groundworks using penetrative measures shall not be carried out other than with the prior written consent of the local planning authority. Such an application shall include details of the measures and equipment to be used and any necessary mitigation measures to protect groundwater resources. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling, deep foundations and other intrusive groundworks do not harm groundwater resources in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C16 No drainage systems for the infiltration of surface water to the ground are permitted to be installed other than with the prior 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, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C17 The proposed development hereby permitted shall be undertaken in accordance with the Heritage Assessment (Ref: JAC 28220) prepared by RPS Group Ltd. dated 7th September 2022 forming part of the application.

Reason: In order to safeguard any items of architectural or historic interest found on the site which may require recording 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).

- C18 Any subsequent Reserved Matters application shall incorporate open public space covering 18% of the total area of the site.

Reason: To ensure that suitable levels of high quality and maintained public spaces for future residents are provided in accordance with Policy DM11 of the Development Management Policies LDD (adopted July 2013).

10.3 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.

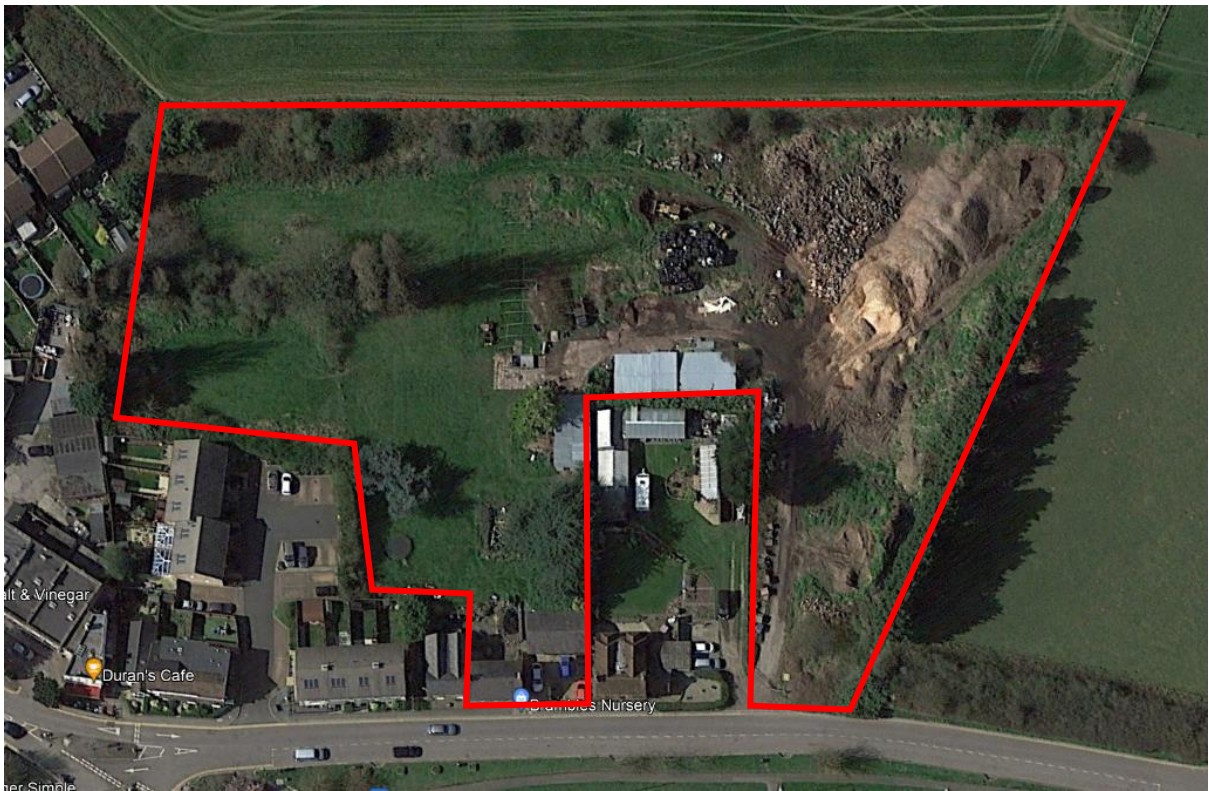
Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction 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 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.
- 14 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> or by telephoning 0300 1234047.
- 15 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.

- 16 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.









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PLANNING COMMITTEE – 22 JUNE 2023

PART I - DELEGATED

6. **23/0657/RSP – Part Retrospective: Construction of two storey rear infill extension, replacement 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 and alterations to fenestration detail, at 63 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTS, HA6 2ER**

Parish: Batchworth Community Council
Expiry of Statutory Period: 28 June 2023

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Part Retrospective Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by Batchworth Community Council due to concerns regarding the impact of the alterations on the host dwelling and on the wider Moor Park Conservation Area.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RTL2HQFFGS00>

1 Relevant Planning

- 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 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 front/rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail. Application refused for the following reason:

The removal of the roof and its unsympathetic replacement by virtue of its failure to replicate the original roof form including front gable feature on a like for like basis and the loss of the adjacent stepped roof form adversely affects the character and appearance of the dwelling, further eroding the legibility of the original dwelling which in turn would erode the contribution the dwelling plays towards the special character of the Moor Park Conservation Area. The adverse impacts identified result in less than substantial harm to the heritage asset. No public benefits are considered to exist to outweigh the harm. As a result, the roof replacement would be contrary to Policy CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (October 2006) and the NPPF (2021).

- 1.10 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 previous site visits, the two storey rear infill extension had been partially constructed. In addition, the roof form of the dwelling had already been removed. However, works had not commenced in relation to the provision of the new roof form.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the construction of two storey rear infill extension, replacement 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. The roof form over what is considered to be the original part of the dwelling would have a hipped roof form with a maximum height of 9m and thus no higher than that pre-existing. The central front gabled element would also be reinstated at the same height. The roof form in this location would be the same as that pre-existing. Over the remaining element of the dwelling, the applicant is proposing to erect a hipped roof form with a single ridge with a height of approximately 8.4m, set down 0.6m from the adjacent reinstated original roof. It is noted that a small crown roofed element would be created with a width of 1.1m and a depth of 2.3m.

- 3.3 To the rear, a 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. A new roof form would be constructed over the extended rear elevation, which would consist of two double hipped roofed elements; one of which would have a partial crown roof (as stated above).

- 3.4 To the rear, three dormer windows are proposed. These would have pitched roof forms with a width of 1.5m, a height of 1.5m and a depth of 1.5m. The plans indicate that the applicant would reinstate the pre-existing exposed eaves rafters. In addition, a new chimney is proposed which would be located to one side of the roof form.

- 3.5 The applicant is also proposing to internally convert the garage to habitable accommodation, however, the garage doors would be retained to the front elevation of the dwelling.

- 3.6 The changes made relative to the previous application are as follows:

- Roof form over the original part of the dwelling reinstated at the same pitch and at the same height as the pre-existing dwelling. In contrast, the previously refused application indicated that the roof form over the existing dwelling would have had a different pitch;
- The roof form to the rear elevation has been altered.
- The central gabled element is to be reinstated at the same height and pitch.

- 3.7 Amended plans have been received during the course of the application with the amendments as follows:

- Rear dormer window reduced in size to be similar to the other two dormer windows proposed.
- The flank velux windows have been removed.
- The garage door is indicated to be retained.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Moor Park 1958: [Objection]

The Directors of Moor Park (1958) Limited wish to register the strongest possible objections to the proposed development on the following basis.

1. The main issues with respect to the unauthorised works to the raising of the roof and alteration of the form of the roof have not been addressed, and the enhancement by the removal of the existence of a Crown roof that was cited by the Councils Conservation Consultants in the previous application, no longer is being proposed.

To quote from the Councils Conservation Consultant on the previous application which was refused: 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. and

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.

The potential for an acceptable scheme referred to over has not followed and a crown roof has now been reintroduced on the current proposal.

2. The dormer windows now being proposed on the rear elevation comprise alien features to the Conservation Area due to the roof form that is now being proposed for the dormers. The shallow roof pitches proposed are out of keeping with the roof pitches of the remainder of the roof of this property and create an alien feature which is also harmful to the character of the Conservation Area. It is noted that there is no indication as to the materials to be used for the dormer roofs, but if it is to roof tiles matching those used on the remainder of the roof, these should not be laid at the shallow pitch shown on the proposed drawings.

Due to the damage that would be caused to the Moor Park Conservation Area should permission be granted for the current proposal we respectfully request that permission is refused for this application.

It should be noted that Moor Park (1958) Ltd do not have an objection to the principle of the two storey rear infill extension, nor to the conversion of the garage to habitable accommodation.

4.1.2 Batchworth Community Council: Objection.

As all parties are aware this property has a long list of applications with now five alone in the past 18-24 months, two of which were withdrawn and three refused. The previous application was, by enlarge similar to the application prior and both were refused. This last application generated several local objections as well as those from MP58 & BCC & we "called in the application". That application (23/0083/RSP) also had the added complexity because the original roof, was removed from what is a pre-1958 property in a Conservation Area. This was undertaken during the consultation process of previous applications that were subsequently refused. This we have previously stated and continue to be of the opinion is unacceptable.

Throughout the sequence of events and applications being submitted BCC raised objections and comments. In addition, neighbours objected to that application and supported BCC's viewpoint and BCC also supported the objections & comments raised by Moor Park 58.

Most importantly were the reservations of the Conservation Officer in the past have largely agreed with all parties' comments and included 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 the 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 the 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 resulting in earlier applications being refused. At the time of writing, we are awaiting the Conservation Officers comment in respect of this particular application which we would appreciate the ability to comment upon once received.

Subsequent applications have largely been the same as those previously withdrawn and refused. BCC has also previously commented that at the time of earlier comments that worryingly work has commenced. This scenario was, in our opinion, to the detriment of the pre 1958 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 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).

Furthermore, following the objections and comments received in respect of Application 23/0083/RSP and TRDC Planning Officers own review, the application was refused with the following decision stated:

The removal of the roof and its unsympathetic replacement by virtue of its failure to replicate the original roof form including front gable feature on a like for like basis and the loss of the adjacent stepped roof form adversely affects the character and appearance of the dwelling, further eroding the legibility of the original dwelling which in turn would erode the contribution the dwelling plays towards the special character of the Moor Park Conservation Area. The adverse impacts identified result in less than substantial harm to the heritage asset. No public benefits are considered to exist to outweigh the harm. As a result, the roof replacement would be contrary to Policy CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (October 2006) and the NPPF (2021).

Batchworth Community Council (BCC) are of the opinion that the current application still does not account for all the feedback, comments and most importantly decisions of the previous applicants. We 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 properties that back onto this property.
2. It should be stated that this is clearly a Pre 1958 property and the deflection in the Heritage statement as when it was actually constructed is misleading.
3. Whilst acknowledging again that adjustments to the roof design have been incorporated, 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. This revised application does not do and is not a "like for like" replacement as indicated in the documentation.
4. We need to ensure that all the other changes to the design that were required as part of previous applications are included & enforced. This is essential to ensure that all parties adhere to TRDC's Planning policies and account for the clearly set out principles 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.
5. We note that as part of the current redesign & included in this application, as with the previous application, there are 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 and/or removed. These revisions are also needed to ensure that these windows do not have a negative effect on the privacy of the neighbours, which they currently, as designed, will.
6. BCC would request that officers ensure that any windows within the side elevations are of obscure glass and that all Velux windows are top opening roof lights.

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 BCC would request that 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 previous planning applications the Conservation Officer (CO) set out detailed reasons for refusals. We look forward to reviewing the CO's comments in respect of this application.

We continue to seek TRDC Planning Officers support in the refusal of this application, the enforcement of an exact replacement (like for like) of the roof, to ensure that it matches the original removed roof and that it is ensured that any future applications are 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 Conservation Officer: [Objection].

The property is located in the Moor Park Conservation Area.

This application follows a recently refused application for a similar scheme (ref: 23/0083/RSP). The proposed roof alterations to the existing crown roof would be acceptable. The roof height over the original part of the dwelling would be maintained which is positive. However, there are concerns over the scale of the rear central dormer; it would be overly dominant and disproportionate to other dormers. Additionally, the rooflights to the side roof slopes would not be supported as they would likely be visible from the streetscene, contrary to advice set out in the area appraisal. The proposed fenestration to the W/C and coats area (former garage) appears at odds within the elevation. This is also not shown within the proposed streetscene. I recommend that this detail is amended to one central window to appear more consistent with the existing fenestration. Paragraphs 197c and 202 of the NPPF would be relevant.

Were the above recommendations adhered to there is potential for an acceptable scheme. Were amendments considered acceptable, I would recommend that they following conditions are attached:

- A schedule with clear photographs of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority prior to their first use on site.
- Details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority prior to their first installation

Officer comments: Amended plans have been received which have reduced the size of the central rear dormer window and the velux windows to the flank roofslopes have been removed.

The applicant has also shown the garage doors to be retained, with the cloak room now proposed to be served by a flank window.

4.2 **Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 1 objection

4.2.3 Site Notice: Expiry: 26.05.2023

4.2.4 Press notice: Expiry 03.06.2023

4.2.5 Summary of responses:

- Strongly object to the development in particular the rear dormer windows;
- Result in overlooking due to the ground sloping down from Wolsey Road towards South Approach.
- Dispute statement in the Planning and Heritage Statement which states 'There would be no harm to the living conditions of any neighbours.'
- Dormer windows would be an invasion of privacy, detrimental to the enjoyment of gardens.
- The dormer windows are not in keeping with the overall style of the property, particularly with regard to the addition of large glazed area to the ground floor giving a disjointed appearance to the rear elevation;
- Why does the central dormer serving the bathroom require a larger window than those adjacent.

- Regarding the debate as to whether the house is a pre-1958 dwelling; it was approved to a pre-1958 design submitted for planning permission in 1957; that is a pre-1958 dwelling.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

Legislation

6.1 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).

6.2 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.

6.3 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.

6.4 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, 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 (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) 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 previous applications, the Conservation Officer has noted 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 application 22/1375/RSP 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 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 the character and heritage assets.
- 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 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.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. 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 As already outlined, it is acknowledged that the pre-existing roof form was removed without the benefit of planning permission. It is also acknowledged that consultees have expressed that any new roof form should be reinstated as an exact like for like replacement to ensure that there would be no harm to the character and appearance of the Conservation Area. In addition, the previous reason for refusal relating to application 23/0883/RSP noted that the replacement roof form by virtue of its failure to replicate the original roof form including front gable feature on a like for like basis and the loss of the adjacent stepped roof form adversely affects the character and appearance of the dwelling and erodes the legibility of the host dwelling. In the case of the current application, officers acknowledge that the replacement roof form would not be an exact like for like replacement. However, one must consider the actual harm to the host dwelling and the wider Conservation Area as a result of the design now proposed and this shall be considered below.
- 7.2.6 The previously refused application proposed a new roof form which would have been no higher than the pre-existing roof form of the dwelling. However, at the time of application 23/0083/RSP, the roof form to be reinstated over what is deemed the original part of the dwelling would have been constructed at a different pitch which would have changed the character of the host dwelling. It was considered that these changes would have caused harm to the character of the original host dwelling and to the wider Conservation Area. In contrast, the current application does propose a like for like replacement over the original part of the dwelling with the roof being reinstated at the same pitch and height which ensures that the character of the host dwelling would be preserved. Likewise, the central front gabled element would also be reinstated, again ensuring that there would be no alteration to the character of the host dwelling in this regard.
- 7.2.7 The applicant is, however, not proposing to reinstate the double stepped ridge which previously existed to the side of the dwelling and importantly, is not an original part of the dwelling. The plans indicate a single roof slope set down from the ridge of the original part of the dwelling. This would continue to have a hipped roof form when viewed from the front elevation, which is in keeping with the traditional design styles which are prevalent within the Conservation Area. Furthermore, this would still be subordinate to the main ridge and would ensure that the legibility of the dwelling would be retained. Whilst it is acknowledged that this element would not be an 'like for like', given the roof form over what is deemed the original part of the dwelling would be reinstated, as would the central front gable, it is considered that the overall character of the dwelling and its legibility would be retained. The loss of the double pitch in itself would not result in significant harm to justify the refusal of the application. In addition, it is noted that the plans indicate the reinstatement of the exposed rafters at eaves level as well as a chimney which is also viewed positively. It is also noted that the proposed roof form has support from the Conservation Officer,
- 7.2.8 It is also noted that Moor Park 1958 have expressed concerns that a crown roof element would be reinstated which would be contrary to the Moor Park Conservation Area Appraisal. In response, the dwelling as pre-existing had a crown roof form which was larger in size to that currently proposed. The crown element as proposed would have a width of 1.2m and a depth of 2.3m and would not significantly add to the bulk and massing of the dwelling. Given the pre-existing site circumstances, it is considered that the proposed roof form preserves the character of the host dwelling and thus no objection is raised in this regard.
- 7.2.9 With regard to the rear, the applicant is proposing the provision of three dormer windows. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the main roof form. They should be set down from the ridge, in from both sides and back from the wall. Concerns were raised by the Conservation Officer

in relation to the original plans as it was considered that the central dormer window was overly large and would have dominated the main roof form to an unacceptable degree. In response, the central dormer has been reduced such that it is similar in size to the dormer windows sited to either side. It is considered that these are subordinate additions which would not dominate the rear roof form. In addition, the two flank velux windows have been removed in accordance with the guidance within the Moor Park Conservation Appraisal.

- 7.2.10 During the course of the application, the Conservation Officer also raised concerns in relation to the fenestration detail within the converted garage. Amended plans have been received which indicate that a garage door would be retained in this element, further ensuring that the character of the host dwelling within the streetscene would be retained.
- 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 outbuildings (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 overhang 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 To ensure that the appearance of the dwelling is retained, the Conservation Officer has requested details of the proposed materials and fenestration detail to be submitted.
- 7.2.13 In summary, the proposed plans indicate that the roof form over the original part of the dwelling would be replicated with the same maximum ridge height and at the same pitch. In addition, the central gable element would be reinstated which is viewed positively and ensures the dwelling continues to contribute to the wider character of the Conservation Area. Whilst the double stepped element to the side of the dwelling would not be reinstated, this element would still be subordinate to the main ridge and along with the other amendments made, ensures that the legibility of the host dwelling is retained. The plans include the reinstatement of the exposed eaves rafters, a chimney and would reduce the extent of the pre-existing crown roof. These elements would further benefit the proposal. It is therefore considered that the development would, on balance, having regard to the pre-existing dwelling 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 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.
- 7.3.2 The proposed new roof form would have a ridge height no higher than the maximum height of the pre-existing roof form. The roof form would be retained as hipped to the flank elevations which would minimise the overall 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 Polices 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 which is located centrally, effectively infilling the central recessed building line of the existing dwelling and not projecting beyond the existing rear most building line of the dwelling. It is noted that the proposals would introduce a double hipped roof form across the rear elevation which would have a higher ridge in comparison to the design of the existing extensions to the rear. However, given there would be no increase in depth of the dwelling, and the roof form would be hipped, again minimising the overall bulk and massing, it is not considered that there would be an increased impact relative to the existing situation. There is no intrusion of the 45 degree line in accordance with the above guidance.

- 7.3.5 It is noted that an objection has 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 the properties in South Approach exceeds 50m, and therefore this is significantly in excess of the 28m set out in Appendix 2 even when accounting for level differences. Whilst the extensions would be visible from South Approach, the distance between the properties would prevent development from being unduly overbearing or prominent, and would prevent significant harm in terms of overlooking. Furthermore, it is noted that the central rear dormer window has been reduced in size during the course of the application. Whilst the dormer windows would also provide some outlook to 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.

- 7.3.9 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 Highways & Parking

7.4.1 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

7.4.2 In this case, no alterations are proposed to the existing vehicular access. With regard to car parking, it is acknowledged that the garage would be converted to habitable accommodation. However, the dwelling has an existing carriage driveway with provision for three car parking spaces and thus no objection is raised in this regard.

7.5 Rear Garden Amenity Space.

7.5.1 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.

7.6 Trees & Landscape

7.6.1 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.

7.6.2 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.

7.7 Biodiversity

7.7.1 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.

7.7.2 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.

7.7.3 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 objection was raised with regard to the impact on protected species, and this is also considered to be the case at the current time.

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:

TRDC 001 (Location Plan), 02, 03, 04, 05, 06, 07, 08, 09, 10 (25.05.2023), 11 (25.05.2023), 12 (25.05.2023), 13 (25.05.2023), 14 (25.05.2023), 15 (23.05.2023), 16 (23.05.2023).

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 construction works on site, a Construction and Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The 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.

The Construction and Demolition Method Statement shall also include a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings).

All works shall be undertaken in accordance with the approved Construction Method Statement.

Reason: To safeguard the Conservation Area, to ensure that premature demolition does not take place 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 Prior to any further construction works on site, samples and details of the proposed external materials including details of the proposed windows 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 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the elevations or roof slopes of the extension 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

- 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) - 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 applicant engaged in the pre-application process and amendments were made in response to previous objections raised. 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.

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