

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Thursday, 18 January 2024 at 7.30 pm in the Penn Chamber, Three Rivers, Northway, Rickmansworth.

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)
Ruth Clark
Matthew Bedford
Andrea Fraser
Philip Hearn
Stephen King

Steve Drury (Vice-Chair)
David Raw
Chris Lloyd
Debbie Morris
Khalid Hussain

*Joanne Wagstaffe, Chief Executive
Wednesday, 10 January 2024*

The Council welcomes contributions from members of the public on agenda items at the Planning Committee meetings. Details of the procedure are provided below:

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

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 Committee.

Those wishing to observe the meeting are requested to arrive from 7pm.

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

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The meeting will not be broadcast/livestreamed but an audio recording of the meeting will be made.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 5
- 14)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. NOTICE OF OTHER BUSINESS

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

5. 22/1945/FUL: LAND TO THE EAST OF LANGLEYBURY LANE AND INCLUDING LANGLEYBURY HOUSE ESTATE, LANGLEYBURY LANE, LANGLEYBURY, HERTFORDSHIRE

(Pages
15 - 16)

Hybrid application for the creation of a Film Hub to include detailed approval for demolition of a number of existing buildings including children's farm buildings and change of use of Mansion House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility, together with outline planning approval (matters reserved: Scale, Layout, Appearance and Landscaping) for change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A41.

Recommendation: That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.

6. 23/0761/FUL: NO.1 AND LAND TO THE REAR TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8NA

(Pages
17 - 72)

Demolition of the existing dwelling and associated outbuilding and construction of five two storey detached dwellings with associated accommodation in the roof space served by dormer windows and rooflights; Juliet balconies and heat pumps with associated access including works to verges, parking and landscaping works including raised terraces.

Recommendation: That subject to the completion of a Section 106 Agreement securing an off-site affordable housing financial contribution and an off-site biodiversity net gain financial contribution that the application be delegated to the Head of Regulatory Services to grant planning permission subject to conditions as set out at section 8 below.

7. 23/1068/OUT: PARCEL OF LAND NORTH OF MANSION HOUSE FARM, BEDMOND ROAD, ABBOTS LANGLEY, HERTFORDSHIRE.

(Pages
73 - 176)

Outline application: Demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved).

Recommendation: That Outline Planning Permission be REFUSED.

- 8. 23/1128/FUL: CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE** (Pages 177 - 206)

Demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation; new building to provide a laundry and maintenance store; and conversion of an existing garage to serve as a maintenance store and associated parking.

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to the conditions set out below, and any conditions requested by the LLFA:

- 9. 23/1352/FUL: MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ** (Pages 207 - 236)

Note: This application has been withdrawn from the agenda (16 January 2024)

- 10. 23/1766/FUL: 38B ABBOTS ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BG** (Pages 237 - 250)

Demolition of existing garage and construction of single storey side extension; extension of existing roof to facilitate first floor extension; alterations to site frontage and new access to lower ground floor.

Recommendation: That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE GRANTED.

- 11. OTHER BUSINESS - if approved under item 4 above**

Exclusion of Public and Press

If the Committee wishes to consider any 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 in 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.)

General Enquiries: Please contact the Committee Team at
committeeteam@threeivers.gov.uk

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, WD3 1RL on Thursday, 14 December 2023 from 7.30 - 9.25 pm.

Present: Councillors Sara Bedford (Chair), Matthew Bedford, Reena Ranger, Philip Hearn, David Raw, Chris Lloyd, Debbie Morris, Stephen King and Khalid Hussain.

Also in Attendance:

Councillors Oliver Cooper, Chris Mitchell

Officers in Attendance:

Claire Westwood, Development Management Team Leader
Adam Ralton, Development Management Team Leader
Tom Norris, Planning Officer
Matthew Barnes, Planning Solicitor
Kimberley Rowley, Head of Regulatory Services
Anita Hibbs, Committee Manager

External Attendance:

Councillor Jon Bishop – Chorleywood Parish Council

PC26/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Andrea Fraser, substitute being Councillor Reena Ranger.

Apologies for absence were also received from Councillor Ruth Clark and Councillor Steve Drury.

PC27/23 MINUTES OF PREVIOUS MEETING

The minutes of the Planning Committee held on 19 October were confirmed as a correct record and signed by the Chair of the meeting.

The minutes of the Planning Committee held on 16 November were also confirmed as a correct record and signed by the Chair of the meeting.

PC28/23 DECLARATIONS OF INTEREST

Councillor Debbie Morris declared a non-pecuniary interest in Item 9: Planning Application 23/1694/FUL: SANTOSH HOUSE, 6 PEMBROKE ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2HR and left the meeting during consideration of the item.

PC29/23 NOTICE OF OTHER BUSINESS

There were no items of other business. However, an update on a change to a standard informative was provided by Adam Ralton, Development Management Team Leader. For any applications that are granted planning permission, as a standard procedure, officers put an informative, which is a notice on the decision. It contains helpful information to the applicant. One of those is if there are conditions that need to be discharged, an application will need to be submitted and the relevant fees paid. The planning fee regulations have been changed by

central government; the fees have gone up, and the fees on the informatives will need to be updated. For any applications that are approved tonight, the fees at the beginning of the first informative will be different than what is included in the papers.

**PC30/23 23/1128/FUL: CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD,
HERTFORDSHIRE**

Application 23/1128/FUL – was for demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation; new building to provide a laundry and maintenance store; and conversion of an existing garage to serve as a maintenance store and associated parking.

Tom Norris, Planning Officer provided an update on the application; there is an agreed draft Section 106 ready for execution, and Hertfordshire Highways have confirmed no objection to the application since the publication of the committee report.

The Applicant spoke in support of the application, and a representative from Cedars Village residents' association, a representative from Chorleywood Parish Council, and a District Councillor spoke against the application.

The Planning Officer proceeded to recap the reasons for previous refusal of the application.

Parking was one of the reasons for previous refusal, however, Officers are satisfied by the information provided that parking can be accommodated within the site.

Drainage and flooding were another reason for refusal. The Applicant has since provided additional information to the LLFA, which is currently under review.

The Planning Officer further advised that the Landscape Officer had not raised an objection and welcomes the retention of T61 Horse Chestnut tree. The trees that are recommended for removal are of low quality and are in a more discreet location within the site.

The final reason for previous refusal was the absence of agreement under Section 106, which has since been agreed in principle and ready to be signed.

Members of the Committee raised concerns regarding the potential additional distance residents may need to walk to access parking on site, and how the large Horse Chestnut tree would be preserved.

The Committee was informed by the Planning Officer that parking allocation across the site would be managed privately. Parking provision is sold separately to the residents, which means if they have a car parking space with their residence it should be available to them at all times. Officers would not know specific distances that residents would have to walk between their homes and their cars. The general provision for parking can be accommodated within the current site based on the information provided.

In response to the question raised regarding the preservation of the Horse Chestnut tree, the Planning Officer confirmed that tree protection had been proposed for this tree, and further enhancements to the rooting environment are also proposed.

It was noted that there has been no response from the LLFA.

Further concerns were raised by the Committee on parking; even if residents can buy a parking space with their property, there is no evidence to suggest that there will be sufficient parking available to them.

In response to this, Claire Westwood, Development Management Team Leader advised that, although the recommendation is subject to the consideration of any comments from the LLFA,

Member can still determine the application, notwithstanding the fact that the LLFA have not submitted their final comments at this time.

In addition, it was suggested that Members could consider deferral of the application to allow Officers to seek a parking allocation plan and wait for the final comments from the LLFA.

In response to a question regarding 3 of the parking spaces that are not allocated within the garage area. Officers clarified that the application site is not within the Green Belt.

A recommendation to defer the application until a site visit has been carried out in order for Members of the Committee to see the layout of the area was proposed by Councillor Sara Bedford, seconded by Councillor Stephen King, put to the vote and passed. The voting in respect of the motion was: For 4, Against 0, Abstaining 5.

RESOLVED:

That consideration of planning application 23/1128/FUL be deferred to enable Members to undertake a Site Visit, and for Officers to seek further clarification in respect of car parking space allocation.

NOTE 1

The following actions were agreed with the Committee:

A: The application to be deferred and the decision be made at the next meeting.

B: Officers to bring information forward to the next meeting.

It was clarified by the Development Management Team Leader that the consideration of parking availability is for the 7 new dwellings within Cedars Village and not for the whole of the village.

Councillor Debbie Morris proposed an amendment on the hours of use of the laundry, outlined in Condition 11 (C11); the hours of use to be amended from 08.00 – 18.00 on Saturdays to 09.00 – 13.00 on Saturdays in line with construction working hours, and a construction management plan to be provided if the application is approved.

PC31/23 23/1560/FUL: BATCHWORTH DEPOT, HAREFIELD ROAD, RICKMANSWORTH, WD3 1LU.

Application 23/1560/FUL – proposes the construction of an additional building within the site, to be used for vehicle repair.

Adam Ralton, Development Management Team Leader advised that there was no update to the application.

A request for an informative has been made to recommend regular testing of the quality of water near the site to ensure that there is no contamination of the water in the future.

The Committee was informed that the issue of remediating the existing known contamination is being dealt with the application for the redevelopment of the site, therefore any existing contamination is covered. The drainage system that was proposed as part of the previous application is designed to prevent any future contamination; whereby the water gets treated through fuel interceptors to stop any possible contamination.

It was further clarified that the Canal and River Trust had made a comment regarding the requested condition on their concerns of the existing contamination; but their concerns relate to the existing contamination that was identified and is being remediated as part of the

previous application. Officer had been in contact with the Canal and River Trust and provided background information that the Trust may not have been aware of, and this is the reason why there is no condition requiring contamination investigations to happen unless anything is discovered at the time this particular development is implemented.

The Officer recommendation to grant the planning permission, subject to the conditions set out in the report, was proposed by Councillor Matthew Bedford, seconded by Councillor Stephen King, put to the vote and carried unanimously.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and Informatives set out in the committee report.

PC32/23 23/1662/FUL: MANOR HOUSE COTTAGE, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SQ

Application 23/1662/FUL - Construction of single storey side and rear extensions.

Tom Norris, Planning Officer advised that there was no update to this application.

In response to a question from a Member of the Committee, the Planning Officer advised that the difference between this application and the previous application is that this application does not propose any roof extension, and therefore Officers consider that the Green Belt reason for the previous refusal has been satisfactorily overcome.

A Member of the Committee requested an amendment to Condition 3 (C3); that samples should be provided for the materials to be used in the work to ensure that they match those of the existing building. The Planning Officer confirmed that C3 can be amended to reflect this.

The Officer recommendation to grant planning permission, subject to the conditions set out in the report, with the proposed amendment to C3 was moved by Councillor Stephen King, seconded by Councillor Matthew Bedford, put to the vote and carried unanimously.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the following amended condition:

- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved. Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

PC33/23 23/1665/FUL: WILLOWS, 62 CLEMENTS ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5JT

Application 23/1665/FUL – Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roof space, served by front/rear rooflights; provision of rear terrace balcony and associated works.

Tom Norris, Planning Officer reported that there is one update to the application; a minor amendment to the wording of Condition 4 (C4) which would require the ecological enhancement measures to be in accordance with the preliminary Bat Roost Assessment as well as the details set out in Dusk Emergence Bat Survey.

A representative from the Parish Council spoke against the application outlining the climate impact that will result from demolishing the existing dwelling, the loss of the bungalow being replaced by a multi-floor property not suitable for downsizing of older residents of the area or for disabled residents. The representative also pointed out that this proposal to demolish a serviceable existing property, which already has permission for an additional single storey under Permitted Development Rights, is directly opposed to the requirement of the NPPF in Paragraph 152.

The Planning Officer acknowledged the concerns around the sustainability aspect of demolishing the house and advised that the Council has no policy bases to refuse the application on grounds of climate impact that would result from the demolition of the house.

The Officer confirmed that the proposed dwelling would remain accessible with ground floor living accommodation that would be suitable for the elderly and less able people, and clarified that Officers consider the Permitted Development scheme a viable fallback that the applicant would implement, should planning permission be refused for the current application.

Concerns around the proposed dwelling being out of keeping with the character of the area were noted.

It was also noted that the permitted development was already very close to that of the proposed development; therefore, refusal of the application would be difficult to defend.

The Officer recommendation to grant planning permission, with a minor amendment to the wording of Condition 4 (C4), and subject to the conditions set out in the report, was moved by Councillor Matthew Bedford, seconded by Councillor Khalid Hussain.

Councillor Debbie Morris moved a counter proposal for refusal on the grounds of the adverse impact on the character of the area and the street scene. Councillor Philip Hearn seconded the motion and pointed out that the proposal is in breach of Policy 4.1 of the Chorleywood Neighbourhood Development Plan (NDP) relating to the replacement of the bungalow with a two-storey dwelling not suitable for downsizing of older residents of the area or for disabled residents.

The Chair pointed out that it's unlikely that this reason will be sufficient for refusal.

Claire Westwood, Development Management Team Leader advised that if the reason is the impact on the character of the area and street scene it needs to be identified what it is that is causing the harm.

It was clarified by the Planning Officer that there is upstairs accommodation in the permitted development property but not in the existing property, and downstairs accommodation in the proposed property with an accessible bathroom, suitable for older and less able residents.

Councillor Debbie Morris moved a second proposal for refusal on grounds of the adverse impact; more specifically, the ridge height, scale and mass, and the introduction of a significantly tall fenestration to the rear of the proposed dwelling it would cause on the character of the area and the street scene. Councillor Philip Hearn seconded the motion, it was put to the vote and carried.

It was agreed that the final wording of the refusal notice would be circulated to the Committee for approval.

Adam Ralton, Development Management Team Leader confirmed that these reasons are more specific to the current scheme and therefore sufficient for a refusal.

The voting in respect of the motion was; For 5, Against 3 and Abstaining 1.

RESOLVED

That Planning Application 23/1665/FUL be refused, contrary to the Officers' recommendation, for the following reason:

The proposed replacement dwelling, by virtue of its height, scale, and mass in conjunction with the tall fenestration, which adds a greater vertical emphasis to the dwelling, would result in harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011), Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (2020).

PC34/23 23/1694/FUL: SANTOSH HOUSE, 6 PEMBROKE ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2HR

Application 23/1694/FUL – Demolition of existing conservatory and construction of single storey side and rear extensions, first floor side extension, loft extension including alterations to the roof, rear dormer window and rear rooflights, new entrance door, internal alterations and alterations to fenestration detail.

Councillor Debbie Morris declared a non-pecuniary interest in the application and withdrew from the meeting whilst the item was considered.

Claire Westwood, Development Management Team Leader advised that there was no update to the application since publication of the agenda.

The Applicant spoke in support of the proposal, describing the difficulties with damp issues and two major leaks linked to the flat roofs.

In response to a question the Development Management Team Leader confirmed that the previously proposed green roof has been amended during the course of the application; there is no further proposal to use the flat roof as a balcony or terrace, and there are no doors exiting out onto the roof. Furthermore, there is a suggested condition; Condition 8 (C8) which states that the roof is only to be used for essential maintenance or repair, or escape, in case of emergency. In addition; the Officer confirmed that the chimneys are to be retained externally, with Condition 3 (C3) which states that no demolition or works to the roof shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority.

A Member of the Committee has asked if it would be reasonable to have the Permitted Development Rights removed for outbuildings and extensions. The Officer explained that the existing property exceeds the plot coverage with a slight increase from 15% to 23%, however, Officers overall think that the proposed changes will be beneficial.

The Officer confirmed that the removal of the Permitted Development Rights would not be unreasonable if the Committee agreed, however it would be specific in relation to Class E, which is the outbuildings class only. It would not prevent the home owner to erect an outbuilding or shed in future; it would mean they would need to submit a planning application which would be considered on its merits at that time. The Officer reconfirmed that the removal of the Permitted Development Rights should be limited to Class E.

The Officer recommendation to grant the planning application, with the additional condition of removing the Permitted Development Rights under Class E of Part 1 (outbuildings), and subject to the conditions set out in the report, was proposed by Councillor Philip Hearn, seconded by Councillor Reena Ranger, put to the vote and carried unanimously.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the following amended condition:

C9 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class E - provision of any building or enclosure

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, 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).

PC35/23 23/1707/FUL: BEECH HOUSE, CHESS WAY, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5TA.

Application 23/1707/FUL – Change of use from single dwellinghouse to children’s care home.

Adam Ralton, Development Management Team Leader advised that there was no update on the application.

The Applicant spoke in support of the proposal, a representative of the residents, a representative of Chorleywood Parish Council, and a District Councillor spoke against the proposal.

Adam Ralton, Development Management Team Leader responded to the concerns and confirmed that the majority of the concerns raised; such as the disturbance and noise have been addressed in the report.

The Officer recommendation to refuse the planning application, subject to the reasons set out in the report, was proposed by Councillor Chris Lloyd, seconded by Councillor Stephen King, put to the vote and carried unanimously.

In response to a question raised by a Member of the Committee, the Officer clarified that the recommendation is based on the proposal that is currently being considered, it is not for a broad C2 use, it is for the specific C2 use that is proposed. If Officers were to grant planning permission for this use in the event of an appeal, the Officers would look to request planning conditions restrict the use.

RESOLVED:

That PLANNING PERMISSION BE REFUSED for the reasons set out in the committee report.

PC36/23 23/1767/FUL: PENN COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JY

Application 23/1767/FUL - Replacement of doors and windows.

Officers advised that there was no update on this application.

The Officer recommendation to grant the planning application, subject to the conditions set out in the report, was proposed by Councillor Chris Lloyd, seconded by Councillor Debbie Morris, put to the vote and carried unanimously.

RESOLVED:

That subject to no new material considerations being raised PLANNING PERMISSION BE GRANTED, subject to the conditions and Informatives set out in the committee report.

PC37/23 23/1798/FUL: LAND NORTH OF LITTLE GREEN LANE, KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, HERFORTHSHIRE

Application 23/1798/FUL - Variation of Condition 11 (Off-Site Highway Improvement) of planning permission 20/1881/FUL to allow phased delivery of the off-site highways works at Land North Of Little Green Lane, Killingdown Farm, Little Green Lane, Croxley Green, Hertfordshire.

Claire Westwood, Development Management Team Leader reported that there was an update on the application; email communication was received today from Croxley Green Parish Council to apologise for not being able to attend the meeting tonight, due to clashing meetings, and advised that Croxley Green Parish Council would like to re-affirm the comments submitted to TRDC, and would have made representation if possible.

The Officer explained the background of the application; when the application 20/1881/FUL was initially considered, Hertfordshire County Council Highways Authority requested a number of conditions, included Condition 11 (C11). Whilst the application was refused, it wasn't refused on highways grounds, at the appeal, as standard practice for the local authority to submit suggested conditions to the inspector. Those conditions submitted included recommended conditions from consultees; such as C11, that was attached by the inspector on the decision when the appeal was allowed. The current application seeks to vary C11 to allow a maximum of 25 dwellings to be occupied, prior to the completion of the highways works. The Highways Authority have reviewed the application and considered that it is acceptable.

A District Councillor spoke against the application on behalf of the residents, outlining their concerns regarding any of the dwellings being occupied before the full S278 works are completed. The Councillor requested if the Committee could consider 5% of the dwellings to be occupied; which would be 8 dwellings, instead of 25 dwellings.

The Officer explained that when the application was initially submitted; the Applicant asked for 50 dwellings to be allowed to be occupied, and the Highways Authority raised no objection to that. The Applicant subsequently requested the number of dwellings to be occupied to be reduced to 25, which was also approved by the Highways Authority.

Members raised concerns around the safety of people walking on site with lorries driving past, and the possibility of more near misses and accidents.

The Officer responded by pointing out that there is a separate construction access to the south of the site, therefore, lorries will not be using the access to the north of the site which will be potentially serving the dwellings to be occupied.

The Officer recommendation that Condition 11 (Off Site Highway Improvement) be varied with an amendment to allow only 8 dwellings to be occupied instead of 25 dwellings, and to grant planning permission, subject to the conditions set out in the report, was moved by Councillor Sara Bedford, seconded by Councillor Chris Lloyd, put to the vote and carried.

The voting in respect of the recommendation was: For 7, Against 0, Abstain 2.

RESOLVED:

That Condition 11 (Off Site Highway Improvement) be VARIED, with the following amendment; to allow only 8 dwellings to be occupied instead of 25 dwellings and that PLANNING PERMISSION IS GRANTED.

- C11 Off Site Highway Improvements Notwithstanding the details indicated on the submitted drawings, prior to the occupation of the 9th dwelling, a detailed scheme for the necessary permanent offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G shall be submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the occupation of the 9th dwelling hereby permitted.

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 CP10 of the Core Strategy (adopted October 2011).

PC38/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

None.

CHAIRMAN

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PLANNING COMMITTEE - 18 January 2024

22/1945/FUL: Hybrid application for the creation of a Film Hub to include detailed approval for demolition of a number of existing buildings including children's farm buildings and change of use of Langleybury House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility, together with outline planning approval (matters reserved: Scale, Layout, Appearance and Landscaping) for change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A41 at land East Of Langleybury Lane And Including Langleybury House Estate, Langleybury Lane

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 16 February 2023

Case Officer: Suzanne O'Brien

Extension agreed to 31 January 2024

Recommendation: That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.

Reason for consideration by the Committee: The planning application has been called in to committee by three Members of the Planning Committee. The application was called in due to effect on Green Belt and traffic issues. In addition the proposal represents a departure from the Development Plan.

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=RJZMS6QFLCB00>

1 **Background**

1.1 Planning application 22/1945/FUL is a hybrid application for the creation of a Film Hub at Langleybury House and the surrounding estate. It seeks full planning permission for the following:

- Demolition of existing childrens farm buildings and structures.
- Construction of a café within the walled garden.
- New car parking area to the north of the site.
- Alterations to access points from Langleybury Lane.
- Change of use of L shaped barn to a multi purpose cycle hub/shower/storage building.
- Change of use of ground floor of laundry building to provide reception facility.

1.2 In addition, it seeks outline planning permission (with only the matter of Access for detailed consideration) for the following:

- Change of use of the site to a Film Hub.
- Construction of Craft workshops, sound stages, support workshops, production offices, backlots, Education/Training facility, Offices, ancillary buildings.
- Parking areas.
- Relocation of Childrens farm with new farm buildings.
- Alterations to existing cycle and pedestrian access points throughout the site including new cycle and pedestrian access.

- 1.3 The application was presented to Planning Committee on 30 March 2023 as a preliminary item. Since that time, various amended documents have been received which respond to consultations responses, including comments from the TRDC Conservation Officer and Historic England.
- 1.4 Officers continue to assess the planning application and will present a recommendation to Planning Committee at a future meeting.
- 1.5 However, it is noted that this development is of a considerable size and scale, impacting a large number of buildings (including Grade II and II* listed buildings) within a large site that does not have a recent planning history which would have triggered Members to have visited in recent years.
- 1.6 On that basis, it is recommended that Members agree to a site visit being arranged prior to the application being presented to Committee for a decision, to ensure Members have the opportunity to view the site and the existing buildings and the context of the proposed development.

2 Recommendation:

- 2.1 That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.

PLANNING COMMITTEE - 18 January 2024

23/0761/FUL – Demolition of the existing dwelling and associated outbuilding and construction of five two storey detached dwellings with associated accommodation in the roof space served by dormer windows and rooflights; Juliet balconies and heat pumps with associated access including works to verges, parking and landscaping works including raised terraces at 1 AND LAND TO THE REAR TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8NA

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 13 July 2023
Extension of Time: 29th February 2024

Ward: Gade Valley
Case Officer: David Heighton

Recommendation: That subject to the completion of a Section 106 Agreement securing an off-site affordable housing financial contribution and an off-site biodiversity net gain financial contribution that the application be delegated to the Head of Regulatory Services to **grant planning permission** subject to conditions as set out at section 8 below.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee to discuss concerns regarding over development and highway safety from the amended access.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDe#tails.do?activeTab=documents&keyVal=RUFQUQQFFNJ00>

1 Relevant Planning History

- 1.1 22/0694/FUL: Demolition of the existing dwellinghouse and associated buildings and construction of two storey semi-detached dwellinghouses with accommodation in the roof space by rear dormers and front rooflights, balconies to rear and detached carports alongside formation of new vehicular access with associated parking, landscaping works and alterations to levels. Withdrawn.

Relevant Enforcement History

- 1.2 22/0119/COMP: Laying of spoil/hard-core. Pending consideration, subject to the outcome of this application. Note: The laying of hardcore identified as a breach of planning control (engineering operation) would be subject to a condition on any approval to be removed as part of a construction management plan.

2 Description of Application Site

- 2.1 The application site includes No. 1 Toms Lane, a detached dwelling and its associated garden, a parcel of open land to the rear and parts of the adjacent highway embankment on Toms Lane.
- 2.2 The street scene generally comprises detached dwellings of varied architectural design set on relatively large plots. Opposite the application site is an open field and to the south west is a bridge which carries the West Coast Main Line railway over Toms Lane. The application site slopes down towards the highway from both the north west to south east and north east to south west.

- 2.3 The existing dwelling (No.1 Toms Lane) is of a two storey form with a single storey conservatory to the western flank, set back approximately 10m from the highway. Part of the front boundary with the highway is screened by significant vegetation. To the front of the dwelling is a large area of hardstanding. To the rear is a detached outbuilding and to the west is a private garden and terrace, which is bordered by vegetation.
- 2.4 Within the rear part of the application site to the north is an open field enclosed by vegetation. To the north east of the application site is land known as Three Acres which is currently a construction site with works relating to the construction of four detached dwellings, permitted via planning application reference 17/1825/FUL, which was subsequently varied under planning application reference 22/1068/FUL.
- 2.5 The application dwelling is set on a similar building line as that of the neighbouring dwelling to the north east, No. 3 Toms Lane, which is set at an elevated level to the application site.

2.6 In terms of policy designations, the site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of the existing detached dwelling (No.1 Toms Lane) and the construction of five detached dwellings with parking and access alterations.
- 3.2 The proposed plots would be directly sited adjacent and not behind one another. The plots sizes would range between 29-44m in depth, decreasing in depth to the rear of the application site, given the splayed nature of the western boundary. Each plot would vary in width ranging from 16m-40m. Each property would have an individual private amenity space and parking spaces for at least three vehicles (Plots 1 and 2 also served by integral garages).
- 3.3 The existing access point on Toms Lane would be widened with a new internal road extending into the site, running parallel with the north eastern boundary to serve the new dwellings. An area of soft landscaping / wildflower grassland will be created in-between the north eastern boundary and the internal road.
- 3.4 The proposed detached dwellings would have a maximum depths of approximately between 10.3m-12.2m with an approximate widths of between 10.5m-16.7m. The proposed new detached dwellings would have gable roof form with a flat roof single storey rear projection.
- 3.5 The 4-bed house on plot 1 (House 1) would be sited to the southwest of the amended access and immediate west of the existing dwelling. The dwelling would have a maximum depth of 10.3m and width of 11.3m. The proposed dwelling would be two storeys with roof accommodation served by dormers with a height of 8.5m and eaves height of 4.7m when measured from the lowest ground level. House 1 would be sited to front Toms Lane with two dormer windows within this roofslope and a metal clad canopy and bay windows at ground floor level. It would be sited a minimum of 34.5m from the splayed southwestern boundary and approximately 12.8m to the southern boundary with the highway. The dwelling would have an attached single storey garage with accommodation in the roofspace served by a dormer window. A Juliet balcony would be inserted within the eastern elevation. This proposed dwelling to the frontage of Toms Lane would have a traditional appearance of buff and grey brick with slate tiles.

- 3.6 The 4-bed house on plot 2 (House 2) would be sited to the northwest of plot 1. A distance of 5.5m would separate the buildings and house 2 would be sited a minimum of 24.5m from the splayed western boundary. The dwelling would have a depth of 12.2m and width of 10.5m. The dwelling would have a maximum height of 9.1m with three front dormers, rear dormer, a two storey rear projection and an integral garage. Juliet balconies would be inserted within the east and west elevations. The dwelling would have a traditional appearance of buff and grey brick with slate tiles.
- 3.7 The proposed 4-bed house on plot 3 (House 3) would be sited to the northwest of plot 2; a distance of approximately 4.6m would separate the buildings and the dwelling would be located approximately 18.5m from the splayed western boundary. House 3 would have a depth of 11m and width of 16.7m. The dwelling would have an eaves height of 5.3m and a maximum height of 9m. The dwelling would include a single storey rear projection with a flat roof form and rear patio. Juliet balconies would be inserted within the eastern and western elevations. The dwelling would have a sunken appearance in relation to the street frontage and be of a traditional appearance of buff and grey brick with slate tiles.
- 3.8 The proposed 4-bed house on plot 4 (House 4) would be sited to the northwest of plot 3; a distance of approximately 8m would separate the buildings and the proposed dwelling would be located a minimum of 15m from the western boundary. The dwelling would include a single storey rear projection with a flat roof form and rear patio. The proposed dwelling would have a depth of 12.2m and width of 16.6m. The dwelling would have an eaves height 5.3m of and maximum height of 9m. The dwelling would have a sunken appearance in relation to the street frontage and be of a traditional appearance of buff and grey brick with slate tiles.
- 3.9 The 4-bed house on plot 5 (House 5) would be sited to the northeast of plot 4 and a distance of approximately 4.6m would separate the buildings. The proposed dwelling would be located a minimum of 26.7m from the western boundary and 23.1m from the north eastern boundary. The dwelling would include a single storey rear projection with a flat roof form and rear patio. The proposed dwelling would have a depth of 11.1m and width of 16.6m. The dwelling would have an eaves height 5.3m of and maximum height of 9m. The dwelling would have a sunken appearance in relation to the street frontage and be of a traditional appearance of buff and grey brick with slate tiles. It would face down towards the new internal road and amended access.
- 3.10 A number of trees (10 in total), would be removed to facilitate the development with approximately 29 replacement trees and additional soft landscaping proposed.
- 3.11 Amendments were sought during the application process to reduce the number of trees removed on the highway land.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objection]

Members appreciate the reduction in the number of units however still feel the design is contrived and the development represents an overdevelopment of the site. This development is on greenfield and members feel there are no special circumstances to permit it. Members note a similar planning application was refused at 19 Toms Lane. Furthermore, members are concerned works traffic from this development will

cause traffic flow issues at the bridge adjacent to the entrance to the development and provisions would need to be made for pedestrians to pass safely during the construction of the proposed bank.

4.1.2 Hertfordshire Highways: [No objection, subject to conditions]

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) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 20021wd2.003 in accordance with details/specifications submitted and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

2) Construction Management Plan / Statement

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;*
- b. Access arrangements to the site;*
- c. Traffic management requirements*
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*
- e. Siting and details of wheel washing facilities;*
- f. Cleaning of site entrances, site tracks and the adjacent public highway;*
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;*
- h. Provision of sufficient on-site parking prior to commencement of construction activities;*
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;*
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;*
- k. Phasing Plan.*

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

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN5) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative

impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Comments/Analysis

Description of Proposal Demolition of the existing dwelling and associated outbuilding and construction of five two storey detached dwellings with associated access including works to verges, parking and landscaping works

Site and Surroundings

Toms Lane is a classified C local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is currently one dwelling with an empty green space to the rear. The site is located to the east of Kings Langley, less than 1km from the centre, in a residential area. There is a footway to the east of the site leading towards Bedmond, but due to the railway bridge there is not a footway leading towards Kings Langley. There are signs warning drivers of the lack of footway which could lead to pedestrians on the carriageway, although the Highway Authority would not consider this route safe and suitable for all users. The site is fronted by a vegetated and treelined bank which is highway land. In terms of sustainability, the closest marked bus stop to the site is approximately 225m from the site on Water Lane, although due to the railway structure, there is not a footway for the entire route. Using the footway fronting the site, although this does not run the whole distance and there is approximately 50m with no footway, there are unmarked bus stops located approximately 120m east of the site served by the H19 and KL80. Kings Langley train station, which is served by West Midlands Trains, is just over 1km to the site following Station Road to the south. The Highway Authority are satisfied the site is in a suitably sustainable location given the size of development and proximity to residential areas in line with the principles set out in HCC's Local Transport Plan 4 (LTP4), although it is acknowledged that the lack of footway in some places surrounding the site would present difficulties for some users.

Access and Parking

The application proposes to create a new, reprofiled, access at the site. At present the site is served by a wide access which has a steep slope from the site down onto the highway. The maximum gradient a sloped access can be is 10%, or 1 in 10, to ensure that there is less risk of vehicles losing control and rolling into the highway; and ensure that pedestrians with mobility issues can access the site. This is outlined within HCC Residential Dropped Kerbs Policy and Inclusive Mobility. Therefore, when the new access is constructed via Section 278, it will be done so to a maximum gradient of 10%. The proposed access is shown as a bellmouth with a 6m kerb radii. This is an acceptable form of access given the size of development and that the site is not fronted by a footway.

In terms of visibility from the new access, a speed survey has been provided which indicates that the 85th percentile speeds passing the site are 32.3mph eastbound and 33.1mph westbound, therefore, the visibility splays provided have been adjusted to suit these speeds. To ensure the visibility splays from the site are suitably clear from the access, reprofiling of the highway bank adjacent to the site has been

proposed. This will involve the removal of highways trees and the likely movement of highways signage and lighting; all of which will be done so at the cost of the applicant through a S278 agreement. Through discussions with HCC Green Infrastructure officers, amendments have been made to ensure that the large T18 oak which is located on the bank is not disturbed by this reprofiling as it is considered a valuable tree. The amended Airspade Report confirms that the roots of the T18 are to remain untouched and unaffected by the reprofiling. Highways trees are still to be removed but these are all category C trees and therefore are not considered to be as ecologically significant. Due to the limited area of highway land surrounding the site, no replacement highways trees can be planted and therefore it must be ensured that there is enough suitable planting within the site; as determined by Three Rivers ecological officers, as this is beyond the jurisdiction of the Highway Authority. It is requested however, that a member of the Green Infrastructure team is on site whilst any root excavation is being carried out on highway land. The developer is asked to contact the team via this email: greeninfrastructure@hertfordshire.gov.uk

Given the classification of Toms Lane, it must be ensured that vehicles can leave the site in forward gear. The swept path drawings which have been provided in the Revised Transport Statement, drawing number 22178/TK10 Rev A, indicated that a car can access the proposed parking spaces fronting the proposed dwellings and turn around within the site to exit in a forward gear.

Regarding trips from the site, a TRICS assessment has been completed and is found in the Transport Statement. Table 5.1 shows the proposed trip generation from the development, a baseline existing trip rate has not been provided but as the existing site is a singular dwelling, the existing trip rate is likely to be minimal. The proposed trip generation has been calculated for trips between the hours of 7am and 7pm, raw TRICS data has been provided also. Table 5.2 shows the predicted AM and PM peak trip rate, given the size of the site, the number of proposed trips from the site is likely to have a negligible impact upon the highway network. There have not been any collisions fronting the site within the last 5 years.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that 3 parking spaces are being provided per dwelling. Some of the dwellings have garages also; in order for garages to fit a modern sized car, they should measure 3m x 6m in accordance with Manual for Streets and Roads in Hertfordshire: The Highway Design Guide. According to the TS covered and secure cycle parking is available for each dwelling; as well as electric vehicle charging at each dwelling, in line with updated building regulations.

Surface Water

The Government's flood risk maps for planning indicate parts of the carriageway to be at a high risk of surface water flooding: <https://check-long-term-flood-risk.service.gov.uk/postcode>. Therefore, a drainage solution from the site which removes the risk of expelling surface water onto Toms Lane should be provided to ensure flood risk does not increase.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m. According to the TS these distances are not to be exceeded and a swept path drawing, number 22178/TK08 Rev A, has been provided which shows that a 12m refuse vehicle can enter the site, turn around and leave in a forward gear.

Emergency Vehicle Access In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. Due to the distance of the proposed dwellings from the edge of the highway, a fire tender is likely to have to enter into the site. A swept path drawing, number 22178/TK09 Rev A, shows that a fire tender can turn around within the site and egress in forward gear.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application, subject to the above conditions.

4.1.3 Herts Ecology: Latest comments - [No objection, subject to conditions]

Summary of Advice:

- The biodiversity metric demonstrates a biodiversity net loss, but the use of this metric is not presently mandatory.*
- If a net gain in line with the rules of the metric is sought, then an offsite solution legally secured and supported by a net gain plan will be required. In this case a net gain plan should be secured by Condition.*

Supporting documents:

I have made use of the following documents in providing this advice:

- Biodiversity Metric calculation tool V 3.1 by Middlemarch, (assessment date 05 July 2023).*
- Biodiversity Metric Assessment Middlemarch (report date 05 July 2023).*
- Planting Plan (1010 L001 Rev F)*

Comments

Measurable Biodiversity Net Gain (BNG): The planning statement states that the proposed development conserves and enhances the existing landscape and that the measures within the landscape plan will improve the existing site conditions as calculated by a Biodiversity Metric Assessment.

The submitted biodiversity metric (05 07 2023) found that the site would result in a post development reduction in area biodiversity units of 0.47 (-16.16%) resulting in the main from the loss of poor condition modified grassland. This is listed as being a habitat that is not of strategic importance in the assessors notes and I have no reason to dispute this. The metric also shows a gain in 0.37 hedgerow biodiversity units (35.49%). The rules of the metric stipulate that these different percentages cannot be summed. Consequently, taken as a whole the submitted metric demonstrates that the application will result in a biodiversity net loss and does not meet the metric trading rules.

Nevertheless, it is not yet mandatory for any site to deliver a biodiversity net gain of a minimum of 10% nor is it yet mandatory to use a metric to calculate net gain, although it can now be considered the accepted means of doing so. Furthermore, for sites of this size mandatory net gain as defined by the environment act is not due to become mandatory till 2024. Consequently, the LPA will need to take a view as to whether the greater increase in hedgerow habitats is sufficient to compensate for the

loss of grassland habitat so resulting in no net loss of biodiversity value and a biodiversity enhancement in line with its local policy.

If, however the LPA is seeking a biodiversity net gain from the site in line with the rules of the metric, which would now be considered best practice even if not presently mandatory, then given the limitations imposed by the proposal an offsite solution will be required in order for the development to deliver sufficient net gain. Any such provision would need to be legally secured such as through an s106 and the means by which it is delivered set out in a net gain plan this latter could be secured by condition.

4.1.3.1 Original comments: Further information required.

Overall Recommendation:

Further information and/or amendments required before application can be determined.

Summary of Advice:

- Sufficient information on European protected species to allow determination*
- The use of soft felling methods for trees with low bat potential should be secured by Condition.*
- Further precautionary bat surveys can be secured by Condition*
- Precautionary and enhancement measures outlined in the ecological reports should be demonstrated within a Landscape and Ecological Management Plan*
- and Construction Ecological Management Plan as appropriate and secured by Condition.*
- The landscape and biodiversity metric referenced as demonstrating a biodiversity uplift to the site should be provided for scrutiny.*

Supporting documents:

I have made use of the following documents in providing this advice:

- A Preliminary Ecology Assessment (PEA) by Middlemarch (report date April 2023)*
- Preliminary Roost Assessment by Middlemarch (report date December 2022).*
- Dusk emergence and Dawn Re-Entry Bat Surveys by Middlemarch (report date May 2022)*
- Badger Survey by Middlemarch (Report date April 2023)*
- Red Kite Survey letter by Middlemarch (Report date April 2023)*

Comments

Bats: Considerable survey effort has been expended with a previous surveys including a Preliminary Ecological Appraisal carried out in 2017 and emergence surveys being conducted in 2021 by Enzygo Ltd.as well as the latest surveys in 2022 by Middlemarch. In the most recent Preliminary Ecological Appraisal (see listed report above) two buildings on site were identified as having high potential and trees T22, T19 and T18 have low potential to support roosting bats. The trees found to have a low potential if required to be felled, should be soft felled in line with Conservation Trust best practice guidelines. I advise this is secured by Condition.

The subsequent Dusk emergence and Dawn Re-Entry Bat Report gives details of surveys carried out on the 11th May, 29th June and 29th July 2022 and provides an adequate assessment of the impact of the proposals on bats and is based on

appropriate survey methods. No behaviour indicative of the presence of a roost was reported. These surveys are enough to demonstrate that the likelihood of an adverse impact is negligible-low as bats and that bats are not directly affected. Consequently, I advise that with this information in place the LPA has sufficient information to determine the application with regards bats. I note this report is dated May 2022 which is prior to the date of the final survey this should be corrected. The report suggests reasonable unlicensed mitigation measures to ensure that legally protected bats are not harmed. These recommendations should be followed in full.

Updated surveys: The Ecological report advises updated surveys if work is commenced beyond July 2022 and the planning statement confirms that further surveys will be undertaken to ensure the bat surveys are not more than 12 months ago. If the LPA is minded to approve this application and there is going to be a significant delay prior to demolition, then given the assessment of the high potential of the buildings for bat roosts, this is a sensible precaution to ensure against future changes that might risk an offence being committed. Such precautionary survey updates can be secured by Condition.

Other protected species: A Red Kite Survey in 2023 was undertaken and concluded that the nest occupied in a previous breeding season is currently inactive.

I advise measures to safeguard protected species as recommended in the April 2023 Preliminary Ecological Appraisal should be detailed within a Landscape and Ecological Management Plan and Construction Ecological Management Plan as appropriate and secured by Condition.

Enhancements: The location, type and number of ecological as recommended within the ecological reports should be shown within the Landscape and Ecological Management Plan.

Measurable Biodiversity Net Gain (BNG): The planning Statement states that the proposed development conserves and enhances the existing landscape and that the measures within the landscape plan will improve the existing site conditions as calculated by a Biodiversity Metric Assessment. Presently neither the landscape plan or metric referenced have been made available and so I am unable to advise that this application will deliver a biodiversity net gain.

Further Information required:

- Biodiversity Net Gain Metric.
- Landscape Plan

4.1.4 Herts & Middlesex Wildlife Trust: [No objection, subject to condition]

In accordance with the ecological report the following condition should be applied to secure integrated bat and swift boxes in the new buildings.

'No development shall commence until details of the model, and location of 5 integrated bat boxes and 10 integrated swift boxes has been supplied to and approved by the LPA. They shall be fully installed prior to occupation and retained as such thereafter.'

Reason: To contribute to biodiversity net gain in accordance with NPPF.

4.1.5 Landscape Officer: [No objection, subject to condition]

Recommend: Approval.

The submitted plans indicate that that; four B grade (moderate quality); six C grade (low quality) trees; and a small amount of low-quality Cypress hedge would need to be removed to facilitate development. However, these removals would be mitigated by the proposed planting of 29 standard trees and 200 metres of replacement hedging. A condition should be applied that requires the applicant to implement and follow the submitted tree protection method statement and remedial landscaping plans.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 No of responses received: 2 objections received.

4.2.3 Site Notice: Posted: 26.05.2023 Expired: 17.06.2023.

Press Notice: N/A

4.2.4 Summary of Objections:

- Pedestrian and traffic safety
- Construction safety
- Protection of Green Belt
- Rich in biodiversity

5 Reason for Delay

5.1 Amendments and consultee comments sought.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

Policy / Guidance

6.2 National Planning Policy Framework and National Planning Practice Guidance.

6.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

6.3 The Three Rivers Local Development Plan

6.3.1 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

6.3.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

6.3.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM6, DM8, DM9 and DM13 and Appendices 2 and 5.

6.4 Other

6.4.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of 4 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.

7.1.2 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.
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 The application site is located adjacent to the settlement boundary of Kings Langley, a secondary centre as defined within the Core Strategy (Policy PSP3). Due to the

existence of the railway bridge, there is no defined pavement linking the application site to the settlement of Kings Langley, however, that said, it is closely related in terms of distance to local services. This application would also look to contribute to the housing need in Three Rivers which currently cannot demonstrate a 5 year supply of housing.

7.1.4 Subject to other material considerations, the principle of re-development of the application site is considered acceptable.

7.2 Housing Mix

7.2.1 Core Strategy Policies CP1 and CP3 require new development to contribute a range of house types and sizes to reflect needs. Core Strategy 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.

7.2.2 Policy CP3 of the Core Strategy also sets out proportions that should form the basis for the housing mix of development and indicates that proposals should broadly be for 30% 1-bedroom units, 35% 2-bedroom units, 34% 3-bedroom units and 1% 4-bedroom units. However, the most recent SHMA, published in January 2016 identified the indicative targets for market sector dwelling size within Three Rivers District as:

1 bedroom 7.7% of dwellings
2 bedrooms 27.8% of dwellings
3 bedrooms 41.5% of dwellings
4+ bedrooms 23.0% of dwellings

7.2.3 The development would provide 5 + plus bedroom units (100% provision). Whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this scale would prejudice the ability of the Council to deliver overall housing targets and thus is considered to have a negligible impact upon the acceptability of the development.

7.3 Affordable Housing

7.3.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures (70% being social rented and 30% being intermediate). The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.

7.3.2 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

7.3.3 The proposed development would result in a requirement for a commuted sum of £802,500 (plus indexation) towards affordable housing based on a habitable floor-space of 1070sqm multiplied by £750 per sqm, which is the required amount in the 'The Langleys and Croxley Green' market area. The applicant has submitted a viability assessment that supported the contention that the scheme would not be viable if a financial contribution were to be made. Upon review by the Council it was found that the site could viably afford an affordable housing financial contribution of £69,056, which the applicant has agreed to.

7.3.4 As such, a S106 agreement would need to be completed to secure the required contribution which is to be index linked from the date of the deed, prior to the grant of planning permission to comply with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

7.4 Impact on the openness of the Green Belt

7.4.1 The site is within the Metropolitan Green Belt, where the fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.4.2 The NPPF identifies the five purposes of including land in Green Belts as:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.4.3 The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are given at paragraph 154 as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) **limited infilling in villages;**
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to

meeting an identified affordable housing need within the area of the local planning authority.

- 7.4.4 The NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) **engineering operations;**
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.4.5 Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD relate to development within the Green Belt and reflect the guidance as set out in the NPPF.
- 7.4.6 The proposed development, which comprises the demolition of the existing dwelling and the erection of 5 two storey detached dwellings may be considered to fall within the fifth exception, i.e. limited infilling in villages (para 154(e)). The changes to the access and provision of parking areas would be considered as an engineering operation (para 155(b)) and could also be an accepted form of development in the Green Belt.
- 7.4.7 The application site is located outside of the settlement boundaries and is not located within any of the Settlement of Hierarchies as set out in the Core Strategy, however, it is acknowledged it is situated very close to a secondary centre. It is therefore important to firstly consider whether the application site falls within a village; in this instance, Kings Langley. The NPPF does not specify a village must be designated as such in the development plan, or specify what the limits of the village should be. Having regard to appeal decisions, it is accepted that the definition of a village is a matter of planning judgement and even if a site falls outside a designated settlement boundary, this is not definitive as to whether a site falls within a village or not.
- 7.4.8 The application site lies adjacent to residential development on Toms Lane to the east and adjacent to the railway line to the west, the latter of which forms a physical barrier with Kings Langley. Toms Lane comprises of predominantly residential dwellings that are built of a linear form either side of the road. This is largely continuous, although it is noted there are various tracks and accesses, which lead to further residential development beyond the frontages, which are located in more spacious surroundings with fields further beyond. Toms Lane connects the application site to Primrose Hill, a part of Kings Langley which comprises mixed uses; residential properties of higher density and general and light industry clusters. Within less than a 5 minute walk from the application site there is a sandwich bar and petrol garage which includes a small supermarket. These are services generally found in villages. Whilst it is accepted that there are no designated footpaths to Primrose Hill, this does not outweigh the fact the site could reasonably fall within the village of Kings

Langley. Furthermore, within a greater walking distance access can be gained to the main defined centre of Kings Langley which accommodates a far greater range of services. Having regard to the above, it is considered that the application site can, by virtue of the surrounding site circumstances, fall within a village.

- 7.4.9 In an appeal decision at 19 Toms Lane, Kings Langley (APP/P1940/W/20/3257184) the Inspector dismissed an appeal following the Council's refusal to grant outline planning permission for the demolition of existing dwelling and outbuildings and construction of five detached dwellings. Whilst the appeal was dismissed, the Inspector considered that the locational circumstances of the site bore a close enough relationship with Kings Langley to meet the criteria of being within a Village. This site is some 0.2km from the edge of the settlement of Kings Langley.
- 7.4.10 Notwithstanding the above, in order for the development to not comprise inappropriate development within the Green Belt, the proposed development application site would need to comprise "limited infilling." There is no definition of limited infilling, but it is considered to constitute a "small gap" having regard to both the scale and form of the development, interpreted in the context of the overall aim of the Green Belt. It is noted that the application site lies adjacent to new residential development currently under construction to the northeast with further buildings to the north and east with the site hemmed in the west by the railway line.
- 7.4.11 It is acknowledged that the proposed dwellings beyond the linear frontage are more spacious in character than the dwellings to the frontage of Toms Lane. In terms of the adjacent development and other forms of development along other accesses the proposal would appear to relate to these and have a similar form of relationship of properties beyond the frontage of Toms Lane. Whilst the application proposes a considerable amount of development in terms of built form including hard surfacing in order to accommodate the number of dwellings proposed, it is considered as limited infilling, of a similar scale and appearance to other surrounding two storey development within plots comparable nature to other neighbouring dwellings. It is therefore considered that given the size of the application site, its context, and the layout and number of dwellings proposed, that the development would fall within the definition of "limited".
- 7.4.12 In light of the above, it is therefore considered that the proposal constitutes limited infilling within a village. On this basis, the proposed development is considered to fit into the exception provided at paragraph 154(e) and would therefore be considered appropriate development.
- 7.4.13 Given that the development is appropriate, it is not necessary to consider the harm to openness.
- 7.4.14 In terms of the access and parking areas, these would need to be considered within the context of the location of the dwellings which are acceptable within the Green Belt and would therefore reasonably require parking spaces and access. Whilst there would be an impact arising from the areas of hard standing, this would be offset by the new landscaping and siting of the access road, close to the north eastern boundary. As such, it is considered that the engineering operations to create the access, road and parking areas would preserve the openness of the Green Belt when viewed against the development as a whole. There would be no conflict with the purposes of the Green Belt. These aspects of the development would therefore fall within paragraph 155 of the NPPF.
- 7.4.15 As such, it is considered that the scheme would fall within the exceptions to inappropriate development within the Green Belt and as a result would not harm the

openness of the Green Belt. The development would comply with Policies CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the provisions of the NPPF (2023).

7.5 Design and impact on character and street scene

7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets.'

7.5.2 Policy CP3 of the Core Strategy (adopted October 2011) states that the Council will promote high quality residential development that respects the character of the district and caters for a range of housing needs. Development will make the most efficient use of land, without compromising the quality of the environment and existing residential uses.

7.5.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of backland development. Development will also 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).

7.5.4 The Design Guidelines at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Specific guidance includes that to prevent terracing and maintain spacing, the flank elevations of development should be set in at least 1.2m from flank boundaries at first floor level and above.

7.5.5 The application site is located to the rear of No.1 Toms Lane and the proposed redevelopment of the site would not result in significant harm to the character or appearance of the area. This is as a result of the long internal access road leading to residential development of four properties beyond the highway at Three Acres and other similar examples within the immediate area which are clearly distinct from other areas of Toms Lane which are heavily characterised by ribbon forms of development. On this basis, the introduction of a further cul-de-sac would be considered acceptable.

7.5.6 It is acknowledged that the proposed dwellings would be set on generously sized plots of land. The size of the properties within the immediate vicinity of the application site are characterised by relatively spacious plots with a generous amount of private amenity space to the rear. Whilst the rear of the application site would not appear as

part of the existing linear built form of Toms Lane and viewed against the more rural and existing countryside setting it lies within and beyond; the dwelling sizes and their plots are characteristic of the area and follows the pattern of development at the adjacent site.

- 7.5.7 The proposed siting and orientation of the replacement detached dwelling adjacent to the frontage would follow the prevailing pattern of development within the street scene of Toms Lane and maintain an active frontage. The proposed dwelling on plot 1 would front Toms Lane to ensure the character and appearance of the street scene is maintained and when viewed in a wider context.
- 7.5.8 In terms of design aspects of the dwellings, Appendix 2 of the Development Management Policies LDD sets out that dormer windows should always be subordinate to the main roof. They should be set down from the existing ridge level; set in from either end of the roof and set back from the plane of the front or rear wall. The proposed dormer windows would appear subordinate to the roof slope and those within the south elevation of Plot 1 would be considered in keeping with the street scene.
- 7.5.9 It is acknowledged from the submitted indicative street scene that the proposed replacement dwelling adjacent to the frontage of Toms Lane would have a lower ridge height than the neighbouring properties, which rise to the northeast. It would therefore have a ridge height in keeping with the street scene and conform to the existing topography. It is also acknowledged that the proposed dwelling adjacent to Toms Lane would be set on a similar building line with the existing dwelling and the adjacent neighbouring dwelling, thus in keeping with the existing street scene.
- 7.5.10 The existing land levels have been raised and altered with spoil and material from the adjacent development site to the rear open field. The proposed plans indicate that this would be removed with levels further lowered in comparison to pre-existing levels to respect the topography of the area. As such, the proposed topography would similarly rise to the north east, which would ensure that the proposed dwellings would not be a visually obtrusive form of development to the detriment of the visual amenities of the area.
- 7.5.11 The proposed buildings would be set in a significant distance from all of the external boundaries of the site and generous distances would separate the proposed dwellings, in character with the surrounding area. The proposed development would therefore not result in a cramped feature or result in overdevelopment of the site.
- 7.5.12 To protect the overall character of the site and surrounding area, certain permitted development rights would be removed from the proposed dwellings.
- 7.5.13 In light of the above the overall scale, siting and layout of the proposed development would therefore not appear contrived or result in any demonstrable harm to the visual amenities or character of the area. The proposed development would therefore be in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.6 Impact on amenity of neighbours and of future occupants
- 7.6.1 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'.

- 7.6.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD 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.
- 7.6.3 The Design Criteria at Appendix 2 of the Development Management Policies document also set out that two storey development at the rear of properties should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.6.4 In the interests of privacy and to avoid overlooking, the Design Criteria advise that a distance of 28m should be achieved between the faces of single or two storey buildings backing on to each other. Distances should be greater between buildings in excess of two storeys with elevations which directly face each other or in situations where there are site level differences involved. Appendix 2 of the Development Management Policies document also advises that windows of habitable rooms at first floor level should not generally be located in flank elevations and that flank windows of other rooms should be non-opening below 1.7m and obscure glazed. Development should not incorporate balconies or first floor conservatories which overlook neighbouring properties to any degree.
- 7.6.5 The proposed dwellings would be sited beyond to the northwest of the rear garden of No.3 Toms Lane and the dwellings currently under construction at Three Acres. The siting of the dwellings and height above ground level, being set on a lower land level relative to No 3 and the site at Three Acres, would not result in any unacceptable loss of light or harm to the visual amenities of this neighbouring property.
- 7.6.6 In terms of overlooking, the ground floor levels of plots 3-5 would be set below the external pre-existing ground level, with the existing spoil removed, which would be subject to a condition, and therefore would not permit overlooking of the neighbouring properties adjacent to the application site. A distance of over 26m would separate the elevation of the proposed dwelling on plot 1 and flank elevation of No.3, a distance of over 39m would separate the front elevation of plot 4 and a distance of approximately 20m with plot 5 and the nearest elevation of a dwelling on the Three Acres site. As such, it is not considered that the proposed development would result in any unacceptable overlooking of the adjacent site neighbouring properties. Furthermore, due to the land level changes the proposed first floor level would not sit at true first floor level so would not appear unduly prominent as viewed from the neighbouring properties.
- 7.6.7 The Residential Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.
- 7.6.8 Given the separation distances between the proposed dwellings, it is not considered that any harm in term of overlooking would occur with regard to the sunken patios. Furthermore, the patios would be set in from the shared boundaries and the proposed boundary treatments would be subject to a condition. Furthermore, the siting and scale of the proposed Juliet balconies would not permit unacceptable overlooking into the proposed dwellings or curtilages, although the flat roofs would need to be

controlled by condition to prevent their use for amenity purposes. Due to the layout of the proposed dwellings and fenestration details the proposed development would not result in any unacceptable overlooking between the properties, subject to a condition to obscure any first flank window(s).

- 7.6.9 Policy DM9 of the Development Management Policies LDD states that development which 'has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development' will not be supported. The application site is bounded to the west by a railway line, which carries trains on the west coast mainline route. As such the application is supported by a noise and vibration impact assessment. It concluded that it would be feasible to achieve internal noise levels in line with guidelines with double-glazed or triple-glazed windows. Alternative means of cooling may be required; however, it is not recommended that residents should be prevented from opening windows should they wish to do so. Further, it concludes that train-induced vibration would not pose any significant risk of adverse effects on residential amenity. As such no objection is raised in this regard. Therefore, it is not considered that the development would result in any adverse impact on residential amenity.
- 7.6.10 The proposed development would result in a more intensive use of the site resulting in a net increase in vehicular movements. However, it is considered that the proposed redevelopment of the site to accommodate five dwellings would not result in any harm to the neighbouring properties in terms of noise and disturbance. However, it is recommended that a construction management plan is submitted and agreed prior to commencement of the development in the interests of neighbour amenity, which would be secured by condition.
- 7.6.11 Subject to conditions, it is not considered that the proposed development would result in a significant adverse impact on neighbouring dwellings and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.7 Amenity Space

- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
- 7.7.2 Appendix 2 of the Development Management Policies LDD sets out guidance with regard to amenity provision. The Design Criteria stipulates that the following indicative amenity space provision should be provided:
- 4 Bed dwelling - 105 square metres
 - any additional bedrooms - 21 square metres
- 7.7.3 The proposed dwellings would be served by amenity space provisions in excess of the above indicative requirements. The overall size and scale of the amenity space provisions would not appear cramped and would provide acceptable and useable garden areas.

7.8 Access and Parking

- 7.8.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the

Development Management Policies document set out requirements for parking provision.

- 7.8.2 Hertfordshire Highways have been consulted on the proposed altered access and consider it acceptable. A speed survey and proposed visibility splay adjustments including the reprofiling of the existing adjacent bank and removal of highways trees has been considered as acceptable, subject to a section 278 agreement. Given the size of the proposed site, the number of proposed trips is considered to have a negligible impact on the highway network and is considered acceptable, with no reported collisions fronting the site within the last 5 years.
- 7.8.3 Amendments during the course of the application sought to retain as many highways trees as possible, with the remaining Category C trees, which are not considered as ecologically significant, removed.
- 7.8.4 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. These standards identify the following car parking requirements for residential development:
- 4 plus bedroom units - 3 spaces (3 assigned spaces)
- 7.8.5 Three parking spaces would be provided for each unit in accordance with the parking requirements as set out in Appendix 5. The proposed development would therefore meet the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD. It is not considered that the provision of five houses (four additional) on the site would lead to additional parking pressures within the surrounding area. Further two of the proposed dwellings would include garages and they would meet the required size (3m x 6m). It is considered that these garages on plots 1 and 2 would be subject to a condition to ensure their internal conversion is controlled and requires planning permission as their loss would lead to a short fall.
- 7.8.6 In terms of the amended access, the Highway Authority have considered that it would be acceptable with works required off-site within the highway boundary which would be secured by a section 278 agreement with the Highway Authority. Subject to conditions that the proposed vehicular access is completed in accordance with drawing No. 20021wd2.003 and that a Construction Traffic Management Plan is submitted there is no highway objections to the development.
- 7.9 Trees and Landscaping
- 7.9.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features' and Core Strategy Policy CP9 seeks a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.
- 7.9.2 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.9.3 The proposed development would not impact on any protected trees. However, the site contains a number of trees contained within land adjacent to the highway, some

of which are proposed to be retained as part of the proposed development. The submitted plans indicate that 10 unprotected trees, four B grade (moderate quality); six C grade (low quality) trees; and a small amount of low-quality Cypress hedge would need to be removed to facilitate development. The Landscape Officer has been consulted in relation to the proposed development and considers that the tree removals would be mitigated by the proposed planting of 29 standard trees and 200 metres of replacement hedging, which would be subject to a condition to implement and follow the submitted tree protection method statement and remedial landscaping plan.

7.9.4 The submitted information details that the retained trees would be protected and supervised excavations would be used within the root protection area of other particular trees. Based on the information submitted it is considered that the proposed mitigation measures would not result in any harmful impact and the protection and construction methods would serve to protect the existing established trees, which are to be retained.

7.10 Refuse and Recycling

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

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

7.10.2 The plans indicate that each dwelling would be served by a bin store or have dedicated space for bins. Further, due to the length of the access a refuse truck would be required to access the site on collection days. A tracking diagram has been submitted demonstrating that a refuse truck could access and turn within the site to exit in forward gear. Drawing, number 22178/TK08 Rev A, has been provided which shows that a 12m refuse vehicle can enter the site, turn around and leave in a forward gear.

7.11 Sustainability

7.11.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all applications for new residential development of one unit or more to submit an Energy Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.11.2 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.11.3 The Energy Statement submitted with the application confirms that the proposed development would result in a 9.63% carbon dioxide saving which would meet the requirements of Policy DM4 of the Development Management Policies LDD. This would include a high specification thermal envelope minimising heat loss and air source heat pumps.
- 7.12 Biodiversity
- 7.12.1 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.
- 7.12.2 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. Policy DM6 also states that development must conserve, enhance and, where appropriate, restore biodiversity.
- 7.12.3 A biodiversity checklist was submitted with the application this stated that some protected species and biodiversity factors will be affected as a result of the development. As such, an Ecological Appraisal, bat roost assessment, bat survey, red kite survey, badger survey and Biodiversity Matrix Assessment accompanied the submitted application.
- 7.12.4 Herts Ecology were consulted with regards to the above documentation and raised no objection, subject to conditions. This would be in the form of precautionary bat and badger surveys prior to the commencement of the development. This would include the implementation of mitigation measures detailed in the ecological report including the installation of 5 bat boxes and 10 swift boxes. Furthermore, the Ecology Officer recommends further details to be submitted in the form of a Landscape and Ecological Management Plan and Construction Ecological Management Plan, which would be secured by condition.
- 7.12.5 Notwithstanding the above survey's, the submitted information confirms that the development would result in a post development reduction in biodiversity (net loss) which fails to comply with Policy DM6. Given the constraints of the site it is not possible to provide a net gain on site. As such, whilst currently only best practice, the applicant has agreed to securing off-site biodiversity net gain (1%) via a financial contribution applying a Biodiversity Offsetting Contribution Formula which is to be secured by legal agreement.
- 7.12.6 The applicant has agreed a 1% contribution, which therefore would be policy compliant. Any such provision would be legally secured through a S106 agreement and the means by which it is delivered set out in a net gain plan, which would be secured by condition.
- 7.13 Section 106 / Heads of Terms

- 7.13.1 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 an agreed affordable housing off-site contribution and a commitment to provide 1% biodiversity net gain.
- 7.13.2 An agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 would also be required 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.
- 7.14 Other material considerations
- 7.14.1 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental.
- 7.14.2 The development would make a contribution towards housing delivery, with a net increase of four units, making up the shortfall in housing in the district and the future occupiers can assist in supporting local settlements by using nearby amenities. Furthermore, the short term benefits of the construction of four additional dwellings are noted, including the off-site contribution toward affordable housing and off-site biodiversity net gain. With this considered, the LPA consider that the scheme would result in sustainable development, with social, economic and environmental benefits including housing delivery.

8 Recommendation

8.1 That subject to the completion of a Section 106 Agreement securing an off-site affordable housing contribution (index linked from the date of the deed) and an off-site biodiversity net gain financial contribution, that the application be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to the following conditions:

8.2 Conditions

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 20021SU1.300, 20021SU1.301, 20021SU1.103, 20021SU1.104, 20021SU1.302, 20021WD2.003 REV A, 20021WD2.350, 20021WD2.351, 20021WD2.352, 20021WD2.353, 20021WD2.354, 20021WD2.360, 20021WD2.361, 20021WD2.362, 20021WD2.363, 20021WD2.364, 20021WD2.371, 20021WD2.372, 20021WD2.373, 20021WD2.374, 20021WD2.375, 1010_L001 REV F

Reason: For the avoidance of doubt, to protect the character of the area and amenities of neighbouring properties and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3,

DM4, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.
- l. Removal of existing spoil/hardcore

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).

C4 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 No development shall take place (including ground works, vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.

- d. Appropriate management options for achieving aims and objectives (for example but not limited to tree maintenance, native-species hedgerow planting; pond creation, and wildflower and marshy areas; tree-mounted- bat and bird boxes including swift boxes; hedgehog homes and highways through boundary fences; log piles).
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
- g. Management responsibilities.
- h. Ongoing monitoring and remedial measures.
- i. Updated bat survey.
- j. Updated badger survey.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is a pre commencement condition to ensure to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the above ground works to the dwellings hereby permitted the existing dwelling (No.1 Toms Lane) and associated outbuilding shall be demolished.

Reason: To ensure a satisfactory form of development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C7 Prior to the first occupation of the development hereby permitted a hard landscaping scheme, which shall include a specification of all hard landscaping including locations, materials and method of drainage shall be submitted to and approved in writing by the Local Planning Authority.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 The development shall be undertaken in full compliance with the construction methods detailed in the Arboricultural Method Statement prepared by BHA trees Ltd dated 12th April 2023, Tree Protection Plan (03/08/2023).

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 The development shall be undertaken in full compliance with the proposed soft landscaping and Detailed Planting Plan (1010_L001 rev F) forming part of this application. The soft landscaping and tree planting shall be carried out as approved.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner. If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 20021wd2.003 in accordance with details/specifications submitted and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C11 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To 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).

- C12 The parking and turning space shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking and turning space shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C13 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C14 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, biodiversity and the openness of the Green Belt and to meet the requirements of Policies CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C15 Prior to the first occupation of the new dwelling hereby approved a scaled plan indicating the positions, design, materials and type of all boundary treatment to be erected including fencing and gates shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details prior to first occupation of the development hereby approved.

Reason: To safeguard the character of the locality in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C16 Prior to the first occupation of the building hereby permitted, the measures detailed within the submitted Energy Statement shall be incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C17 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

- C18 The garages (both those permitted as integral garages to Plot 1 and Plot 2) serving the residential dwellings hereby permitted, shall be permanently retained for the garaging of private vehicles. No alterations both externally or internally shall be carried out to the garages such as to prevent their use for garaging private vehicles.

Reason: To ensure that on-site car parking provision is maintained in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C19 The flat roof on the single storey rear projections of the dwellings hereby permitted, shall not at any times be used for amenity purposes other than for maintenance purposes.

Reason: To safeguard privacy levels enjoyed by neighbouring properties in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C20 Before the first occupation of the detached dwellings hereby permitted, the first floor windows in the northern elevation of the dwelling on Plot 1 and the northern and southern flank elevation of Plot 2 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.3 **Informatives**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

A) Making a Non-Material Amendment

B) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/egcl-page/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development

Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 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 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.
- 14 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 *It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.*
- 17 *The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.*

- 18 *The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>*

Appendix A

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 64 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :

¹ The National Planning Policy Framework was updated in February 2019 and July 2021 and retains the policies as stated in Paragraph 1.3 of this document.

- a) "...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing."
- e) "In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability."

1.5 The supporting text to Policy CP4 summarises the justification for it:

- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified. Data is as of February 2023

quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes³.
- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

⁴ Includes refused and approved applications. Excludes prior approval developments.

the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"

2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy"

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *"whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this."* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
5	Three Rivers	£325,000.00

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000⁷. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2

⁵ ONS (2022) *Dataset: House price to residence-based earnings ratio Table 6a*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁶ Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

⁷ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6a*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2021)
1	Elmbridge	£445,000
2	St Albans	£425,000
3	Hertsmere	£411,175
4	Windsor and Maidenhead	£402,750
5	Mole Valley	£400,000
6	Epsom and Ewell	£391,000
7	Three Rivers	£385,000

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021⁸, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ⁸ (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
4	Three Rivers	13.77

Table 3.

⁸ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6b*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁹ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹⁰ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

¹¹ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 5c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹² Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers had the fifth worst affordability ratio most expensive local authority area as a local authority in Buckinghamshire ranked higher in median affordability ratio than Three Rivers in 2016 (Chiltern – 14.49).

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.25 in 2021 (see table 4 below). Whilst Three Rivers now maintains the fifth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 0.48), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2021)
1	Hertsmere	14.88
2	Epsom and Ewell	14.82
3	Elmbridge	14.78
4	Mole Valley	14.69
5	Three Rivers	14.25

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021¹³.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

- 2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

Affordable Housing Need - To Rent

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The

¹³ Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹⁴ Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.

- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

- 2.12 Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 512 affordable units per year, equating to approximately 80% of Three Rivers' total local housing need requirement (as calculated by the standard method).

Affordable Housing Provision in Three Rivers

- 2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.14 Since the start of the plan period from 1 April 2001 to 31st March 2022 (the latest date where the most recent completion figures are available), 5,168 gross dwellings were completed. From this, 1,162 were secured as affordable housing, a total of 22.5%. This percentage is significantly below the Core Strategy target of 45% which means there

¹⁵ Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁶ Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁷ Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁸ Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

was a shortfall of a further 1,162 or 22.5% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2022. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:

- Four out of the 22 sites provided viability justification, in line with CP4 policy, for the absence of affordable housing provision. One of the 22 sites was found to have suitable viability justification by the Planning Inspector at an Appeal.
- One of the 22 sites was found to not have appropriately secured affordable housing contributions in breach of CS policy CP4. However there was no agreement between the parties in respect of the viable quantum of affordable housing and the Inspector nevertheless granted planning permission. This is the only appeal decision out of the 32 that have been determined since September 2017 where the Council's position on the relative weight to be afforded Policy CP4(e) was not fully upheld.
- One of the applications completed during the monitoring period 2021/22 which did not contribute towards affordable housing had contributed towards on-site provision during the previous monitoring period 2020/21.
- Five of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
- Of the 10 schemes which did contribute, five made contributions via commuted sums towards off-site provision; all five schemes were minor developments, demonstrating the important role of small sites in collecting financial payments to be spent on affordable housing provision. Of the remaining five schemes which contributed via on-site provision in 2021/22, two were major developments and three were minor developments.

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19

¹⁹ Sites with completions in the monitoring year 2021/22

²⁰ Includes refused and approved applications. Excludes prior approval developments.

(financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.

- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

- 2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£2.9 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£760,000.00 - £2million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

- 2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability

considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2022 there were 255 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (7.1%)²¹. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate.

²¹ See footnote 3.

The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

“...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.”²²

2.25 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority’s application of the policy.

2.26 The Council’s stance has been tested on appeal on numerous occasions (32 decisions as at the date of this document) and the Planning Inspectorate have repeatedly concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019:**
“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”
- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27th June 2019:**
“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”
- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5th August 2019:**
“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”
- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1st November 2019:**
“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.

A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy."

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**

"The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance."

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11th October 2019:**

"The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are

therefore relevant to the scheme before me and as such carry considerable weight.”

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley.**

Decision Date 22nd May 2019:

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

- **APP/P1940/W/19/3219890: 4 Scots Hill, Croxley Green**

Decision Date 5th May 2019:

Whilst the appeal was allowed the Inspector considered that when “having regard to TRDCS Policy CP4 and the Council’s Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. A draft unilateral undertaking was submitted at appeal stage and was agreed by the Council.”

- **APP/1940/W/19/3229274: 101 Durrants Drive, Croxley Green**

Decision Date 16th August 2019:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise... Therefore, I find that the proposal would fail to make appropriate provision for affordable housing and as such, would be contrary to policy CP4 of the CS which seeks to secure such provision, which although does not attract full weight, in light of the evidence provided, attracts significant weight sufficient to outweigh paragraph 63 of the Framework.”

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**

Decision Date 10th December 2019

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of

this case, in this instance the Framework does not outweigh the relevant development plan policy.”

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley Decision Date 9th March 2020**

“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley Decision Date 7th May 2020**

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**

“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”

- **APP/P1940/W/20/3259397 24 Wyatts Road Decision Date 8th February 2021**

“...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework.”

- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green Decision Date 18th February 2021**

“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh

national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”

- **APP/P1940/W/20/3244533 2 Canterbury Way**

Decision Date 4th March 2021

“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**

Decision Date 15th June 2021

“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10th March 2022**

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council’s decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision

for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.”

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**

Decision Date: 16th March 2022

“Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a ‘major’ one for the purposes of paragraph 64 of the Framework.”

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**

Decision Date: 29th April 2022

“The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010.”

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**

Decision Date: 30th August 2022

“I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council’s case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

Decision Date: 23rd September 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

Decision Date: 27th October 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”

Conclusion

- 2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as

a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022 and February 2023 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3219890, 3229274, 3238285, 3229189, 3249107)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)
<http://www.threerivers.gov.uk/egcl-page/core-strategy>
2. Annual Monitoring Report 2020/2021 (December 2021)
<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)
<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>
4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
<https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base>
5. Office of National Statistics Housing Data 2002-21
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhouseprietoresidencebasedearningslowerquartileandmedian>

March 2023











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PLANNING COMMITTEE – 18 January 2024

23/1068/OUT - Outline application: Demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved) at PARCEL OF LAND NORTH OF MANSION HOUSE FARM, BEDMOND ROAD, ABBOTS LANGLEY, HERTFORDSHIRE.

Parish: Abbots Langley

Ward: Abbots Langley & Bedmond

Expiry of Statutory Period: Agreed Extension

Case Officer: Claire Westwood

31.01.2024

Recommendation: That Outline Planning Permission be **REFUSED**.

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee to consider the effect on the Green Belt.

To view all documents forming part of this application please click on the link below:

[23/1068/OUT | Outline application: Demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm \(GEA\) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure \(all matters reserved\). | Parcel Of Land North Of Mansion House Farm Bedmond Road Abbots Langley Hertfordshire \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 23/0566/EIA - EIA screening request: Proposed Data Centre, Country Park and associated works. Determined 17.04.2023. Not EIA development.

2 Description of Application Site

- 2.1 The application site shown on the red line Site Location Plan 20208.901 B is located to the north-east of Abbots Langley and has a site area of approximately 31ha. The site comprises two parcels of land. Parcel 1 adjoins Bedmond Road to its western boundary and the M25 orbital motorway to the north. It is predominantly open land, in agricultural use, although there are some existing structures and areas of hard standing. The site levels are undulating with a general slope down to the north towards the M25 which is at an elevated level to the lower part of the site. To the southern edge of parcel 1 there is a private drive providing access to existing areas of hardstanding and structures associated with existing stables.
- 2.2 Parcel 2 is a field to the east and is separated from parcel 1 by East Lane, a footpath and cycle route running roughly north to south. To the south of parcel 2 lies Coles Farm, East Lane Cemetery and the residential edge of Abbots Langley. Leavesden Country Park extends up to the south west corner of parcel 2.

- 2.3 The site is located entirely within the Metropolitan Green Belt and the Chiltern Landscape Area. The site is within Flood Zone 1 (lowest probability of flooding) and Source Protection Zone 1. There are existing Public Rights of Way (PRoW) running along the north-eastern boundary of parcel 2 and crossing parcel 2.
- 2.4 Abbots Langley Conservation Area is located to the south-west of the site, south of the junctions of Love Lane and Bedmond Road. The application site is not within and does not adjoin the Conservation Area boundary. There are statutory Listed Buildings within proximity of the site (Mansion House Farm II and Tithe Barn II*) in addition to Locally Important Buildings.

3 Description of Proposed Development

- 3.1 Outline planning permission is sought for the 'Demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure'.
- 3.2 The application is in Outline with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved.
- 3.3 What is a Data Centre? The submitted Design and Access Statement states; *"A Data Centre is a facility designed to securely house an organisations digital infrastructure. Simply put, it is a warehouse housing IT and telecom infrastructure in the form of racks of computer servers. The amount of data being generated and that needs to be stored is growing rapidly, driven by the transformation in how people interact, and the role technology plays in personal, government and business activities. The roll out of technologies such as machine learning, artificial intelligence and the Internet of Things is continuing to drive this growth at record levels"*. A 'Hyperscale Data Centre' as proposed is, as described in the Nicol Economics 'Economic Needs and Benefits Report,' typically owned and operated by one company and generally used by large technology companies or major cloud and internet providers for core data storage.
- 3.4 Whilst the application is in Outline, an Illustrative Masterplan has been provided which indicates how the site could be developed. The main built development would be located within parcel 1, with parcel 2 providing the country park. The submitted details indicate the proposed hyperscale data centre capable of 96MW of IT load across two buildings of 20m height (25m including external plant) located within parcel 1. An Education/Training Centre and Substation are indicated to the south of the data centre buildings. The land would be remodeled to create a flat development platform and the buildings would be set within a 'framework of green infrastructure'. Parcel 2 would remain free of built form, providing a Country Park of approximately 21ha.
- 3.5 The submitted details state that whilst in Outline form, considerable thought has been given to design and appearance. The buildings are proposed to have living green walls and green/brown roofs.
- 3.6 In addition to the Illustrative Masterplan a series of Parameter Plans have been provided relating to land use; development zones; building heights; building lines; green infrastructure; and access and movement.
- 3.7 In addition to the illustrative and parameter plans, the application is accompanied by:

- a) Planning Statement (prepared by Pegasus Group) dated June 2023
- b) Design and Access Statement (prepared by Pegasus Group) dated June 2023
- c) Statement of Community Involvement (prepared by Pegasus Group) dated June 2023
- d) Acoustics Assessment (prepared by M-EC Consulting Ltd), dated June 2023
- e) Air Quality Assessment (prepared by Air Quality Consultants Ltd), dated June 2023
- f) Alternative Sites Assessment (prepared by Pegasus Group) dated June 2023
- g) Arboriculture Impact Assessment (prepared by Barton Hyett Associates) dated June 2023
- h) Ecological Impact Assessment, (prepared by Bioscan (UK) Ltd), dated June 2023, including
 - Biodiversity Net Gain Statement and Metric
 - Bird Survey
 - Protected Species Survey
 - Badger Survey
- i) Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023
- j) Energy Statement (prepared by Ensphere Group Ltd), dated June 2023
- k) Flood Risk Assessment and Drainage Strategy (prepared by Delta-Simons Ltd), dated June 2023
- l) Framework Travel Plan (prepared by DTA Transport), dated June 2023
- m) Fuel Storage Report (prepared by Future-tech SCI Ltd), dated May 2023
- n) Heritage Statement (prepared by Pegasus Group), dated June 2023
- o) Landscape and Visual Impact Assessment (prepared by MHP Design), dated June 2023
- p) Lighting Assessment (prepared by M-EC Consulting Ltd), dated June 2023
- q) Minerals Resource Assessment (prepared MEWP Ltd), dated June 2023
- r) Technical and Market Assessment (prepared by FoundDigital DS), dated June 2023
- s) Transport Statement (prepared by DTA Transport), dated June 2023
- t) Waste Management Plan (prepared by Pegasus Group) dated June 2023

3.8 During the post registration application process the following additional documents were submitted by the Applicant.

- A Minerals and Safeguarding Assessment (prepared by mewp) dated 30 June 2023.
- An amended Framework Travel Plan (23127-02B) (prepared by DTA Transport) dated 8 August 2023.
- Further Transport Notes; – National Highways (Transport Notes dated 17 August 2023 and TN ref. SJT/NS 23127-06a dated 8 November 2023) and Hertfordshire County Council as Highways Authority (Transport Note dated 17 August 2023).
- An Addendum Planning Statement (prepared by Pegasus Group) in response to comments from Affinity Water and the Environment Agency accompanied by responses to these consultees' comments.
- Backup Power Solutions for Hyper-Scale Data Centres report (prepared by Future Tech) dated 28 July 2023. The application description was amended at this time to omit reference to diesel storage.
- An amended Landscape and Visual Impact Assessment (LVIA) and Appendices (prepared by MHP Design Ltd) issue V4 dated June 2023.

4 Consultation

4.1 Summary of Consultation Responses

Abbots Langley Parish Council	9.1.1	Objection
Active Travel England	9.1.2	No objection

Affinity Water	9.1.3	No objection
British Pipeline Agency	9.1.4	No comment
Chiltern Society	9.1.5	Objection
CPRE – The Countryside Charity	9.1.6	Objection
Environment Agency	9.1.7	No objection
Environmental Protection	9.1.8	No response received
HCC – Footpath Section	9.1.9	No response received
HCC – Growth & Infrastructure	9.1.10	No objection
HCC – Lead Local Flood Authority	9.1.11	No objection
HCC – Waste & Minerals	9.1.12	No objection
Hertfordshire Archaeology	9.1.13	No objection
Hertfordshire Constabulary Crime Prevention Design Advisor	9.1.14	Advisory comment
Hertfordshire Ecology	9.1.15	No objection
Hertfordshire Fire & Rescue Water Officer	9.1.16	
Hertfordshire Highways	9.1.17	No objection
Herts. and Middlesex Wildlife Trust	9.1.18	Objection
National Grid	9.1.19	No response received
National Highways	9.1.20	No objection
Natural England	9.1.21	No response received
St Albans City & District Council	9.1.22	No objection
Thames Water	9.1.23	No objection
TRDC – Heritage Officer	9.1.24	Objection
TRDC - Environmental Health - Residential	9.1.25	No objection
TRDC – Leisure Department	9.1.26	No objection
TRDC – Local Plans	9.1.27	Objection
TRDC – Tree Officer	9.1.28	No objection
Watford Environmental Health (Commercial)	9.1.29	No objection

4.1.1 All consultation responses referred to in the above table are provided in full within **Appendix 1** at the end of this report.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 98

4.2.2 No of responses received: 63 objections (including where some contributors have made multiple comments).

4.2.3 Site Notice(s): Expired 28.07.2023

Press notice: Expired 28.07.2023

4.2.4 Summary of Responses:

- Inappropriate development in Green Belt; No justification for development in the Green Belt; Urban sprawl; Creeping industrialisation; Undermines Green Belt Policy; No exceptional circumstances; Contrary to NPPF; Does not constitute very special circumstances.
- Rural area of natural beauty; Chiltern Beechwood Special Area of Conservation; Encroachment on open space; Open space important for health and wellbeing.
- Inappropriate location; Disused airfield or warehouse would be more appropriate; This is an area of low rise residential homes; Should be on brownfield site.

- Inadequate justification for need of development; No proper consideration of alternative sites; Search area should have been larger; Multiple applications for other data centres; No benefit for local area.
- Imposing structures; Unsightly; Out of character; Visual and aesthetic degradation; Eyesore; Concrete block.
- Adverse impact on Listed Buildings.
- Environmental impact/risk; adverse impact on footpaths; adverse impact on wildlife; Agricultural land may be low quality, however, wildlife is thriving; Habitat destruction; Tree removal; adverse impact on wildlife corridor; A Country Park is not better for wildlife.
- Insufficient infrastructure unable to cope; Strain on existing resources; Village cannot accommodate this development; Demands on water and electricity.
- Adverse impact of additional traffic; Roads are currently congested.
- Flooding.
- Energy consumption; Unsustainable; Exacerbate carbon footprint; Increased carbon dioxide emissions.
- Adverse impact on residential amenity; Height of up to 20m will be detrimental to neighbours; Intrusive and overbearing; Loss of light; Loss of outlook and views.
- Adverse impact of noise; Monotonous hum will be heard 24 hours a day; Adverse impact on health of neighbouring residents from construction noise and disturbance; loss of quality of life.
- Dust and air pollution; Hazardous materials; Adverse impact on air quality; Light pollution; Water pollution.
- Number of employees negligible in relation to size of building so no real employment benefit; Limited economic benefits; Only benefits developer, not local area.
- Safety and security; Proximity to local school.
- Adverse impacts on property value.

5 Reason for Delay

5.1 Extension of Time agreed to respond to consultee comments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs, in determining relevant planning applications, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs, in determining planning applications affecting listed buildings, 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.

Other relevant legislation includes The Localism Act 2011; The Growth and Infrastructure Act 2013; The Levelling-up and Regeneration Act 2023; 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.

6.2 Policy/Guidance

National Planning Policy Framework 2023 and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF paragraph 225 states 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 paragraph 11 applies a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining an application are out of date permission should be granted unless the application of policies in the Framework that protect areas of particular importance, which include Green Belts, provide clear reasons for refusal or any adverse impacts of a development would ‘significantly and demonstrably’ outweigh its benefits, ‘when assessed against the policies of this Framework taken as a whole.’ Relevant chapters of the Framework include: 2 Achieving sustainable development; 4 Decision-making; 6 Building a strong, competitive economy; 9 Promoting sustainable transport; 10 Supporting high quality communications; 12 Achieving well designed and beautiful places; 13 Protecting Green Belt land; 14 Meeting the challenge of climate change, flooding and coastal change; 15 Conserving and enhancing the natural environment; and 16 Conserving and enhancing the historic environment.

The Three Rivers Local Development Plan:

The application has been considered against the policies of the development plan which comprises the Core Strategy, the Development Management Policies Local Development Document and the Site Allocations Local Development Document. The development plan policies of Three Rivers District Council reflect the generality of 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 PSP2, CP1, CP6, 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 DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12, DM13 and Appendix 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.

Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

6.3 Other relevant planning policy considerations

Abbots Langley Conservation Area Appraisal (2014).

National Planning Practice Guidance including 'Green Belt (2019)'.

Three Rivers District Council and Watford Borough Council Green Belt Review Strategic Analysis (2017).

Stage 2 Green Belt Assessment for Three Rivers District and Watford Borough (2019).

The Government's 'A Green Future: Our 25 Year Plan to Improve the Environment'

7 Planning Analysis

7.1 Outline Nature of Development

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

7.1.2 The illustrative masterplan submitted as part of the application shows how the site could potentially be developed for a Hyperscale Data Centre and a country park, but approval is not sought for these details within the outline application and these are taken into account as indicative only. Therefore while this planning assessment takes account of the indicative details relating to the access, appearance, landscaping, layout and scale of the development indicated, the details of these reserved matters would be assessed at a subsequent stage should outline permission be granted.

7.1.3 A series of Parameter Plans have been provided relating to land use; development zones; building heights; building lines; green infrastructure; and access and movement. It is intended that, in the event that outline planning permission were granted for the proposed development, these Parameter Plans would be referred to in the Decision Notice, ensuring that the guiding principles of the outline proposals were carried forward at reserved matters stage.

7.2 Principle of Development – Existing Use

7.2.1 As set out in the site description above, the land comprising the application site is predominantly greenfield and in agricultural use. The Government's 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out a 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently and includes plans to protect the 'best' agricultural land.

7.2.2 It is understood that the application site comprises Grade 3 Agricultural Land and is therefore 'good to moderate' quality only. Natural England's 'Guide to assessing development proposals on agricultural land' sets out that Local Planning Authorities (LPA's) should consult Natural England where development proposals are likely to cause the loss of 20ha or more of BMV agricultural land; 'BMV' agricultural land being defined as 'the best and most versatile' agricultural land.

7.2.3 The application site agricultural land is 'good to moderate quality', not 'BMV.' Natural England were consulted on the application but did not provide comments. The loss of existing 'good to moderate quality' agricultural land is not, therefore, considered a reason to restrict the development and its loss to the development of parcel 1 would not be contrary to the Development Plan or the NPPF (2023).

7.3 Principle of Development - Green Belt

- 7.3.1 The 31 Ha application site is located within the Metropolitan Green Belt. Policy CP11 of the Core Strategy provides that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. The policy maintains a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies LDD notes that “as set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below.” Relevant to this current application is DM2(a) ‘New Buildings,’ which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.” Whilst the Core Strategy pre-dates the current NPPF, the Development Management Policies LDD was adopted following the publication of the 2012 NPPF. National Green Belt policy has not materially changed between the 2012 NPPF and 2023 NPPF and, on that basis and having regard to the wording of both policies CP11 and DM2, they are considered to generally conform with the NPPF and are, therefore, to carry due weight in the decision making process.
- 7.3.2 The NPPF (2023) at paragraph 142 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 143 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.3.3 NPPF 145 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. This application does not seek to alter Green Belt boundaries. It proposes new built development and a Country Park within the Metropolitan Green Belt.
- 7.3.4 NPPF 154 says that the construction of new buildings in the Green Belt should be regarded as ‘inappropriate’ and NPPF 152 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. And NPPF 153 states:
- “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.3.5 Exceptions to NPPF154 are as follows:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

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

7.3.6 NPPF155 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

Data Centre and Ancillary Works

7.3.7 The application site (parcel 1) is predominantly open land in agricultural use, although there are some existing small scale structures and areas of hard standing. The erection of two Data Centre buildings, Education/Training Centre, Substation and associated works would constitute ‘inappropriate development’ in the Green Belt and would not meet the descriptions of any of the exceptions listed at paragraphs 154 and 155 of the NPPF. Applying NPPF153 and development plan policies CP11 and DM2, therefore, the development of the Hyperscale Data Centre would comprise inappropriate development in the Green Belt that should not be approved except in very special circumstances.

7.3.8 As noted above, NPPF142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their permanence and openness. In relation to openness, the National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) (NPPG) advises that assessing the impact of a development on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that, by way of example, the courts have identified a number of matters which may need to be taken into account in making the assessment. These include but are not limited to:

- *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and*
- *The degree of activity likely to be generated, such as traffic generation.*

7.3.9 The application site is currently open land in the Green Belt and free from any significant physical development. Whilst in outline, the indicative scale and amount of development

would result in the construction and operation of two substantial data centre buildings with a total GEA of up to 84,000sqm and height of up to 20m (25m including external flues) in addition to the Education/Training Centre and associated infrastructure including the substation, access road and parking within parcel 1. The indicative details also suggest substantial excavation and engineering works to facilitate the construction. The development would thereby introduce substantial permanent built development within the openness of the Green Belt and there would also be a significant increase in the degree of associated activity on the site. Whilst parcel 2, where the Country Park is proposed, would remain largely undeveloped, this would not lessen the adverse impact on openness of the proposed permanent built development on parcel 1.

- 7.3.10 As regards visual impact, there is existing vegetation to the southern and eastern boundaries of parcel 1 which provides a degree of screening, specifically in the summer months, however there are some opportunities for views from the east and there is limited screening currently to the west and north where parcel 1 adjoins Bedmond Road and the M25 respectively. Whilst the Bedmond Road and M25 contain the site, there are clear public views of the site from both roads; in particular from the M25 and from Bedmond Road to the north as you travel south towards the site and cross the M25 bridge. The substantial reduction and loss in spatial openness would be visually evident from a number of surrounding viewpoints. In addition, due to the siting and footprint of the two main buildings, there would be limited curtailed views through parcel 1, either north to south or west to east. The provision of parking areas and landscaping to the site perimeters (intended to mitigate the visual impact) would also contribute to the perceived loss of openness.
- 7.3.11 The proposed development on parcel 1 would, therefore, result in significant harm to the Green Belt by loss of openness in both spatial and visual terms.
- 7.3.12 Turning to the purposes of the Green Belt, the Three Rivers District Council and Watford Borough Council Green Belt Review Strategic Analysis (Stage 1 – 2017) conducted a strategic review of the purposes served by the Metropolitan Green Belt in Hertfordshire including a review of its role with respect to the five purposes in NPPF143. The application site is included within a parcel of Green Belt land designed at 'N12' (land to the east of Abbots Langley, bordered by Bedmond Road to the west, the M25 to the north, Woodside Road/Chequers Lane/a hedge line to the south and east). The Review concluded that N12 made a 'significant contribution' to the purposes of the Green Belt including 'preventing sprawl and encroachment.' While it is acknowledged that the designated area 'N12' embraces a wider area of land than parcel 1 of the application site, it's the Review's findings, in respect of the prevention of urban sprawl and encroachment, are considered applicable to the application site and the contribution it makes in protecting the openness of the Green Belt at Abbots Langley.
- 7.3.13 The Stage 2 Green Belt Study (2019) considered the effect of releasing Green Belt land for development purposes. Part of the application site (parcel 1) is included within parcel AL3. The eastern part of the application site (parcel 2 field) is not within the reviewed area. The Stage 2 Study found that parcel AL3 made a relatively significant contribution to the purposes of checking the unrestricted sprawl of large built up areas and in assisting in safeguarding the countryside from encroachment. However, it considered its impact in preventing neighbouring towns from merging into one another as being relatively limited. The overall harm to the Green Belt of releasing the land was found to be moderate / high. It is acknowledged that the designated area 'parcel AL3' is a larger area of land than parcel 1 of the application site, however, the Study's findings are considered relevant to the assessment of the loss of the openness of the site to the proposed development and serve to reinforce the current role it plays in protecting the openness of the Green Belt at Abbots Langley.
- 7.3.14 The applicant's Planning Statement contends that the impact of the Hyperscale Data Centre on openness in visual terms would be limited; and that, in relation to checking the unrestricted sprawl of built up areas, there would be only limited harm tempered by the

containment of the site and the layout of the scheme; and that, there would be limited Green Belt harm in terms of physical encroachment on the countryside by reason of the urban fringe location of the application site and the severance of the site from the wider countryside by the M25. Whilst it is noted that the M25 is a containing feature to the north, the application site contains the built edge of Abbots Langley preventing urban sprawl north-eastwards and it is considered that the parcel 1 site plays a significant role in checking the unrestricted sprawl of the built up area in both spatial and visual terms.

- 7.3.15 The Planning Statement says there would be no harm caused to the purpose of preventing towns merging and it is acknowledged that The Stage 2 Green Belt Study (2019) found that parcel AL3 made only a relatively limited contribution in this regard.
- 7.3.16 As noted, the Planning Statement contends that in relation to assisting in safeguarding the countryside from encroachment, there would be only limited harm. However, it is considered that parcel 1 of the site as part of the openness of the Green Belt at Abbots Langley, prevents the incremental development of the open countryside and, in so doing, plays a significant role in assisting in safeguarding the countryside from encroachment.
- 7.3.17 It is accepted that the application site does not contribute to the setting and special character of an historic town and that the proposed development would not undermine urban regeneration.
- 7.3.18 In summary, it is considered that the proposed development of the Hyperscale Data Centre on parcel 1 of the application site would constitute 'urban sprawl' (NPPF142) and would conflict with two of the purposes of including land within the Green Belt; it would fail to prevent unrestricted sprawl (purpose a)) and would not safeguard the countryside from encroachment (purpose c)).
- 7.3.19 In summary, the proposed development of parcel 1 would result in a permanent loss of openness within the Green Belt and would conflict with two of the five purposes of including land within the Green Belt. The harm by reason of the loss of openness and conflict with the purposes of including land within the Green Belt, adds to the harm by reason of inappropriateness identified above. In accordance with paragraph 153 of the NPPF substantial weight is required to be given to this harm to the purposes of the Metropolitan Green Belt that would be caused by the proposed development.

Country Park

- 7.3.20 Paragraph 155 of the NPPF states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it". One of these exceptions is e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 7.3.21 The application includes the provision of an approximately 21ha Country Park (parcel 2). No built development is proposed. The 'Indicative Green Infrastructure – Parameter Plan' shows a publicly accessible area comprising species rich neutral grassland; additional buffer planting; attenuation and wetland basin; and ecological benefits.
- 7.3.22 It is considered that the proposed Country Park with ecological enhancements and public recreational use would preserve openness and would not conflict with the purposes of including land within the Green Belt.

Green Belt Summary

- 7.3.23 It is considered that the proposed material change of use of parcel 2 from agricultural land to a Country Park for public recreational use would constitute appropriate development

within the Green Belt as it would comply with NPPF155e, and would not conflict with any of the proposes of including land within the Green Belt.

- 7.3.24 The proposed development of parcel 1 for the Hyperscale Data Centre would result in urban sprawl comprising a permanent loss of openness within the Green Belt and would conflict with two of the five purposes of including land within the Green Belt. The harm by reason of the loss of openness and caused to the purposes of including land within the Green Belt, is in addition to the definitional harm by reason of the inappropriateness of the construction of the data centre buildings and associated development.
- 7.3.25 Overall, therefore, the development would constitute inappropriate development within the Green Belt and would also result in significant permanent harm to the openness of the Green Belt. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposed development, is clearly outweighed by other considerations.

7.4 Any other harm

- 7.4.1 The following sections assess whether there would be any other harm associated with the development in addition to its inappropriateness and adverse impact on the openness of the Green Belt.

7.5 Principle of Development – Employment

- 7.5.1 Place Shaping Policy 2 (PSP2) of the Core Strategy requires that development in the Key Centres in the settlement hierarchy, including Abbots Langley, will;

a) Focus future development predominantly on sites within the urban area, on previously developed land
c) Maintain and enhance employment opportunities in the Key Centre...

- 7.5.2 Policy CP6 of the Core Strategy states that the Council will support development proposals that, amongst other considerations, sustain parts of the District as attractive areas for business location. Policy CP6 also states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the District.

- 7.5.3 The application site is an undeveloped greenfield site in countryside in the Green Belt and is not therefore a location where Council planning policy would normally permit new employment development. That said, it is acknowledged that the NPPF (2023) at paragraph 85 states that; *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”* And NPPF 86 and 87 recognise the need to address the specific locational requirements of different sectors including *“making provision for clusters or networks of knowledge and data driven creative or high technology industries...”*

- 7.5.4 The application is accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023. The report concludes that the fully completed development would support a significant number of well paid jobs in Hertfordshire that would be accessible to the residents of Three Rivers and surrounding districts. The Planning Statement notes that whilst the number of staff and types of jobs on site would depend on the precise form of the data centre and operator, whilst highly

automated, data centres do still require significant numbers of on-site staff to ensure that they remain operational. The Economic Benefits and Needs Assessment Report concludes that; *“A mid-range, cautious estimate is that the completed development would support 201 FTE jobs, a wage bill of around £10 to £11 million and annual direct GVA of some £100 million”*.

7.5.5 As such, whilst conflict is identified with elements of Policies PSP2 and CP6 of the Core Strategy, in particular with respect to locational criteria, it is acknowledged that this needs to be balanced against the expected employment opportunities and economic output associated with the proposed development of the Hyperscale Data Centre on parcel 1 of the application site.

7.6 Character and Appearance (including impact on the Landscape)

7.6.1 Paragraph 131 of the NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”

7.6.2 Paragraph 135 of the NPPF states amongst other things that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

7.6.3 Paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes: and/or (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

7.6.4 Policy CP1 of the Core Strategy states, amongst other things, that:

“All development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to:

n) Promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour”

Whilst this criterion talks about buildings and public spaces it stresses the importance of design quality and local distinctiveness.

7.6.5 In accordance with the requirements of Policy CP12 of the Core Strategy development should, amongst other things:

“a) Have regard to the local context and conserve or enhance the character, amenities and quality of an area.

d) Make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials”.

Character

7.6.6 As set out in Section 1 above, parcel 1 of the application site adjoins Bedmond Road to its western boundary and the M25 orbital motorway to the north. It is predominantly open land in agricultural use, although there are some existing structures and areas of hard standing. The site levels are undulating with a general slope down to the north towards the M25. Along the southern edge of parcel 1 there is a private drive providing access to existing areas of hardstanding and structures associated with existing stables. Parcel 2 is a field to the east separated from parcel 1 by East Lane, a footpath and cycle route running roughly north to south. To the south of field parcel 2 lies Coles Farm, East Lane Cemetery and the residential edge of Abbots Langley. Leavesden Country Park extends up to the south west corner of parcel 2.

7.6.7 Whilst the application is in Outline with all matters reserved, a series of Parameter Plans have been provided relating to: land use; development zones; building heights; building lines; green infrastructure; and access and movement. The development zones and building lines Parameter Plans indicate the siting and footprint of the development and the building heights Parameters Plan indicates that the data centre buildings would be up to 20m in height (25m including external plant). Whilst the details of reserved matters are not provided at this stage, it is clear that the development would be of substantial scale in terms of height, bulk and footprint with the two main buildings occupying a significant portion of parcel 1.

7.6.8 The site is currently largely open and rural in character. This is experienced from Bedmond Road to the west, the M25 orbital motorway to the north and from the existing Public Rights of Way (ProW) running along the north-eastern boundary of parcel 2 and crossing parcel 2. It is considered that the scale of the buildings proposed at 20m in height (25m with the external flues) and covering 84,000sqm GEA, would result in a significant intrusion of massive built development into the existing open rural character of the site and area and wholly at odds with the existing domestic scale of development in the locality and along Bedmond Road which is of a significantly smaller scale. The development would be viewed as prominent and obtrusive in its context from a number of public vantage points. The proposed landscaping and green walls could provide some mitigation of the harm caused to the existing character of the area, albeit the landscaping would take time to establish and would be of lesser benefit outside of the spring/summer months. Whilst it is acknowledged that the landscaping and green walls could provide some such mitigation by partial screening of the harmful impact of the proposed development on the local character of the area, it would not be such as to constitute the development sympathetic to that local character to any acceptable degree.

7.6.9 Policy CP12 of the Core Strategy requires that development should have regard to the local context and conserve or enhance the character, amenities and quality of an area. Whilst it

notes that development should make efficient use of land, this should be whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials. It is not considered that the scale, height and massing of the development proposed has regard to or is sympathetic to its local context or that it would respect the distinctiveness of the surrounding locality. It is considered that the development would not preserve or enhance but would cause significant harm to the character and appearance of the site and the local area in conflict with policy CP12.

- 7.6.10 The development would similarly fail to comply with NPPF 135 which requires that development should add to the overall quality of the area and be sympathetic to local character including the surrounding built environment and landscape setting.

Landscape

- 7.6.11 The application site is located wholly within the Chilterns Landscape Region and is a valued landscape. Policy DM7 of the Development Management Policies LDD relates to 'Landscape Character' and advises at (b) that; *'In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission'*.
- 7.6.12 The NPPF 180 advises that planning policies and decisions should contribute to an enhance the natural and local environment by (a) protecting and enhancing valued landscapes and (b) recognising the intrinsic character and beauty of the countryside.
- 7.6.13 The application was accompanied by a Landscape and Visual Impact Assessment (LVIA), prepared by MHP Design (June 2023). The submitted LVIA was reviewed by Stephenson Halliday on behalf of the Local Planning Authority (LPA). The LPAs review concluded that the LVIA did not fully consider the extent to which the development will be visible. The representative viewpoints in the LVIA are focused on views within the immediate vicinity of the site whereas a broader consideration of the likely effects on landscape is considered necessary to fully determine the impact of the development. The LPAs review also noted that given the semi-rural location and the difficulty in confirming the extent of visibility, wirelines (not provided) would have been an appropriate assessment tool for more distant views. Full year 1 and year 15 visually verified montages (not provided) would have been appropriate for views within close proximity of the site to test the proposed mitigation measures and the effect of any cut and fill to accommodate the building plateau.
- 7.6.14 The effects of the proposed development on the semi-rural character of the study area and on the visual amenity of receptors with likely visibility towards the development are a matter for careful consideration. Whilst the submitted LVIA does acknowledge many of these likely effects, the Stephenson Halliday review considered that the prominence of the site from certain locations warranted further detailed analysis of the potential visibility and the production of visual aids from an agreed set of viewpoints to test the impact of the development on landscape definitively. Without these it is difficult to fully understand and illustrate the extent to which the development will harm the surrounding environment in landscape and visual terms.
- 7.6.15 In response to the LPA's review, an amended Landscape and Visual Impact Assessment and Appendices (prepared by MHP Design Ltd) issue V4 dated June 2023 was submitted during the processing of the application. This concludes that, overall, the significance of the effect on landscape character is assessed to be moderate adverse with the introduction of the new data centre structures and associated built form on parcel 1. Landscape effects are considered to be contained to the site and immediately surrounding context, with more limited effects on the wider landscape. The proposals afford opportunities for moderate beneficial enhancement to the eastern portion of the site parcel 2 with the establishment of the Country Park. The amended LVIA V4 says that the proposed mitigation would assist

with reducing both the adverse landscape and visual effects of the development. It concludes that the harm arising from the development proposals is limited and localised.

- 7.6.16 The amended LVIA V4 was reviewed by Stephenson Halliday (SH) for the LPA. In summary, SH note that the revised LVIA does provide more detailed analysis, however, they consider that some questions remain outstanding regarding the assessed level of visibility from the surrounding landscape and the accuracy of the ZTV (Zone of Theoretical Visibility).

Character/Landscape – Conclusion

- 7.6.17 In conclusion, the proposed development by virtue of its scale, height and massing would fail to conserve or enhance the character or the distinctiveness of the surrounding area and would therefore result in demonstrable harm to, the character, appearance and landscape of the area, contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM7 of the Development Management Policies and the NPPF: sections 12, 13 and 15.

7.7 Heritage

- 7.7.1 There are no designated Heritage Assets within the application site. Abbots Langley Conservation Area is located approximately 180m to the south-west of the site, south of the junctions of Love Lane and Bedmond Road. The Grade II* Listed Tithe Barn is approximately 95m to the west and the Grade II Mansion House Farm is approximately 115m to the south of parcel 1.

- 7.7.2 Paragraphs 205 and 206 of the NPPF state that:

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

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

- 7.7.3 Paragraph 208 of the NPPF states that:

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

- 7.7.4 Paragraph 209 of the NPPF advises that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

- 7.7.5 Policy DM3 of the Development Management Policies LDD states that the Council will preserve the District’s Listed Buildings and that “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.” Policy DM3 advises that development should not affect the setting of an adjacent Conservation Area or views into or out of.

- 7.7.6 The application is accompanied by a Heritage Statement (P19-2063 dated 22 June 2023).

Archaeological Significance

- 7.7.7 The submitted Heritage Statement has been reviewed by the Historic Environment Advisor. They note that there are no heritage assets of archaeological or historic interest relating to the site recorded on the County Historic Environment Record, although few archaeological investigations have been carried out in the area. The closest investigation was carried out in 2010 during the widening of the M25, and did reveal six prehistoric pits that had been used as small ovens or hearths [to the north-east, Historic Environment Record 31525], and a series of small later prehistoric pits and hollows, some used as hearths, and a possibly Late Iron Age ditch [to the west, HER 31523, 31524].
- 7.7.8 The Historic Environment Advisor also considers that the site is in a topographically suitable location for settlement, particularly that of prehistoric and Roman date. Cartographic evidence indicates that in the later post-medieval period it was agricultural land, and the current use of the site is for grassland and arable. This relative lack of disturbance in recent centuries means that the site may retain significant archaeological potential.
- 7.7.9 The creation of the Hyperscale Data Centre will likely have substantial below ground impacts, since it involves considerable landscaping, and ground reduction. The impact of the creation of the proposed Country Park will be less, but it appears the scheme will include preparatory works to convert the land from agriculture to grassland, the creation of a 'wetland mosaic' and a new 'wet pond', and tree planting, among other elements. The Historic Environment Advisor considers that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and they therefore recommend that appropriate planning conditions be included in the event of a grant of consent. The conditions are considered both reasonable and necessary to provide properly for the likely archaeological implications of the development proposals.

Conservation Area and Listed Buildings

- 7.7.10 The submitted Heritage Statement concludes that the development would result in less than substantial harm to the heritage significance of the Grade II* Listed Tithe Barne via a change of setting and less than substantial harm to the heritage significance of the Grade II Listed Mansion House Farmhouse, designated heritage assets. It concludes that there would be minor harm to the heritage significance of non-designated heritage assets (Ovaltine Dairy Farm Buildings) resulting from a change in their setting.
- 7.7.11 The Council's Heritage Officer has reviewed the submitted details. They consider that the application site is located in the setting of the following heritage assets:
- Tithe Barn, 20 metres northeast of Parsonage Farm, Grade II*, (list entry: 1100908)
 - Mansion Farmhouse, Grade II, (list entry: 1348213)
 - Ovaltine Dairy Farm Cottages (non-designated heritage asset)
 - Antoinette Court (non-designated heritage asset)
- 7.7.12 They note that the application site is a historically undeveloped field which positively contributes to the significance of the above heritage assets. Views of the agrarian landscape from the heritage assets, and from the agrarian landscape back towards the heritage assets, permit an understanding of their historic context and function. They consider that the proposal would result in the fundamental alteration to the land use and character and that the proposal would alter the assets physical surroundings as well the way in which they are experienced.
- 7.7.13 The Heritage Officer therefore considered that there would be 'less than substantial' harm to these designated heritage assets. They acknowledge that the level of harm to the Tithe Barn would be low due to the distance and that the harm to Mansion Farmhouse would be the lowest level, due to the greater distance and intervening development. With regard to

the non-designated heritage assets, paragraph 209 of the NPPF is relevant. The level of harm to Ovaltine Dairy Farm Cottages would be medium due to the proximity of application site to the asset and fundamental change to the landscape. The harm to Antoinette Court would be low due to the greater distance and existing tree/hedge screening.

7.7.14 In summary, the proposed development would result in less than substantial harm to designated heritage assets (Mansion House Farm and Tithe Barn) which must be weighed against the public benefits of the scheme. The proposed development would also result in medium and low harm to Ovaltine Dairy Farm Cottages and Antoinette Court respectively, which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

7.7.15 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Turning to the three strands identified in the NPPF:

Economic Benefits

7.7.16 The application is accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023. 'Key messages' from the report are summarised at paragraph 1.6 including:

- There is strong and increasing support for the role of data centres and data infrastructure in government policy.
- The share of data held in data centres is growing rapidly meaning the need for data centre capacity is growing.
- There is a major shift away from traditional enterprise data centres (serving one business) to colocation and hyperscale centres.
- There are several reasons why it is important that data centres are physically located in the UK for the benefit of the economy.
- Critical location drivers for hyperscale data centres include size of site, reliable power supply, access to fibre connectivity.
- Proximity to other data clusters in the event of any failure at the data centre in an 'Availability Zone' (AZ).
- The Hemel Hempstead AZ plays an important role.
- Abbots Langley is an excellent location for a hyperscale data centre due to proximity to existing hyperscale data centres including the Hemel Hempstead AZ.

7.7.17 The report identifies a number of dis-benefits that, it is said, would arise should the proposed development not go ahead and concludes that the fully completed hyperscale data centre would support a significant number of well paid jobs in Hertfordshire that would be accessible to the residents of Three Rivers and surrounding districts. The report concludes that; *"A mid-range, cautious estimate is that the completed development would support 210 FTE jobs, a wage bill of around £10 to £11 million and annual direct GVA of some £100 million"*. There would therefore be clear economic and other related benefits as a result of the proposed development.

Social Benefits

- 7.7.18 The development would create jobs, whether temporary (construction) or permanent. The use of data is embedded into our lives, with society relying on 'data' and therefore these types of developments. There would therefore be social benefits as a result of the proposed development.

Environmental Benefits

- 7.7.19 The Planning Statement sets out that the application proposals can make significant contributions towards addressing climate change both directly and indirectly. The application also proposes the creation of a new Country Park, with landscape and biodiversity enhancements which would present as environmental benefits.

Public Benefit – Conclusion

- 7.7.20 In summary, there are considered to be significant public benefits associated with the proposed development including benefits that would outweigh the less than substantial harm to heritage assets identified above.

7.8 Highways and Access

- 7.8.1 Paragraph 114 of the NPPF advises that;

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

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

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

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 7.8.2 Paragraph 115 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

- 7.8.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 117 of the NPPF).

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

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

i) It provides a safe and adequate means of access

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

7.8.6 The application is in outline with all matters, including 'access' reserved for future consideration. However, the application was accompanied by a Framework Travel Plan and Transport Statement. During the processing of the application in response to comments from National Highways (NH), HCC as Highways Authority (HCCHA) and Active Travel England (ATE), additional information was provided in the form of an amended Framework Travel Plan (23127-02B), an updated Transport Technical Notes for National Highways (Transport Notes dated 17 August 2023 and TN ref. SJT/NS 23127-06a dated 8 November 2023) and Hertfordshire County Council as Highways Authority (Transport Note dated 17 August 2023).

7.8.7 In summary, following review of the amended details, NH, HCCHA and ATE have now confirmed that they raise no objection to the proposed development subject to a number of conditions, and in the case of HCCHA, the completion of a S106 Agreement to secure necessary infrastructure contributions. The conclusions of NH, HCCHA and ATE are discussed below.

National Highways (NH) & Strategic Road Network (SRN)

7.8.8 NH are the Highway Authority for the strategic road network (SRN), a critical national asset which is managed in the public interest. The SRN in the vicinity of the proposed development is the M1 and M25.

7.8.9 **Trip Generation:** NH raised initial queries regarding trip generation and as a result the AM peak hour was extended to include 8.00 – 9.00 and 9.00 – 10.00 periods, with the traffic generation uplifted by 9% to reflect single occupancy vehicles. NH consider the approach and trip generation calculated to be acceptable.

7.8.10 **Trip Distribution:** NH note that Census Journey to Work data has been employed to assign trips onto the local and surrounding highway network and consider this approach acceptable. The updated Transport Note notes that the maximum number of two-way vehicle trips per hour in the extended AM peak (06.00 – 10.00) and PM peak (17.00 – 18.00) is 7 trips.

7.8.11 **Conclusion:** Having regard to the likely trip generation and distribution, NH consider that the impact of the proposed development on the SRN is likely to be insignificant. NH conclude that they are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity and therefore raise no objection subject to conditions (set out in full at 9.1.20.4 below).

HCC Highway Authority (HCCHA) & Local Road Network

7.8.12 HCCHA note that currently for the most part the footway adjacent to Bedmond Road runs adjacent to the western side of the road whereas the proposed data centre development is located on the eastern side of Bedmond Road. HCCHA note that whilst the applicant has offered to provide a footway on the eastern side of Bedmond Road towards Notley Close, it is clear from their speed survey (15 November 2022) that the 30mph speed limit on Bedmond Road is not adhered to with 85th percentile vehicle speeds of 41.0mph north bound and 38.5mph southbound. As such crossing to/from the corresponding northbound bus stop on the western side of Bedmond Road would be dangerous.

- 7.8.13 HCCHA note that the proposed eastern footway to Notley Close does not present an attractive route for pedestrians to a southbound bus stop as it involves walking circa 115m south from the site access to an uncontrolled crossing of Bedmond Road to its western side, then walking a further 200m south to an uncontrolled 'zebra' crossing of Bedmond Road back to its eastern side and finally walking another 85m south to the bus stop. With crossing the Bedmond Road site twice this route would not be within the recommended 5 minutes threshold.
- 7.8.14 Therefore, HCCHA considers that the development must provide a signalised pedestrian/cycle crossing of Bedmond Road to make this safer and start to unlock the site sustainably. Furthermore, HCCHA consider it feasible to do so and consider that the crossing could be integrated into a signalised junction which would control vehicle speeds on Bedmond Road.
- 7.8.15 HCCHA consider the proposed country park itself to be a destination and therefore they consider that cycle parking within the park and suitable cycle access to the park via the conversion of the Public Right of Way (PROW) 029 to a surfaced bridleway is required.
- 7.8.16 Kings Langley rail station is circa 2km from the site, however, it is over 2km walk by unpaved routes and nearly 3km cycle by paved routes (Bedmond Road, Gallow Hill Lane and Station Road). Whilst HCCHA consider this a cyclable distance, it is by roads identified in the emerging Three Rivers District Council (TRDC) Local Cycling and Walking Improvement Plan (LCWIP), and as such HCCHA consider that improvement to these routes needs to be funded in order to make them an attractive and realistic alternative to the private car.
- 7.8.17 HCCHA therefore recommend that any grant of approval is subject to the completion of a S106 Agreement to secure a sustainable transport contribution of £105,500. The applicant has confirmed their agreement to this developer contribution.
- 7.8.18 As noted above, a Framework Travel Plan was submitted with the application and has been updated during consideration of the application. Whilst HCCHA consider the Travel Plan to be sufficient for this stage in the planning process, once in place they would expect more detail regarding the measures to reduce the impact of deliveries/fleet vehicles and also to develop specific measures for the training centre (as this may have different travel patterns). HCCHA consider that this can be dealt with by planning conditions. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full Travel Plan including any engagement that may be needed
- 7.8.19 A condition requiring a Construction Traffic Management Plan (CTMP) would also be required. This is necessary to help developers minimise construction impacts and should relate to all construction activity both on and off site that impacts on the wider environment.
- 7.8.20 Conclusion: HCCHA does not seek to restrict the grant of permission subject to a number of planning conditions relating to provision of scale plans/written specifications; completion of the approved works; surface water disposal arrangements; cycle parking details, Rights of Way upgrade details; Construction Management Plan and Travel Plan (as set out in full at 9.1.16.2) and subject to a S106 Agreement to secure a sustainable transport contribution of £105,500.

Active Travel England (ATE)

- 7.8.21 ATE became a statutory consultee on relevant applications on 1 June 2023. As a statutory consultee, Active Travel England will help planning authorities implement good walking, wheeling and cycling infrastructure.

7.8.22 ATE note that the applicant has supplied new information in response to the comments made by ATE in conjunction with responses on transport matters by HCCHA and NH. The new submitted details indicate:

1. The footway to the east side Bedmond Road will be extended to the access to enable a safe walking distance to the bus stop (450m to the south);
2. Following discussions with the LHA, the developer now agrees to pay £105,500 towards LCWIP objectives to enhance the connectivity by cycle to the nearest rail station to the north west of the site, reducing distances to 2.5km;
3. The new controlled priority junction has been sought by the LHA, which can be secured via reserved matters or condition to ensure deliverability. This will resolve the loss of an existing traffic calming feature.

7.8.23 The applicant has also clarified that the country park would be an extension to the existing Leavesden Country Park which is already open and in use by the local community. However this is a significant increase in parkland as described in the planning statement: "... a new publicly accessible Country Park (circa 21ha) that will form an extension to Leavesden Country Park." It is argued that this significant expansion will draw more visitors to the site and thus active travel to the new routes and the interconnections to the established active travel routes are crucially important.

7.8.24 Conclusion: ATE conclude that should the LPA be minded to approve the application, ATE recommends that the contribution sought by HCCHA is secured and that planning conditions are used to secure: Details of cycle parking; Details of walking and cycling infrastructure; Details of improved junctions; Details of pedestrian and cycle access points; a full Workplace Travel Plan; and access and maintenance arrangements.

7.8.25 The LPA notes that there is some crossover between conditions suggested by HCCHA and ATE and that in the event of a grant of consent it would be necessary to review these to avoid unnecessary duplication.

7.9 Parking

7.9.1 Parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). Appendix 5 requires for B8 uses, which it describes as 'wholesale distribution, builders merchants, storage', 1 car parking space per 75sqm and 1 lorry space per 200sqm. On the basis of 84,000sqm of B8 development, this would equate to 1,120 car parking spaces or between 840 – 1,120 when applying a zonal reduction. The site being within zone 4 where 75 – 100% of the car parking requirement may be appropriate.

7.9.2 The submitted Transport Statement notes that as the application is in Outline with all matters reserved, detailed calculations for car and cycle parking have not been undertaken. However, it continues that car parking for the site will be based on expected employee demand, having regard to shift patterns. This approach is considered acceptable as it is not expected that the proposed Data Centre use would generate the same demand for parking as a traditional B8 use.

7.9.3 It is considered that sufficient space exists within the site to provide an appropriate level of parking for the proposed use and the details of this would be secured at Reserved Matters stage.

7.9.4 Given that it is acknowledged that the proposed use may generate less parking demand than more traditional B8 uses it is considered appropriate that, in the event of a grant of planning permission, a condition be attached which requires the buildings to be used as a data centre only. This means that an application for planning permission would be required for any alternative use of the site (including other B8 use) enabling the LPA to consider the impact of that particular use in terms of parking (and other material considerations).

7.10 Flood Risk and Drainage

7.10.1 The site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year. However, as the site area is over 1 hectare a Flood Risk Assessment is required.

7.10.2 Paragraph 165 of the NPPF states that;

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.10.3 Paragraph 180 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

7.10.4 Policy CP1 of the Core Strategy recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District.

7.10.5 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 through flood resistant design.

7.10.6 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). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

7.10.7 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (prepared by Delta-Simons Ltd), dated June 2023. This report concludes that the proposed development is at a Negligible to Low risk of flooding. It notes that there will be an increase in surface water run-off due to the introduction of buildings/hard surfaces, however, this can be mitigated by appropriate attenuation being provided on site.

Sustainable Drainage

7.10.8 The Lead Local Flood Authority (LLFA) has reviewed the submitted details and has advised that they have no objection subject to conditions.

7.10.9 Thames Water (TW) recognise this catchment is subject to high infiltration flows during certain groundwater conditions. They consider that the scale of the proposed development doesn't materially affect the sewer network and as such have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. TW note that the application indicates that surface water will not be discharged to the public network and as such TW has no objection.

7.10.10 An acceptable surface water drainage assessment has been submitted and it has been demonstrated that surface water run-off can be adequately handled within the application site, and that the development will not result in flooding of adjacent properties or within the site itself. As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy and Policy DM8 of the Development Management Policies LDD in this regard.

7.11 Contaminated Land/Groundwater

7.11.1 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

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

7.11.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that;

“The Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.”

7.11.3 The Environmental and Protection Officer (EPO) notes that historical mapping indicates that the site where the buildings are to be constructed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, no changes are shown on the subsequent available maps. Historical mapping indicates that the site where the country park is proposed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, a cemetery, mortuary chapel, gasometer and gas works are shown offsite, a sewage pumping station is shown on the map published in 1925, a sewage tank is shown on site on the map published in 1926, no changes are shown on the subsequent available maps,

7.11.4 The site where the buildings are to be constructed has not been identified as having had a previous potentially contaminative use. Part of the site is currently occupied by a stables. A site to the west of the site has been identified as having been used for food processing. The site where the country park is proposed has been identified as having a previous potentially contaminative use. Part of the site has been identified as having been used as a sewage works or sewage farm.

7.11.5 A number of sites to the south of the site have been identified as having had a previous potentially contaminative use. The following uses have been identified: cemetery or graveyard, heap - unknown constituents, sewage works and sewage farms, gas works, coke works, coal carbonisation plants.

7.11.6 The EPO notes that the proposed development will not have a sensitive end use. The main use of the site appears to have been agricultural (likely arable crops) and there was a small sewage tank on site. These uses are unlikely to have impacted the site significantly. As such the EPO raises no objections but suggests an appropriately worded condition be attached to any grant of consent requiring unexpected contamination encountered during the development to be reported to the LPA.

Ground Water

7.11.7 The site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Affinity Water Pumping Stations (BRIC & NETH). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

7.11.8 AW initially objected to the application, however, an Addendum Planning Statement (prepared by Pegasus Group) was submitted in response to comments from Affinity Water

(and the Environment Agency) and was accompanied by responses to these consultees comments. The application description was also amended at this time to omit reference to diesel storage.

- 7.11.9 Following receipt of amended/additional information, AW have removed their objection subject to a number of planning conditions including: Ground Investigation Plan; Remediation Strategy; Foundations Method Statement; Piling Risk Assessment; and Monitoring Plan.
- 7.11.10 In relation to surface water drainage, AW note that this 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 that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere. A condition is suggested.
- 7.11.11 With regards to the alternative fuel supply for the back-up generator, AW note that reference to diesel has been omitted. They comment that they would have concerns with alternatives alongside any other chemical storage associated with the development and therefore request a Substance Storage Strategy/Report be required by condition.
- 7.11.12 The Environment Agency (EA) also identified initial concerns for this site in relation to the potential risk of contamination to controlled waters (as the site is in Source Protection Zone 1, and on principal and secondary chalk aquifers). This was due to the fuel sources originally proposed, and the use of SuDS, both of which could have risks to groundwater if not satisfactorily managed. As noted above, an Addendum Planning Statement (prepared by Pegasus Group) was submitted in response to comments from Affinity Water (and the Environment Agency) and was accompanied by responses to these consultees comments and the application description was also amended at this time to omit reference to diesel storage.
- 7.11.13 Having reviewed the amended documents, the EA note that the Preliminary Contamination Risk Assessment (Groundwater) prepared for the site has identified localised sources of potential contamination and states that the identified sources of contamination can be mitigated through targeted site investigation and remediation/mitigation as necessary. Furthermore, with respect to the proposed sustainable drainage scheme, the EA note that it has been confirmed in the additional information submitted that diesel or biodiesel will not be used as a fuel source for the data centre and alternatives considered will pose a low risk to groundwater. It has also been confirmed that a minimum of three treatment trains should be included to mitigate the risk of pollution migrating to the underlying aquifer via the drainage system. An emergency provision in the form of a valve which will automatically isolate the infiltration basin from the drainage system in the event of an unexpected release of contamination will also be provided.
- 7.11.14 In view of the above, the EA have confirmed that they are now in a position to remove their objection subject to the inclusion of the conditions on any grant of consent in relation to land affected by contamination; verification report; previously unidentified contamination; decommissioning of investigative boreholes; and SuDS infiltration of surface water into ground. The exact wording is set out in the EAs full comments at 9.1.3.3 below. The conditions are considered necessary to ensure that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 7.11.15 As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy and Policy DM9 of the Development Management Policies LDD in this regard.

7.12 Residential Amenities

- 7.12.1 Paragraph 135 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.12.2 Policy CP6 of the Core Strategy advises that the Council will support development that sustains parts of the District as attractive areas for business.
- 7.12.3 Policy CP12 of the Core Strategy states that the Council will expect development proposals to protect residential amenities.
- 7.12.4 There are no residential neighbours to the immediate north or east of the site, with those to the north separated by the M25 orbital motorway. The closest residential neighbours are Notley Court to the south, a recent development of 17 residential units at Mansion House Farm, and properties opposite the site to the west of Bedmond Road. Ovaltine Dairy Farm Cottages have access from the Bedmond Road, with other residential units to the rear.

Overshadowing/Loss of Light/Visual Impact

- 7.12.5 Whilst the application is in Outline form with all matters reserved, a series of Parameter Plans have been provided and include development zones; building heights and building lines. The Parameter Plans suggest that the 2 no. data centre buildings would be sited to the north, set back from the site frontage and set away from the southern site boundary. The Education / Training Centre and Substation, 2 no. smaller buildings of up to 7 metres in height would be sited closest to the southern boundary where the site adjoins residential properties at Notley Court. The Building Lines Parameters Plan suggests that the front corner of Building 1 would be a minimum of 69 metres from the southern site boundary with Notley Court. It is also noted that properties at Notley Court are favorably sited to the south of the application site.
- 7.12.6 The southern front corner of Building 1 would be sited a minimum of 80 metres from the western boundary with Bedmond Road, with the road providing further separation distance between the proposed development and properties opposite. The introduction of 2 no. data centre buildings and ancillary works would clearly change the outlook for occupiers of Notley Court and other dwellings to the south and west of the site, however, there is no right to a view in planning terms, and whilst the outlook would change it is considered that the spacing that would be maintained is such that the development would not result in demonstrable harm through overshadowing, loss of light or visual impact.
- 7.12.7 In conclusion, it is considered that the proposal would not result in levels of overshadowing or loss of light to justify the refusal of planning permission.

Overlooking

- 7.12.8 The nature of the use of the proposed 2 no. data centre buildings and substation is such that they are unlikely to include high levels of glazing. The Education / Training Centre is likely to include glazing, however, this is a lower level building of up to 7 metres in height. The northern and eastern elevations would face into the site and present opportunity for the detailed design of the building to avoid overlooking of neighbouring dwellings.

Pollution - Noise Impact

- 7.12.9 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air,

water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.12.10 Policy DM9 of the Development Management Policies LDD sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.
- 7.12.11 The application is accompanied by an Acoustics Assessment (prepared by M-EC Consulting Ltd), dated June 2023 which has been reviewed by the Council's Environmental Health Officer (EHO). The EHO notes that Noise Receptor 1 (Farmhouse to south east of site) will be the noise receptor that might be adversely affected by noise during the night-time, and this is after the mitigating measures are put in place. In addition, the EHO notes that as the application is in Outline, elements such as chillers and generators have not been finalised. As such they consider that the sound levels used in the noise report, to assess them, might change. They also note that in relation to the Education and Training Centre the Noise report states that at this stage is not known what type of ventilation system will be used.
- 7.12.12 On this basis, it is considered necessary to require an updated Noise Assessment and Report to be submitted that address any existing uncertainties at the detailed design stage.
- 7.12.13 As such, in view of the specialist advice received, it is considered that subject to conditions there would be no material adverse impacts with regards to noise as a result of the development. The proposed development, accordingly, complies with Policy DM9 of the Development Management Policies LDD and NPPF (2023) in this regard.

Pollution - Air Quality

- 7.12.14 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*
- 7.12.15 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:
- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.*
 - *Introduce new point sources of air pollution e.g. furnaces.*
 - *Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.*
- 7.12.16 In relation to air quality, Policy DM9 of the Development Management Policies LDD advises that development will not be permitted where it would:
- i. Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or*
 - ii. Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.*

- 7.12.17 The application is accompanied by an Air Quality Assessment prepared by Air Quality Consultants (Report ref. J10/13954A/10/2/F1).
- 7.12.18 The Environmental and Protection Officer (EPO) has reviewed the submitted report. They note that the report does not include an assessment of construction phase impacts. The assessment has considered emissions from the proposed generator plant in combination with traffic emissions and demonstrates that off-site impacts of the proposed scheme will be negligible, with the routine testing of the generators resulting in a negligible risk of an exceedance of the short-term air quality objective for Nitrogen Dioxide. The EPO notes that there is a very low risk of an exceedance of the short-term air quality objective for Nitrogen Dioxide, if all generators were required to operate at once (in the event of a significant power outage).
- 7.12.19 The EPO concludes that the assessment of operational phase impacts indicates that the air quality effects of the proposed development will be not significant. They recommend conditions be applied to any grant of consent requiring: submission of a Dust Management Plan; A condition limiting testing to 12 hours per year, with a requirement to undertake testing in accordance with a routine testing regime; A condition requiring the specification of the generators to be installed to be equal to or better than the generators described in Appendix A3 of the submitted report; and a condition requiring the installation and maintenance of an abatement system for all generators.
- 7.12.20 In summary, in view of the specialist advice received, it is concluded that subject to conditions there would be no adverse impacts with regards to air quality as a result of the development. The proposed development in this respect complies with Policy DM9 of the Development Management Policies LDD the NPPF (2023).
- 7.13 Ecology
- 7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.13.2 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 and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.13.3 The application has been submitted with an Ecological Impact Assessment (EclA), (prepared by Bioscan (UK) Ltd), dated June 2023, including: Biodiversity Net Gain Statement and Metric; Bird Survey; Protected Species Survey; and Badger Survey. A Landscape Strategy (Drawing No: 20208.221, mhp, 21 April 2023) has also been provided.
- 7.13.4 The submitted details have been reviewed by Hertfordshire Ecology (HECO), the LPA's consultee on ecology matters, who concludes that the application can be determined with no ecological objections subject to the addition of the recommended conditions/informatives to any consent.
- 7.13.5 HECO note that the Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site or the area that could potentially be adversely affected by this development proposal. They note that this suggests a site of modest ecological value, an opinion shared by the EclA which accompanies this application.

- 7.13.6 The EIA concludes that the proposed development would not have an adverse impact on biodiversity and would meet current expectations of law and policy. The EclA and associated reports and surveys are up to date and reflect best practice. As such HECO considers them to be fit for purpose and in principle they have no reason to disagree with their conclusions.
- 7.13.7 HECO note that the positive outcome is dependent on the adoption of a series of avoidance, mitigation and compensation measures described in sections 9.3.1 – 9.3.4 of the EclA comprising, amongst others the production of a Construction Environmental Management Plan (CEMP) and lighting strategy. Although only brief details are provided at this early stage in the planning process, HECO consider that they represent reasonable and pragmatic proposals that bring with them a degree of confidence that fully worked up versions will effectively reduce the impact of the proposals. As such HECO suggest that measures set out at sections 9.3.1 – 9.3.4 of the EclA be secured via condition on any grant of consent.

Habitats & Biodiversity Offsetting

- 7.13.8 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by, among other matters:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

No % or quantum of 'net gains' is stipulated in the framework.

- 7.13.9 Paragraph 185 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 7.13.10 Paragraph 186 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:

a) 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.

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

- 7.13.12 Under the Environment Act 2021, all major planning permissions granted in England (with a number of exceptions) will have to deliver at least 10% Biodiversity Net Gain (BNG) from January 2024. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

- 7.13.13 The metric accompanying the application predicts the delivery of a 141.83% and 33.91% increase in habitat and hedgerow units, respectively. HECO note that only long-term monitoring would demonstrate how these communities develop and whether the considerable net gain claimed would be achieved, however, HECO are satisfied that a BNG in excess of the Government's proposed legal minimum requirement of 10% could be delivered. HECO note that local policy does not yet require the delivery of a fixed amount. Acknowledging that the application is in Outline and that the proposals and BNG would therefore develop at Reserved Matters stage, HECO consider it appropriate to require a BNG Management Plan via condition.

7.13.14 In summary and subject to conditions, it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy, Policy DM6 of the Development Management Policies LDD and accords with the guidance in the NPPF (2023).

7.14 Trees

7.14.1 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.

7.14.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) 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.

7.14.3 The application is accompanied by an Arboriculture Impact Assessment (prepared by Barton Hyett Associates) dated June 2023.

7.14.4 The Council's Tree Officer has reviewed the submitted details. They note that the submitted plans indicate that two sections of hedgerow, one tree (T33 Ash) and a small area of woodland would need to be removed to facilitate the development. They consider that the hedgerow is in relatively poor condition and as such its removal is not considered to be of any real detriment. Whilst the Tree Officer considers the removal of the tree and small area of woodland to be detrimental, they consider that their loss would be compensated for by the creation of a substantial area of country park, adjacent to the site, with substantial new tree, woodland and hedgerow planting. In view of the above, trees are not considered to be a constraint to the development.

7.15 Energy and Sustainability

7.15.1 Paragraph 157 of the NPPF states that "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.15.3 Policy DM4 of the Development Management Policies LDD) requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.15.4 The application is accompanied by an Energy Statement (prepared by Ensphere Group Ltd), dated June 2023. The Energy Statement sets out that the development proposes measures including: Maximised use of waste heat within the development with space heating and water heating incorporating waste rejected from the cooling systems; an extent of PV at roof level; the use of Air Source Heat Pumps (ASHPs) to provide space heating in parts of the building where the waste heat option is not suitable; sufficient quantum of the above technologies to ensure that the contribution from renewables can exceed up to 100% of the regulated demand associated with the administrative function of the buildings; and adoption of the principles of the Climate Neutral Data Centre Pact to ensure that electricity demand will be matched by 75% renewable energy or hourly carbon-free energy by December 31, 2025 and 100% by December 31, 2030.
- 7.15.5 The Energy Statement therefore concludes that the development would exceed the requirements of Policy DM4 of the Development Management Policies LDD.
- 7.16 Refuse and Recycling
- 7.16.1 Policy DM10 (Waste Management) of the DMPLDD 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:
- b) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.16.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP) which aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.
- 7.16.3 The application was accompanied by a Waste Management Plan (prepared by Pegasus Group) dated June 2023 and during the application, a Minerals and Safeguarding Assessment (prepared by mewp) dated 30 June 2023 was submitted. The submitted details focus on construction and comment that arrangements for waste management post completion would be expected to be secured at Reserved Matters stage. This approach is considered acceptable to the LPA.
- 7.16.4 In relation to the submitted details, the County Council Waste and Minerals Planning Team have reviewed them. They raise no objection but request that a SWMP be secured via condition on any grant of consent.
- 7.16.5 Having reviewed the Mineral Safeguarding Assessment, the County Council Waste and Minerals Planning Team agrees with the justification for not assessing the potential for mineral extraction within Parcel 2 of the proposed site. Not only will there be no built development within this parcel, it is also sufficiently separated from Parcel 1 such that the potential future extraction of mineral resources in this area is unlikely to be prejudiced by the development of Parcel 1. In relation to Parcel 1, it is noted that the mineral resource lies within the southern part of the site. Given the need for a standoff or buffer between a

potential extraction area and existing residential and agricultural property nearby, the conclusions presented within the report are justified.

- 7.16.6 The County Council Waste and Minerals Planning Team note that the applicant suggests that mineral could be extracted during the preparation of the proposed development platform. This would result in the extraction of some of the resource on an opportunistic basis and therefore accords with Policy 5 of the adopted Minerals Local Plan Review 2007. They also note that the applicant also proposes to undertake further site investigation work and to produce a Materials Management Plan (MMP) to quantify the extraction and use of the sand and gravel. The County Council Waste and Minerals Planning Team agrees with the proposal for this to become a pre-commencement condition.
- 7.16.7 Overall, the approach set out by the applicant within the Minerals Safeguarding Assessment is supported by the County Council Waste and Minerals Planning Team. The extraction of some of this resource will reduce its sterilisation and reduce the need to import primary materials to the proposed development site.
- 7.16.8 Subject to conditions, the development is in accordance with Policy DM10 of the Development Management Policies LDD and Waste Policy 12.

7.17 Infrastructure Contributions

- 7.17.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The Charging Schedule sets out that the charge per sqm of non-residential development is £nil.
- 7.17.2 In order to make the proposals acceptable to maximize sustainable travel options, HCCHA recommends that a sustainable transport contribution of £105,500 is sought towards improvement of local walking and cycling routes (discussed at section 7.8 above). In addition, a Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.
- 7.17.3 Whilst the applicant/their agent is aware of this request and no objection has been raised, a Section 106 Agreement to secure the contribution has not been agreed and in the absence of such agreement the proposed development therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy.

7.18 Referral to Secretary of State

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

7.19 Other Considerations

7.19.1 The submitted Planning Statement sets out a number of other relevant considerations:

The Need for the Development

7.19.2 The Planning Statement sets out that the need for new data centres is overwhelming and that it continues to grow exponentially. The Planning Statement references a recent Public Inquiry at Iver in Buckinghamshire where that LPA accepted that the scale of need is overwhelming, urgent and of national importance. The planning application had been refused by Buckinghamshire Council and then went to appeal (APP/N0410/W/22/3307420), with the appeal being recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990. The Secretary of State's decision was issued on the 30 October 2023. The Secretary of State agreed with the Inspector's recommendation and refused planning permission, however, it is acknowledged that the Secretary of State attached significant weight to the need for additional data centre capacity within the UK and Slough Availability Zone (SAZ) within which the appeal site was located. Whilst the application being considered by TRDC is within the Hemel Hempstead Availability Zone (HAZ), the comments of the Secretary of State regarding the national need are relevant.

7.19.3 The application is also accompanied by a letter from the Department for International Trade (DIT) dated 9 January 2023. Whilst the letter does not refer to specific sites or developments, it evidences the strong growth in the demand for data centre capacity to support the UK economy and a sustained demand for sites across a corridor that includes Berkshire, Buckinghamshire, Hertfordshire and west London. The letters is, accordingly, considered to provide evidence of a need for data centres.

7.19.4 The application is also accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023 which provides evidence on the need for data centres.

7.19.5 The growing requirement for data storage and, therefore, the requirement for data centres is acknowledged. The proposed development would contribute to meeting this need. This need is, accordingly, afforded significant weight in favour of the application.

The Emerging Local Plan

7.19.6 In their Planning Statement (para. 5.55 onwards) the applicant refers to the Emerging Local Plan and states at para. 5.59 that;

"Whilst the Local Plan is still not at an advanced stage, it is relevant that the application site (the part proposed for built development) was considered appropriate for removal from the Green Belt. Even if the LPA changes its mind on whether it needs to be released for housing it might still be appropriate to release the site to meet other development needs such as the need for Data Centres, that being if there is a need and if the land does not make a significant contribution to the purposes of the Green Belt."

7.19.7 The application site (parcel 1) was included within the Regulation 18 Consultation in June 2021 as a 'Potential Residential Allocation' (EOS4.0). It was not identified as a potential employment allocation.

7.19.8 The general background to the Regulation 18 potential residential allocations was set out in Part 1 of the Local Regulation 18 Preferred Policy Options Consultation (June 2021) document which, while recognising that 76% of the District was designated Green Belt and that Green Belt boundaries should be altered only in 'exceptional circumstances,' acknowledged that the Council had no choice but to release some land within the Green

Belt for housing development given the pressing need for housing / affordable housing in the District.

- 7.19.9 Accordingly, the identification of parcel 1 of the application site as a 'Potential Residential Allocation' was not any acceptance that the site did not contribute to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open or that it failed to meet the purposes of including land within the Green Belt.
- 7.19.10 In the event, the June 2021 potential residential allocations were not confirmed by the Council and the promoter subsequently withdrew the site from consideration; and it was not, therefore, included within the 2023 Regulation 18 Consultation and does not form part of the emerging Local Plan as a potential allocation for housing or employment. As the site is no longer proposed for housing development, no adjustment to Green Belt boundaries in this location is being promoted in the emerging Local Plan process.. It is also relevant to note, in this context, that the latest version of the emerging Local Plan includes reduced housing numbers.
- 7.19.11 In summary, the identification of the application site parcel 1 as a 'Potential Residential Allocation' in the June 2021 Regulation 18 Consultation' was in the context of the pressing and exceptional need for housing/affordable housing in the District and not because the site did not have an important role to play in preserving the openness of the Green Belt. The latest version of the emerging Local Plan does not propose to release the site from the Green Belt.

Locational Requirements / Alternative Sites / Absence of plan-led solution

- 7.19.12 The Planning Statement sets that there are locational requirements for data centres including: Low risk locations; Reliable source of high-level power; High quality fibre connectivity; Being within close proximity to other data centres which form an Availability Zone; and A site that is physically large and flat enough to accommodate the proposed development.
- 7.19.13 The Planning Statement sets out that the site is a low risk location (i.e. not on flood plain) and has access to power and fibre networks. It is also noted that it is within the Hemel Hempstead Availability Zone (HAZ). However, the site (parcel 1) is not level, with the ground sloping down significantly towards the northern boundary with the M25 orbital motorway. It is considered that substantial engineering operations would be required to create a level platform to accommodate the proposed development in this location.
- 7.19.14 The NPPF does not expressly require consideration of alternative sites to justify development within the Green Belt. However, where a proposal would have substantial adverse effects, for example harm to the Green Belt, which are said to be outweighed by the need for the development, judicial authority has held that the availability of alternative sites upon which that need could be met with less harm may be a relevant planning consideration. The applicant has submitted with the application an Alternative Sites Assessment comprising a desk-top analysis using publicly available information dated June 2023 in support of its contention that the lack of alternative sites for the proposed Hyperscale Data Centre is a matter of substantial weight contributing to the claimed Very Special Circumstances said to clearly outweigh the acknowledged harm to the Green Belt.
- 7.19.15 The Alternative Sites Assessment relates to an area of search encompassing the whole of Hemel Hempstead, the western part of St Albans, Abbots Langley, North Watford and Bourne End and concludes that:
- *There is no evidence to suggest that there is scope to meet the identified need for the development on allocated sites in the Development Plans for the area.*

- *No sites have been identified with extant planning permission that would represent an alternative location for the Development proposal.*
- *There are no sites identified in the Brownfield Registers of the respective LPAs that would meet the needs of the development Proposal*

7.19.16 The assessment further comments that: “There are therefore very limited opportunities for finding unconstrained sites beyond the Green Belt”.

7.19.17 The LPA acknowledges that the Development Plan does not identify any sites for a Hyperscale Data Centre within the District.

7.19.18 The locational requirements and lack of alternative sites for the size of Hyperscale Data Centre applied for is therefore afforded moderate weight in the planning balance in favour of the application.

Economic Impact

7.19.19 The Planning Statement set out a number of economic benefits associated with data centre developments, including investment in construction and the generation of high value added jobs. Paragraph 5.166 of the Planning Statement sets out the scheme would have construction costs of £700 - £800 million and that when including the cost of computing, networking and communications equipment it is likely to bring the total cost to over £1 billion.

7.19.20 The application was also accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023. The report concludes that; “A mid-range, cautious estimate is that the completed development would support 201 FTE jobs, a wage bill of around £10 to £11 million and annual direct GVA of some £100 million”.

7.19.21 Paragraph 85 of the NPPF (2023) requires that significant weight be placed on the need to support economic growth.

7.19.22 The economic benefits are therefore afforded significant weight in the planning balance in favour of the application.

Employment – Temporary and Permanent

7.19.23 As noted, the application was accompanied by an Economic Benefits and Needs Assessment Report (prepared by Nicol Economics) dated June 2023 which concludes that; “A mid-range, cautious estimate is that the completed development would support 201 FTE jobs...”.

7.19.24 The Planning Statement also states that the development would support a wage bill of up to £9.7 - £11.4 million; annual direct GVA of £84 - £126 million; and “taking into account the wider economic effects, the data centre would support in the order of £230 to £300 million in GVA and up to 1,300 FTE extra jobs across London and the wider south east”.

7.19.25 The creation of jobs (both temporary and permanent) is welcomed, however, there is no guarantee that these jobs would be filled by Three Rivers residents. Consideration should also be given to the fact that the number of direct jobs created is 201 FTE.

7.19.26 Notwithstanding, the direct and indirect benefits of employment are afforded significant weight in favour of the application.

Social Benefits

7.19.27 The Planning Statement sets out that data centres provide vitally important social benefits that underpin modern day living in the UK. There is reference to sectors and activities that are reliant on the use of data including: Government and other administration; Education

and home learning; Healthcare, vaccines and medicine; Home banking and finance; National defence; Customs and border control; Internet; Home computers and tablets; Home shopping; TV and music streaming; Online gaming; Social media and Mobile phones.

- 7.19.28 The social benefits as a result of the proposed development are afforded moderate weight in the planning balance in favour of the application.

Addressing Climate Change

- 7.19.29 The Planning Statement sets out that the data centre will be a state of the art, highly efficient and net zero carbon development. The adoption of the principles of the Climate Neutral Data Centre Pact are proposed to ensure that electricity demand will be matched by 75% renewable energy or hourly carbon-free energy by December 31, 2025 and 100% by December 31, 2030. The Planning Statement also notes that the scheme has been designed to be BREEAM 'Excellent' which exceeds policy requirements. There is reference to the provision of photovoltaic cells at roof level and air source heat pumps to ensure that the contribution of renewables can exceed 100% of the regulated demand associated with the administrative function of the buildings.
- 7.19.30 The above commitments are welcomed and it is considered that these commitments could be secured via condition on any grant of consent.
- 7.19.31 The Planning Statement refers to hyperscale data centres such as that proposed, replacing older legacy data centres; however, the proposed application is for a new data centre and does not propose to directly replace any existing facility and there is, therefore, no certainty that older less energy efficient data centres would be replaced should planning permission be granted for the proposed development.
- 7.19.32 Limited weight in the planning balance in favour of the application is attributed to addressing climate change.

Creation of Country Park

- 7.19.33 The application proposes the creation of a Country Park of approximately 21ha on Field Parcel 2 which would remain largely free of built development.
- 7.19.34 The Country Park is intended to provide publicly accessible open space which is welcomed and there would be associated social, health and well-being benefits, in addition to opportunities for ecological enhancements. However, it is noted that, as shown on the Access and Movement Parameter Plan, there are a number of existing publicly accessible rights of way / footpaths across and around parcel 2 such that this area is already accessible and enjoyed by local residents. In addition there is the availability of the nearby Leavesden Country Park for public recreation.
- 7.19.35 In relation to Biodiversity Net Gain (BNG), the metric accompanying the application predicts the delivery of a 141.83% and 33.91% increase in habitat and hedgerow units, respectively.
- 7.19.36 The creation of Country Park is, accordingly, afforded moderate weight in the planning balance in favour of the application.

Building Beautiful

- 7.19.37 The Planning Statement refers to paragraph 126 (now paragraph 313) of the NPPF (2023) which references the creation of high quality, beautiful and sustainable buildings and places. Whilst in Outline, the Planning Statement sets out that the applicant has sought to demonstrate a landscape led approach.
- 7.19.38 It is recognised that details would be secured via future Reserve Matters application(s), however, the creation of high quality, beautiful and sustainable buildings is a requirement

of National Policy in any case and therefore neutral weight is attached to this in favour of the application.

Education and Employment Fund

- 7.19.39 The Planning Statement sets out that the applicant is prepared to offer a £10 million fund towards education and employment initiatives which could be secured through a planning obligation. It is suggested that this would be directed to safeguarding apprenticeships, training programmes and community engagement. The Planning Statement states that; *“These initiatives aim to upskill the local population to be able to take up the newly created jobs. This would support and reinforce the growing high-tech cluster in the area”*. During the application process, the agent updated to advise that the applicant considered a payment of £12 million to be a proportionate contribution to mitigate the need for education, training and apprenticeships generated by the proposal.
- 7.19.40 The Council questions whether a contribution of this nature would meet the relevant CIL tests of necessity and relationship. An alternative method such as the submission of an Employment and Training Skills Plan to be agreed by the Council and implemented by the applicant may be more appropriate with identification of the relevant Council (or another) resource to implement/monitor. This would not require the suggested contribution but would likely attract a smaller contribution to cover the monitoring costs of such Plan.
- 7.19.41 Notwithstanding uncertainty over the precise method of delivery, it is acknowledged that the application provides opportunity to promote training and employment and this could be restricted to Three Rivers District, providing local benefits.
- 7.19.42 Education and employment benefits are therefore afforded significant weight in favour of the application.

Heat Capture

- 7.19.43 The Planning Statement sets out that the operation of a data centre generates large amounts of heat from the servers and that the development could be designed to capture and harness the heated air so that it could be used as part of a district heating network. The Planning Statement does acknowledge that there are currently no plans for such system but that there would be opportunity for future developments to tap into when needed.
- 7.19.44 If operational, this would assist in reducing carbon emissions and would also reduce energy bills for recipients. However, there are no planned developments within vicinity of the site at this time and therefore the feasibility and likelihood of such scheme being implemented is uncertain.
- 7.19.45 As such, limited weight in the planning balance in favour of the application is attached to heat capture.

7.20 The Planning Balance and Conclusions

- 7.20.1 Paragraph 152 of the NPPF (2023) states that; *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. It continues at paragraph 153; *“Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 7.20.2 There is no definition of what constitutes Very Special Circumstances (VSC) or what weight should be attached to any VSC this is a matter of planning judgement.
- 7.20.3 It has been concluded at section 7.3 above that the development subject of this Outline planning application would constitute inappropriate development in the Green Belt. This is by definition harmful. In addition, the proposed development would result in urban sprawl

causing harm by loss of the openness of the Green Belt and would conflict with 2 of the purposes of including land within Green Belt as it would fail to prevent unrestricted sprawl and would not safeguard the countryside from encroachment. The NPPF is clear (paragraph 153) that substantial weight should be given to any harm to the Green Belt.

- 7.20.4 Consideration has been given as to whether there is 'other harm' and it has been concluded that there would be harm to the character and appearance of the area and to the landscape of which the application site forms part. This harm weighs substantially against the proposal. There would be less than substantial harm to heritage assets, albeit that this would be outweighed by the public benefits of the development. Conflict with Policies PSP2 and CP6 of the Core Strategy (adopted October 2011) is also identified in relation to the location of the employment development, however, as noted at paragraph 7.5.5 above, this needs to be balanced against the economic benefits.
- 7.20.5 Benefits of the development have been identified. These include the identified need for data centres and economic benefits, namely through investment, employment and training/educational opportunities. These benefits weigh significantly in favour of the development.
- 7.20.6 The creation of a Country Park which would be publicly accessible is considered a benefit attracting moderate weight. Social benefits are afforded moderate weight. The locational requirements of the Hyperscale Data Centre and lack of alternative sites in the search area is afforded moderate weight in favour of the application.
- 7.20.7 Limited weight is attached to opportunities presented by heat capture and addressing climate change.
- 7.20.8 Neutral weight is attached to 'Building Beautiful'.
- 7.20.9 Following consideration of the application as a whole, it is concluded that the totality of harm identified, including the harm to Green Belt and other harm, is not clearly outweighed by other considerations. Therefore, the Very Special Circumstances which are necessary to justify the development do not exist and the application is recommended for refusal.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason(s):
- R1 The proposed development would constitute inappropriate development in the Green Belt, would result in harm to openness in both spatial and visual terms, and would conflict with two of the five purposes of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. Other harm has been identified to the character and appearance and landscape of the area. The harm to the Green Belt and other harm is not clearly outweighed by other material considerations such as to constitute the Very Special Circumstances necessary to permit inappropriate development within the Green Belt. The development is therefore contrary to Policies CP1, CP11 and CP12 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2023).
- R2 The proposed development by virtue of its siting, scale, height and massing would fail to protect and enhance the natural environment from inappropriate development or to conserve or enhance the character of the area and would therefore result in significant demonstrable harm to the character and appearance of the area and the natural environment, contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM7 of the Development Management Policies LDD and the NPPF (2023).
- R3 In order to maximize sustainable travel options, a financial contribution towards supporting the improvement of cycling and walking routes in the vicinity of the site is required. In the absence of a relevant completed undertaking under the provisions of Section 106 of Town

and Country Planning Act 1990, the development fails to meet this requirement. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy and the NPPF (2023).

8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, and additional information was provided, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

9 Appendices

9.1 Appendix 1: Consultation Responses

9.1.1 Abbots Langley Parish Council: 03.08.23. Objection.

Members feel this is a grossly inappropriate development on greenbelt at the entrance to the village. The scale of the design, plan size and elevation scale would have a detrimental and overbearing effect on the overall approach to the village turning it into an industrial area. Members feel the scale of the buildings is in excess of a number of housing estates within Abbots Langley Parish and therefore cannot be ignored. The applicant looked at further sites which members feel are more appropriate for this type of development and can therefore see no valid justification for the loss of this substantial site from greenbelt. Members are also concerned the location of this site would render infill from the site to the current urban boundary of Abbots Langley more indefensible. In brief, members feel this application would result in two ugly, large buildings on the edge of the Parish which would turn the village into an industrial centre. Whilst members appreciate the application includes the donation of a park to the Parish, members feel much of the benefit would be outweighed by the overdevelopment of the host site to the detriment of the village.

9.1.2 Active Travel England: [No objection]

9.1.2.1 Initial Comments 19.07.23. Deferral.

Notice is hereby given that Active Travel England's formal recommendation is as follows:

c. Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

1.0 Background

The site is located to the north of Abbots Langley and borders the M25 motorway to the north. A single point of access by way of a new T junction is proposed from the west of the site to join Bedmond Road. This access would serve the two data centre buildings and the education building and also be shared with the existing farm to the south. The illustrative masterplan is unclear whether there would be any connection to the walking and cycling routes in the adjacent proposed country park, although an arrow is shown on the access and movement plan indicating this may also be a route. The latter plan seems to also show a shared path for walkers and cyclists alongside this vehicle access to the west.

National policy and guidance

The National Planning Policy Framework (NPPF) states:

104. Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued; 110. In assessing... specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and] b) safe and suitable access to the site can be achieved for all users; 112. ...applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and] c) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...; 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Manual For Streets (MfS, 2007) in section 4 describes layout and connectivity and in particular that walkable neighbourhoods are characterised by having a range of facilities

within 10 minutes' walking distance, typically a distance of 800m. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents. Section 3 requires that the movement of all users should be key to the design and layout of new development. Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure, including chapter 14 which sets out how to plan for and integrate cycling infrastructure with new development.

Gear change: a bold vision for cycling and walking is the Government's cycling and walking plan for England. This sets the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Active Travel England's responsibilities for walking also extend to "wheeling", such as the use of wheelchairs (self propelled or powered) and mobility scooters.

Inclusive mobility: making transport accessible for passengers and pedestrians provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

Active Design (Sport England, supported by Active Travel England and the Office for Health Improvement & Disparities) sets out how the design of our environments can help people to lead more physically active and healthy lives. This includes, among other things, providing walkable communities, connected active travel routes, multi-functional open spaces, and high quality streets and spaces.

Local policy and guidance

The Development Plan includes the Core Strategy (2011) and Development Management policies (2014). The site is not allocated within the site allocations document either for employment/education or as a country park. It is noted however that Policy CP10 requires all development proposals will need to demonstrate that: k) It is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate and l) It makes adequate provision for all users, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. The policy also requires the submission of a Green Travel Plan. This is referred to within the submitted details and although no plan is specifically labelled as a 'Green Travel Plan' it is assumed that the Framework Travel Plan is there to fulfil this requirement. The development management policies are missing any further direction on active and sustainable travel, although they do make reference to local parking standards. It is unknown whether these make any allowance for cycle parking. Policy PSP2 Development in the Key Centres – includes reference to ix) Improve facilities and accessibility at Leavesden Country Park and xv) Improve outdoor leisure facilities for residents of Abbots Langley.

Hertfordshire CC are currently consulting on a draft Local Cycling and Walking Investment Plan during May – July 2023. It is noted that the existing Tibbs Hill Road to the west of the site is designated as a secondary route 'connecting smaller settlements and other destinations, such as schools and employment sites' and the track that bisects the proposed country park site is designated as a Three Rivers local route.

2.0 Summary

The application is submitted in outline form with all matters reserved for a data centre shown as 84,000 sqm (GEA) delivered across 2no. buildings, country park and ancillary innovation, and education and training centre of up to 300 sqm. It is understood the proposal plans to create 210 full-time equivalent employees. The site is within the green belt and the application argues that special circumstances apply. The large area of country park to the east of the site includes an indication of walking and cycling routes running around the perimeter. There is no obvious relationship to neighbouring sites, however it is noted that

part of the site is being considered in the emerging replacement local plan for housing development. The application includes an EIA to which the screening opinion concluded impacts would be 'relatively limited'.

It is welcomed that the application is seeking to become a BREEAM excellent development, is to include cycle parking, showers and changing rooms.

3.0 Opportunities

The site is located 800m+ walk from the closest high street with a range of facilities to support employees break and leisure time. Local bus stops are available within along Bedmond Road and Tibbs Hill Road, however it is noted that the site entrance to the closest bus stop is 450m+ walking (closer to 500m from the edge of buildings based on submitted design). Kings Langley is the closest rail station, which is a 2.8m route via Abbots Road or Gallows Hill Lane.

The transport assessment considers highway safety and provides analysis of collision data, however more details would be helpful to understand whether road layout was a factor and whether active travel modes were affected. It is noted there was one serious collision very close to the site at Dairy Way/ Bedmond Road.

The country park is a land use likely to positively encourage active travel trips due to leisure routes for walking, wheeling and cycling. Information on trip generation for country park is needed, including modal split to understand the draw this use is likely to have on the local area and whether there would be any conflicts with trips to the built facilities proposed. There may be opportunities to enhance access provision to the site through the country park or possibly via the lane that bisects the proposed country park site. Should such routes be promoted further, all weather surfacing and lighting for darker months will be vital, and quality improvements secured by condition or planning obligation.

There is no quality audit of the existing active travel infrastructure or likely active travel routes to understand if this is fit for purpose and complies with the design specifications in Inclusive Mobility or LTN 1/20 Cycle Infrastructure Design. Consideration of this in the transport assessment would enhance the assessment and establish the attractiveness of those trips by active travel modes, the findings of which can effectively be used to deliver the Travel Plan and resolve any quality issues found.

The inclusion of supporting active travel facilities such as showers and cycle parking in the plans are very welcome. A drying room is also a highly useful facility for wet clothing and would strongly encourage active travel all year round and in all weather conditions. Cycle parking should also make provision for adapted cycles, tricycles and cargo bikes and meet the quantum requirements in LTN 1/20 – Cycle Infrastructure Design.

4.0 Areas of Concern

The Framework Workplace Travel Plan (FTP) does provide indicative details of modal shift based on the 2011 census and recommends a 10% single car occupancy reduction target, however no similar targets are set for active travel modes, a key omission to deliver active travel. It also relies on multiple car occupancy to help deliver this target, perhaps illustrative of the limited active travel and public transport options this location would support. Wider targets are to be derived by baseline travel surveys on occupation; however this is too late to make design and layout changes to support active travel or make developer contributions towards off site facilities.

A monitoring period is identified at year three and year five and includes consultation with Hertfordshire County Council's sustainable travel team to help identify remediation actions required. The FTP states that the developer/occupier will allocate money to cover the cost

of administering the Travel Plan, but no other specific on- or off-site contributions are described. No recommended remedial actions are indicated should travel plan targets be missed. Provision could be made via a Section 106 planning obligation to seek a sum held in trust for a set period to deliver further infrastructure enhancements should targets not be met.

It is not considered this approach meets the requirements in Policy CP10 of the Core Strategy, which requires that all development proposals are integrated with the wider network of transport routes and makes adequate provision for all users, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. The policy also requires the submission of a Green Travel Plan, and this content is assumed to be contained within the FTP; however for the above reasons fails to provide a holistic evidence base and strategic steer in line with the above national and local policy with regards to active travel.

5.0 Next Steps

ATE would invite the LPA and the developer to consider these comments and that further research and assessment is undertaken to address the identified shortfalls in the travel plan in order to meet national and local policy and create a sustainable form of development.

ATE would be happy to provide further support and guidance to the LPA and the developer in this regard.

9.1.2.2 Further comments 13.09.2023. No objection (subject to conditions).

Notice is hereby given that Active Travel England's formal recommendation is as follows:

b. Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

1.0 Background

The site is located to the north of Abbots Langley and borders the M25 motorway to the north with vehicle access proposed from the west of the site to join Bedmond Road. The application is submitted in outline form with all matters reserved for a data centre shown as 84,000 sqm (GEA) delivered across 2no. buildings, a significant expansion of the country park and ancillary innovation, education and training centre of up to 300 sqm. It is understood the proposal plans to create 210 full-time equivalent employees.

The western access would serve the two data centre buildings and the education building and also be shared with the existing farm to the south. The illustrative masterplan is unclear whether there would be any connection to the walking and cycling routes in the adjacent proposed country park, although an arrow is shown on the access and movement plan indicating this may also be a route. The latter plan seems to also show a shared path for walkers and cyclists alongside this vehicle access to the west.

2.0 Summary

The applicant/agent has supplied new information in response to the comments made by ATE in conjunction with responses on transport matters by the Local Highway Authority and National Highways. This includes comments from the transport consultant on ATE's planning application assessment toolkit. The new submitted details indicate:

1. The footway to the east side Bedmond Road will be extended to the access to enable a safe walking distance to the bus stop (450m to the south);

2. Following discussions with the LHA, the developer now agrees to pay £105,500 towards LCWIP objectives to enhance the connectivity by cycle to the nearest rail station to the north west of the site, reducing distances to 2.5km;
3. The new controlled priority junction has been sought by the LHA, which can be secured via reserved matters or condition to ensure deliverability. This will resolve the loss of an existing traffic calming feature.

The developer has also clarified that the country park shown on the masterplan is already open and in use by the local community rather than being a new proposal. However this is a significant increase in parkland as described in the planning statement: "... a new publicly accessible Country Park (circa 21ha) that will form an extension to Leavesden Country Park." It is argued that this significant expansion will draw more visitors to the site and thus active travel to the new routes and the interconnections to the established active travel routes are crucially important.

3.0 National Policy and Guidance

The response to ATE notes that the proposal complies with paragraphs 110 and 111 of the NPPF in that no harm is identified and the NPPF does not require a distance assessment from bus and rail facilities. ATE would take this opportunity to remind that paragraph 112 of the NPPF puts into context how to apply preceding paragraphs by setting a series of requirements:

- give first priority to cycle movements and access to public transport
- address the needs of all mobilities and disabilities
- create attractive, safe and secure spaces, minimising conflicts between cyclists, pedestrians and vehicles respond to design standards.

In addition, paragraph 104 c) states that opportunities to promote walking, cycling and public transport should be identified and pursued. This is effectively repeated in paragraph 110 a). The requirements of paragraph 112 a), which seek to give priority first to pedestrian and cycle movements, and second – so far as possible – to facilitate access to high quality public transport, are especially relevant to the proposal.

4.0 Opportunities

Beyond the contributions offered above there are opportunities to secure good quality design and technical standards and the effective provision of a travel plan.

A new internal shared use path is proposed. LTN 1/20 Cycle Infrastructure Design requires this should be 3m in width rather than the 2m on the illustrative plans. ATE recommend the use of a planning condition secure compliance with this standard in the final design.

The new footway proposed to allow access to the bus stop should comply with the technical standards in Inclusive Mobility, and complementary guidance on the use of tactile paving surfaces.

A Framework Workplace Travel Plan has been submitted at this stage which states that final staffing numbers are not known. This is noted and ATE recommend that a Full Workplace Travel Plan is secured by condition to ensure targeted active travel objectives are met.

The access and movement plan seems to show a shared path for walkers and cyclists alongside the vehicle access to the west. There needs to be a clear and precise access and maintenance strategy to secure this and ATE recommend a planning condition is used to ensure this is delivered in a timely fashion and maintained to establish an active travel behaviour change in the long term.

5.0 Next Steps

Should the Local Planning Authority be minded to approve the application, ATE recommends that the contribution sought by the Local Highways Authority is secured by appropriately worded planning obligation and that planning conditions are used to secure the following matters:

1. No development shall commence until [or other relevant timescale] details of the proposed cycle parking have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To give priority to cycling movements; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

2. No development shall commence [or other relevant timescale] until a general arrangement plan(s) to a scale of 1:200 showing details of the walking / cycling infrastructure including works to the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the walking and cycling infrastructure for the development or identified phase of development has been constructed and completed in accordance with the approved details.

Reason: To give priority to cycling movements; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

3. No development shall commence [or other relevant timescale] until a general arrangement plan(s) to a scale of 1:200 showing details of all new and improved junctions including works to the adopted highway have been approved in writing by the Local Planning Authority. The Junction Assessment Tool in LTN 1/20 on Cycle Infrastructure Design shall be used for the design of all junctions except priority junctions between minor roads with flows below 500 vehicles per day and where applicable the details must indicate proposals for:

- Existing levels of the finished highway tying into building threshold levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- Signing, street furniture, street trees and pits
- Structures on or adjacent to the highway
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement).

The development shall not be occupied until the junction works have been constructed and completed in accordance with the approved details.

Reason: To give priority to walking and cycling movements and in the interests of highway safety; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

4. No development shall commence until [or other relevant timescale] details of the site access points for pedestrians and cyclists [in accordance with submitted plan xxxxxxxx] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the means of access for pedestrians and cyclists for the development have been constructed in accordance with the approved details which shall thereafter be retained for access purposes only.

Reason: To give priority to walking and cycling movements and in the interests of highway safety; in accordance with NPPF paragraphs 104, 110 and 112, [insert relevant policy or policies...] of the [insert development plan document reference xxxxxxx] and/or the guidance in LTN 1/20 on Cycle Infrastructure Design.

5. No development shall commence until [or other relevant timescale] a Full Workplace Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling; in accordance with NPPF paragraphs 104, 110 and 112, and [insert relevant policy or policies...] of the [insert development plan document reference xxxxxxx].

6. No occupation of the development hereby permitted shall take place until a plan detailing the access and maintenance arrangements, including who is responsible for different elements of the unadopted footway/cycleways and adjacent vegetation in the country park and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. Thereafter the plan must be adhered to and the local authority informed of any changes in responsibility.

Reason: To ensure appropriate maintenance arrangements are put in place such that the footway/cycleways are maintained to an acceptable standard to allow safe passage of pedestrians and cyclists; in accordance with NPPF paragraphs 104, 110 and 112, and policy DM12 Community, Leisure and Cultural Facilities of the Three Rivers District Council Development Management Policies Local Development Document (adopted July 2013).

9.1.3 Affinity Water: [No objection].

9.1.3.1 Initial comments 19.07.23. Objection.

Thank you for notification of the above planning application. These 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 Stations (BRIC & NETH). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We currently **object** to the application due to the requirement of further information for our review, to allow us to assess the application in greater detail and, if we are able to remove our objection, provide more informed condition requirements. This should include the following:

- Intrusive Ground Investigations to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination (including turbidity).
- Initial proposals of foundation designs detailing the depths and types (e.g. piling), including mitigation measures (e.g. appropriate piling design, etc.) to prevent and/or minimise any potential migration of pollutants (including turbidity) to public water supply.

- Further surface water drainage details which explore whether infiltration is a viable option for the discharge of water in a source protection zone and treatment proposals prior to discharge, in relation to the protection of public water supplies.
- Details of the cooling system for the data centre (e.g. via boreholes, chemicals, water supply).
- Any other information in relation to the protection of public water supply.

At this time it is our view that the development as proposed represents a significant risk to groundwater, however if our concerns, set out above, have been addressed we may ask that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

- b. **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) 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, including turbidity, impacts the ability to treat water for public water supply.

The following should be submitted to address this point:

- b) Further Intrusive Ground Investigations 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) including mitigation measures (e.g. appropriate piling design, etc.) to prevent and/or minimise any potential migration of pollutants (including turbidity) to public water supply.
 - iv) A Piling Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
 - v) A Monitoring Plan for parameters (including turbidity) within a borehole at a location between the site and the abstraction point.
 - vi) Notification of excavation works 15 days before commencement (for enhanced monitoring and service interruption plans).

2. Construction: Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should not commence or cease immediately and appropriate monitoring and **remediation** will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

The following should be submitted to address this point:

- vii) A Remediation Strategy/Report detailing how this contamination will be/was dealt with.

3. Surface Water Drainage: Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevents 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 ensures that sufficient **capacity** for all surface water to be dealt with on site is provided and prevents consequential flooding elsewhere.

The following should be submitted to address this point:

- viii) A detailed Surface Water Drainage Strategy that demonstrates appropriate protection of surface and groundwater.
- ix) A Flood Risk Assessment.

4. Substance Storage: If any tanks, generators and filling areas are to be installed as part of the development, they will need to have **secondary containment** which can hold 110% of the volume the tank or generator is designed to contain to prevent contaminants being discharged into the surface and groundwater network in the event of a spill. Where appropriate, a **leak detection** system should also be installed and a procedure adopted that includes directly notifying Affinity Water along with the Environment Agency immediately if any leak is suspected.

x) A Substance Storage Strategy/Report detailing how this will be carried out.

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.

9.1.3.2 Further comments 26.09.23. Objection.

Thank you for the submissions of further information. We note the submission of a preliminary ground investigation and the omitting of fuel storage from the application. Our concerns aren't completely resolved but we feel some could be resolved under strict conditions being implemented on the development which include the following:

- An intrusive ground investigation plan (prior to the investigation) submitted to us for review and comment prior to the intrusive ground investigation, as a pre-commencement condition.
- An intrusive ground investigation as a pre-commencement condition
- Remediation carried out following the results of the intrusive ground investigation as a pre-commencement condition

- Remediation found during as a condition.

Let me know when you'd like me to provide the full wording of these conditions.

With regards to drainage, we still have some outstanding matters before conditions can be confirmed. The current proposed set up only appears to demonstrate 2 stages of treatment for road run-off. This would require 3 to address our concerns for the protection of public water supply within SPZ1. There also needs to be an alternative proposal method for disposal provided if infiltration is found not to be feasible due to contamination presence or other reasons. Once updates addressing these have been provided we will likely ask for the following conditions with regards to drainage:

- Proposed drainage methodology following the intrusive investigation and subsequent remediation as a pre-construction condition.

9.1.3.3 Further comments 08.11.23. No objection.

Following on from our response dated 19 July 2023 we have since been provided with further information (on 01/09/23 and 23/10/23) for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

1. Contamination through Ground Works

For any works involving excavations, 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:

- An Intrusive Ground Investigation plan prior to the intrusive ground investigation, agreed with Affinity Water to ensure all concerns will be covered.
- 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.
- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Foundations Method Statement detailing the depth and type of foundations (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 to public water supply. Any foundations must be undertaken in accordance with the terms of the approved method statement.
- A Piling Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- A Monitoring Plan for parameters (including turbidity) within a borehole at a location between the site and the abstraction point.

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 the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

vii) A Remediation Strategy/Report detailing how contamination was/will be dealt with. 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 that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere.

Condition

C) Prior to the commencement of development and following the results of the intrusive ground investigation, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

viii) A Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

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.

4. Substance Storage/Bunding

With regards to the alternative fuel supply for the back-up generator, we had initially assessed the application as stated without the consideration of alternatives, for which the letter to the environment agency has now brought this to our attention. To clarify our position, we would have concerns on alternatives alongside any other chemical storage associated with the development and require the following condition to be applied:

Condition

D) Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

ix) A Substance Storage Strategy/Report providing details of all substance containers (including location) confirming bunding of 110% capacity and the presence of a leak detection system with a methodology that includes immediate notification to Affinity Water and the Environment Agency.

Reason: To prevent contaminants being discharged into the surface and groundwater network in the event of a spill and to enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary.

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.

9.1.4 British Pipeline Agency: 18.07.23. No comment.

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore the BPA does not wish to make any comment on this application.

However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

9.1.5 Chiltern Society: 26.07.23. Objection.

This application should be refused. It proposes building on Green Belt Land which is by definition inappropriate.

The site is a green field sloping down to the M25 which is on an embankment. At this point. This means the land can be clearly seen from the motorway. It is also visible from Bedmond Road to the West. There is a small wooded area near the top of the site which would be cut down to make way for buildings compounding the loss of Green Belt by the loss of these trees.

At present the land is used for grazing horses associated with an equestrian centre which is an appropriate use for Green Belt land.

Recent History of the Area

Further up Bedmond Road towards Abbots Langley town there has been considerable development on Green Belt land since Three Rivers published it's 'Potential Sites' document in December 2018.

Mansion House Equestrian Centre (then occupying Green Belt land) was the first building on the left side of Bedmond Road south of the M25. That land was sold for housing development despite being Green Belt. The Equestrian Centre started up again on Green Belt further East from the main road.

Since then a small further cul-de-sac of houses has been built towards the M25 also nibbling away at the Green Belt.

On the Bedmond side of the M25 there has been development recently encroaching further into the Green Belt closing the gap between Bedmond and Abbots Langley. Every piece of additional building gives rise to a degree of light pollution at night.

This is disquieting as some of the stated purposes of the Green Belt are:

- a. To prevent the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into each other;
- c. to assist in safeguarding the countryside from encroachment .

The Chiltern Society does not believe the developers have put forward the very special circumstances which would justify building on the Green Belt and we urge Three Rivers planners to refuse this application.

Transport/Accessibility

We quote:

"A transport statement is required by the NPPF July 2021. Significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions and improve air quality and public health."

The site is in a rural area which means transport infra structure is fragmentary providing only limited accessibility.

Traffic approaching from Abbots Langley will need to cross Bedmond Road to access the site. Although the M25 is very close there are no junctions near the site.

The development would be far better located on a brown field site in a less rural area.

Note

This application is not for a country park. The mention of a country park is surely unethically dangling a carrot to try to sway the Planning Department.

We will point out that the suggested area for a country park is very close to the existing Leavesden Country Park.

The land suggested for yet another country park is a large area of arable land at present being farmed. It is criss-crossed by footpaths and therefore already enjoyed by walkers and cyclists and long may it remain that way.

9.1.6 CPRE – The Countryside Charity: 19.07.23. Objection.

I write with regard to the above application, to which CPRE Hertfordshire objects for the following reasons.

b. The site lies within the London Metropolitan Green Belt as defined in the adopted Three Rivers Core Strategy according to criteria in the National Planning Policy Framework (NPPF). Development in the Green Belt is inappropriate unless very special circumstances can be demonstrated to clearly outweigh the harm caused by the proposal.

2. The Applicant's Planning Statement lists twelve issues which it asserts amount to the very special circumstances required. Primarily, the Applicant promotes this proposal as a special case due to the urgent requirement for data centres as a national priority which they see as weighing very substantially in the planning balance.

3. This is to misinterpret fundamentally the nature of very special circumstances relating to proposals in the Green Belt. Notwithstanding a requirement for data centres as key elements of future economic growth, there appear to be no specific locational factors relating to this particular site as opposed to other sites either locally or further afield, other than its availability.

4. It is reasonable to suggest that this availability arises from the site's status as Green Belt which may be said to have prevented its consideration for development up until now. The principal issue under consideration is the designated protected status of the land and the harm which would be caused by any development in this location.

5. It is undeniable that the Green Belt, especially in southern Hertfordshire is presently subject to unprecedented pressures from proposed development of all kinds, including residential, commercial and for energy generation. This has led to significant public reaction which has been expressed through consultations relating to the Local Plan preparation process.

6. The National Planning Policy Framework (NPPF) is clear that alterations to Green Belt boundaries should take place only through the Local Plan process, and not by individual planning applications. The constant pressure of applications on designated protected land is in danger of bringing the planning system into disrepute.

7. This proposal would have a substantial impact on the openness of the Green Belt. The provision of an associated "country park" is irrelevant as this would use land which is open countryside, and thus already fulfilling the purposes of the Green Belt.

8. Other factors promoted as providing very special circumstances include employment provision, building quality, social benefits, climate change and the lack of alternative locations. We believe that the majority of these elements would relate equally to a similar development in another location without statutory protection and they should not be regarded as having significant weight in this case.

9. CPRE Hertfordshire believes that this proposal constitutes highly inappropriate development of a type which Green Belt legislation was designed to prevent. The intention of the Government to protect the Green Belt is clear through recent Ministerial statements, imminent amendments to the NPPF and the Levelling Up and Regeneration Bill and we urge the Council to refuse this application.

9.1.7 Environment Agency: [No objection]

9.1.7.1 Initial comments 18.07.23. Objection.

Thank you for consulting us on the above application.

We **object** to the planning application, as submitted, because the proposed development represents an unacceptable use of land because it is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis in line with paragraph 174 of the National Planning Policy Framework (NPPF).

The site is within source protection Zone 1 and this is not recognised or understood within the application's supporting documents. The storage of fuel on site poses a significant risk to groundwater which is used for the drinking water supply, particularly as there is proposed infiltration drainage. Tests from the nearby drainage systems have demonstrated very fast travel times to the water supply which means that there would be short time windows to respond to any pollution incident that may occur and less potential for attenuation (dilution, dispersion, degradation) of the pollution.

Objection: Significant risk to Groundwater Resources

The site is located within an Inner Source Protection Zone (SPZ1) and upon vulnerable aquifer, Chalk, which is known to contain by solution features in this area. Solution features mean infiltration can quickly reach groundwater and groundwater travel times are fast.

We designate SPZ's to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface.

In this instance the proposed development would threaten potable water supplies as the proposed development includes:

- storage of hazardous substances in inner source protection zone (SPZ1) – see Section D. Pollutant storage and transmission.
- infiltration to ground which would open up pathways for contaminants to pollute groundwater – see Section G. Discharge of liquid effluents into the ground.

This is contrary to the positions we take in 'The Environment Agency's approach to groundwater protection', specifically, "New Facilities The Environment Agency will oppose any new development involving large-scale above or below ground storage of hazardous substances (as may occur at a chemical works or at a petrol filling station) within SPZ1." And "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. Unless the supporting risk assessments show that SuDS schemes 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.”

In this case we consider the potential severity of the hazard to be such that the consequence of failure of mitigation will be serious/irreversible in a vulnerable groundwater location.

Overcoming our objection

We are not confident that the risks to groundwater posed at this location by this type of development can be overcome and recommend the exploration of alternative sites. The applicant is advised to contact us to discuss the above issues and explore any opportunities to address them.

Informative – Environmental Permit

The application will require an Environmental Permit for the standby generator. This should be applied for in a timely fashion allowing for a permitting decision to agree our requirement for best available techniques (BAT) for the permitted standby plant. As a minimum start point we expect emissions optimised engines achieving 2g TA-LUFT/EPA Tier 2 plant with vertical stacks with flow uninhibited with cowls or caps. The indicated proposal is to fit secondary abatement (SCR) achieving 190mg/Nm³ at 15% oxygen. So, without prejudice, we do have criteria assessing both long term but importantly short term peaks of nitrogen oxides to sensitive receptors for the emergency (and testing) scenarios and as such though appearing to be likely satisfactory this plant arrangement would still need to be assessed formally for acceptability (i.e. there could be the potential to require a target impact figure lower than 190mg/Nm³) prior to installation on site.

Advice to applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL SustainablePlaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

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, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

9.1.7.2 Further comments 21.09.23. Objection.

We have reviewed this additional information and we maintain our objection to the application as detailed in our letter dated 18 July 2023.

We have reviewed the following reports:

- Pegasus. Addendum Planning Statement. Land off Bedmond Road, Abbots Langley. Dated 1st September 2023. Reference 19-2063PL;

- Future-tech. Backup Power Solutions for Hyper-Scale Data Centres. Project Ref 9553-FUT-V1-ZZ-RP-Z-2360 Issue P02 dated 28th July 2023;
- Mabbett. Preliminary Contamination Risk Assessment (Groundwater). For site at Abbots Langley, Hertfordshire, UK, WD5 0NY. Project Number 313736 Revision 1.1 dated 28th August 2023; and
- Mabbett. Response to Affinity Water Objection to Development. For site at Abbots Langley, Hertfordshire, UK, WD5 0NY. Project Number 313736 Revision 1.0 dated 1st September 2023.

Fuel Source

We note that the applicant is no longer proposing to use diesel as a fuel source. In the addendum planning statement it is stated that they *'do not need to wed themselves to a particular fuel source at this stage' and that 'Technology is advancing year on year and the Applicant can see benefit in agreeing the fuel source closer to the time of commissioning.'*

We are unable to remove our objection on this basis. A number of potential alternatives to diesel are discussed in the Backup Power Solutions report including Biodiesel (which contains hazardous substances), natural gas, battery storage, fuel cells and hydrogen. We do not have sufficient information regarding the proposed fuel source to determine the potential risk to groundwater. Further, construction details and any mitigation measures required are unknown. Given that infiltration drainage is proposed at the site, there remains a potentially significant risk to groundwater resources from which supplies of potable water are obtained.

The Environment Agency's approach to groundwater protection, Section A5 states 'The Environment Agency expects developers and operators to provide adequate information to statutory bodies, including the Environment Agency, when submitting their proposals. This is so that the potential impact on groundwater resources and quality can be adequately assessed. In particular, where new techniques, operations, products or substances are involved, developers or operators should be prepared to supply specific relevant data to allow the risk to groundwater to be assessed'.

SuDS

The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an environmental permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. Discharge to groundwater via the infiltration basin is likely to require an environmental permit unless it can be demonstrated by the applicant that a groundwater activity exclusion applies, such as 'de minimus'. Further information can be found here: Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk)

The 'Response to Affinity Water Objection to Development' states that the proposed surface water drainage system will be designed to remove potential contaminants and remove the risk of contamination entering groundwater. The preliminary risk assessment considers pollution hazard indices and mitigation indices taken from CIRIA C753 and concludes that the risk to groundwater will be minimised.

Given the sensitivity of the site we require a more detailed hydrogeological risk assessment (HRA). Consideration should be given to the proposed fuel source, potential releases of fuel from the car parking area and the potential rapid infiltration and groundwater flow.

Overcoming our objection

In accordance with our approach to groundwater protection we will maintain our objection until we receive details of the proposed fuel source and a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

This information must satisfactorily demonstrate to the local planning authority that the risks to controlled waters have been fully understood and can be addressed through appropriate measures. This information should include:

- The proposed fuel source;
- The proposed SuDS treatment train;
- Details of any pollution prevention measures for the fuel source and site drainage;
- A detailed HRA with respect to the proposed SuDS.

We are not confident that the risks to groundwater posed at this location by this type of development can be overcome and recommend the exploration of alternative sites. The applicant is advised to contact us to discuss the above issues and explore any opportunities to address them.

Advice to applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNLsustainablePlaces@environment-agency.gov.uk. Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency/standard-terms-and-conditions>

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, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

9.1.7.3 Further comments 16.11.23. No objection.

Thank you for re-consulting us on the above planning application on 23 October 2023. As part of the consultation, we have reviewed the following:

- Preliminary Contamination Risk Assessment (Groundwater), prepared by Mabbett and dated 28 August 2023 (ref.: 313736, rev 1.1)
- Technical Note for Parcel of land north of mansion house farm, Langley, Hertfordshire, Hydrogeological risk assessment. Signed by Julian Hatherall, prepared by JH Groundwater Ltd, and dated 10 October 2023.
- Response to Affinity Water regarding the Parcel of Land North of Mansion House Farm, Bedmond Road, Abbots Langley, Hertfordshire. Hydrogeological Risk Assessment. Prepared by Mabbett, and dated 20 October 2023 (their ref: JR/313736)

We initially had concerns for this site in relation to the potential risk of contamination to controlled waters (as the site is in Source Protection Zone 1, and on principle and secondary chalk aquifers). This was due to the fuel sources originally proposed, and the use of SuDS, both of which could have risks to groundwater if not satisfactorily managed. Having reviewed the aforementioned documents, we note that the Preliminary Contamination Risk

Assessment (Groundwater) prepared for the site has identified localised sources of potential contamination and states that the identified sources of contamination can be mitigated through targeted site investigation and remediation/mitigation as necessary. Furthermore, with respect to the proposed sustainable drainage scheme, it has been confirmed in the additional information submitted that diesel or biodiesel will not be used as a fuel source for the data centre and alternatives considered will pose a low risk to groundwater. It has also been confirmed that a minimum of three treatment trains should be included to mitigate the risk of pollution migrating to the underlying aquifer via the drainage system. An emergency provision in the form of a valve which will automatically isolate the infiltration basin from the drainage system in the event of an unexpected release of contamination will also be provided.

Considering the above, **we are now in the position to remove our objection subject to the inclusion of the following conditions on any grant of decision notice.** Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Condition 1 - Land affected by contamination

Prior to development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2 - Verification report

Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - Decommission of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of each phase of 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 N11 Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

If boreholes installed at the site are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

Condition 5 - SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework and Position Statement G13 of 'The Environment Agency's approach to groundwater protection'.

Advice to Local Planning Authority

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Advice to applicant

SuDS

Where the risk to groundwater is high, the SuDS scheme associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

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.

Commercial/Industrial developments

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

We also recommend you contact your local planning authority for more information.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

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.

9.1.8 Environmental Protection: No response received.

9.1.9 HCC – Footpath Section: No response received.

9.1.10 HCC – Growth & Infrastructure: 09.08.23. No objection.

Thank you for your email regarding the above mentioned planning application.

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021.

Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.

9.1.11 Lead Local Flood Authority: 13.10.23. No objection.

Thank you for your consultation regarding the above application (received 29 June 2023) for demolition and clearance of existing buildings and hardstanding to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park at Parcel Of Land North Of Mansion House Farm, Bedmond Road, Abbots Langley, Hertfordshire.

The applicant has provided a outline Flood Risk Assessment (FRA) and Drainage Strategy to account for the local flood risk issues and surface water drainage at this location.

Following a review of the submitted documents, We have no objection subject to conditions being attached to any consent if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning policy of Three Rivers and we would object until such time that the details below are submitted for review.

Condition 1

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and Drainage Strategy (Land East of Abbots Langley WD5 0GX by Delta Simons, Reference: 87887.545262 Revision 3 dated 21 June 2023) and drawing 'Illustrative Proposals Masterplan' (drawing number 20208.211 Rev H by MPH Design Limited dated 3 April 2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s. Groundwater monitoring will be undertaken to show that the seasonally high groundwater level is at least 1m below any proposed infiltration feature.

or

If infiltration is proven to be unfavourable, then the drainage design will use 11.7l/s (Greenfield QBAR) the site out falling to the watercourse (as stated in 5.3.8 of the FRA). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

IV. Supporting calculations for source control drainage features will be provided including green roofs and permeable paving to show how these will be incorporated into the design.

V. The design of the infiltration / detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

VI. Finished ground floor levels of the commercial building are a minimum of 300mm above any expected flood levels of all sources of flooding (including the SuDS features and within any part of the proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VII. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Condition 2

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

Condition 3

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers Council.

Condition 4

Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers Council.

Informative

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2022 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

9.1.12 HCC – Waste & Minerals: [No objection]

9.1.12.1 Initial comments 30.06. 23.

I write with regards to the above, to provide a response on behalf of the county council as the Minerals and Waste Planning Authority. This letter should be read in conjunction with our comments submitted for the EIA Screening Request (23/0566/EIA dated 15/05/2023).

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:
'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

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

The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

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

A development of this size would require consideration of the need to minimise wastes generated during demolition, construction and subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition, regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

It is noted that the applicant has produced a Waste Management Plan to accompany the application. The document details waste management strategies, the reduction of waste and the use of the waste hierarchy. It also states that materials and waste will be documented in more detail moving forward in the project. Whilst the Waste Planning Authority supports this statement, it would be useful if the Waste Management Plan submitted could include tables to record this data such that material management can be considered from the start.

The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

As a minimum, a SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principle Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each of the types of waste (i.e will it be re-used, recycled, recovered or disposed of)

Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too

- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations

If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in the adopted Minerals Local Plan Review 2002 – 2016 (2007). The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources. In accordance with paragraph 212 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the extraction of minerals prior to non-mineral development. Policy 5 states that:

The County Council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- b. the land affected does not contain potentially workable mineral deposits; and/or*
- ii. there is an overriding need for the development; and*
- iii. the mineral cannot practically be extracted in advance.*

The Minerals Planning Authority therefore request a site investigation and evaluation by way of a Minerals Resource Assessment (MRA) to be undertaken in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD).

It should be noted that if the full resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA.

However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may also result in an objection from the county council.

9.1.12.2 Further comments 19.07.23 (following submission of Minerals Safeguarding Assessment).

I write to provide a supplementary response on behalf of the county council as the Minerals and Waste Planning Authority. This supplementary response relates to the Minerals Safeguarding Assessment made available after the first comments to the outline application were submitted.

This letter should be read in conjunction with our comments submitted for the EIA Screening Request (23/0566/EIA dated 15/05/2023) as well as our original comments made to this outline application (dated 30/06/2023).

Having reviewed the Mineral Safeguarding Assessment, the Minerals Planning Authority agrees with the justification for not assessing the potential for mineral extraction within Parcel 2 of the proposed site. Not only will there be no built development within this parcel, it is also sufficiently separated from Parcel 1 such that the potential future extraction of mineral resources in this area is unlikely to be prejudiced by the development of Parcel 1.

In relation to Parcel 1, it is noted that the mineral resource lies within the southern part of the site. Given the need for a standoff or buffer between a potential extraction area and existing residential and agricultural property nearby, the conclusions presented within the report are justified.

The applicant suggests that mineral could be extracted during the preparation of the proposed development platform. This would result in the extraction of some of the resource on an opportunistic basis and therefore accords with Policy 5 of the adopted Minerals Local Plan Review 2007.

The applicant also proposes to undertake further site investigation work and to produce a Materials Management Plan (MMP) to quantify the extraction and use of the sand and gravel. The Minerals Planning Authority agrees with the proposal for this to become a pre-commencement condition and would welcome the opportunity to assess the MMP.

Overall, the approach set out by the applicant within the Minerals Safeguarding Assessment is supported by the Minerals Planning Authority. The extraction of some of this resource will reduce its sterilisation and reduce the need to import primary materials to the proposed development site.

9.1.13 Hertfordshire Archaeology: 23.08.2023. No objection.

ARCHAEOLOGICAL IMPLICATIONS

Thank you for consulting me on the above application.

Please note that the following advice is based on the policies contained in the National Planning Policy Framework

The development site, at c.31 ha., is of very substantial size. No heritage assets of archaeological or historic interest relating to the site are recorded on the County Historic Environment Record, but it should be noted that very few archaeological investigations have been carried out in the area, and that the closest, carried out in 2010 during the widening of the M25, revealed six prehistoric pits that had been used as small ovens or hearths [to the north-east, Historic Environment Record 31525], and a series of small later prehistoric pits and hollows, some used as hearths, and a possibly Late Iron Age ditch [to the west, HER 31523, 31524]. A number of findspots of prehistoric date have been identified as residual finds in the wider vicinity of the site

The site is also in a topographically suitable location for settlement, particularly that of prehistoric and Roman date. Cartographic evidence indicates that in the later post-medieval period it was agricultural land, and the current use of the site for grassland and arable. This lack of significant disturbance in recent centuries means that it may retain significant archaeological potential.

The creation of the proposed data centre will have substantial below ground impacts, since it involves considerable landscaping, and ground reduction. The impact of the creation of the proposed country park will be less, but it appears the scheme will include preparatory works to convert the land from agriculture to grassland, the creation of a 'wetland mosaic' and a new 'wet pond', and tree planting, among other elements.

I consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

- 1) The completion of a systematic programme of non-intrusive geophysical survey, carried out by an appropriately qualified specialist, prior to any development commencing.
- 2) The archaeological field evaluation, via trial trenching, of the proposed development area, prior to any development taking place;
- 3) Such appropriate mitigation measures indicated as necessary by these evaluations. These may include:
 - a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development;
 - b) the appropriate archaeological excavation of any remains before any development commences on the site;
 - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
 - d) the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
 - e) such other provisions as may be necessary to protect the archaeological and historic interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

I hope that you will be able to accommodate the above recommendations.

9.1.14 Hertfordshire Constabulary Crime Prevention Design Advisor: 19.07.2023. Advisory Comments.

Although the outline application description refers to security fencing, I cannot see any further references in relation to security.

I have worked on quite a few data centres and know that security requirements are extremely high. I would ask the clients to confirm this, if they would like to apply for Secured by Design Commercial, they can contact me.

9.1.15 Hertfordshire Ecology: 07.11.23. No objection.

Overall Recommendation: Application can be determined with no ecological objections (subject to the addition of the recommended conditions/informatives to any consent).

Summary of Advice:

- The production and implementation of a Biodiversity Net Gain Management Plan (BNGMP) should be secured by condition; and
- Sections 9.3.1 – 9.3.4 of the EclA should also be secured by condition.

Supporting documents:

I have made use of the following documents in providing this advice:

- Ecological Impact Assessment (EclA), Bioscan, June 2023;

- Biodiversity Metric v4.0 (author and date both not stated); and
- Landscape Strategy, Drawing No: 20208.221, mhp, 21 April 2023.

Comments:

Ecological assessment

The Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site or the area that could potentially be adversely affected by this development proposal.

This suggests a site of modest ecological value, an opinion shared by the EclA which accompanies this application.

Overall, whilst this acknowledged that some features benefitted from protection in policy and law, it concluded the proposed development would not have an adverse impact on biodiversity and would meet current expectations of law and policy.

The EclA and associated reports and surveys are up to date, reflect best practice, and can be considered fit for purpose. In principle, I have no reason to disagree with this outcome.

Avoidance/Mitigation/Compensation

However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation and compensation measures described in sections 9.3.1 – 9.3.4 comprising, amongst others the production of a CEMP and lighting strategy. Although only brief details are provided at this early stage in the planning process, they represent reasonable and pragmatic proposals that bring with them a degree of confidence that fully worked up versions will effectively reduce the impact of the proposals. **Accordingly, s9.3.1 - 9.3.4 should be secured by condition.**

Biodiversity Net Gain (BNG)

The accompanying metric predicts the delivery of a 141.83% and 33.91% increase in habitat and hedgerow units, respectively.

Ultimately, only long-term monitoring would demonstrate how these communities develop and whether the considerable net gain claimed is being achieved. In time, this may require changes in management if not. However, I remain satisfied that a BNG in excess of the Government's proposed legal minimum requirement of 10% could be delivered; local policy does not yet require the delivery of a fixed amount.

Consequently, I have no reason to disagree with the outcomes shown, and, therefore, I am of the opinion that the delivery of a biodiversity net gain should not represent a fundamental constraint on the proposed development or reason for objection.

I say this in the knowledge that the application is for outline permission, and that the overall proposals may evolve over time and the net gain proposals likewise.

However, there is no guarantee that the net gain proposals of either application will be delivered or how these will be achieved. Therefore, this should be set out in a **Biodiversity Net Gain Management Plan (BNGMP) the production and delivery of which should be secured by condition.**

This should include, but not necessarily be limited to,

- details of the bodies responsible and their roles, functions and legal standing;
- clear, measurable, ecological objectives;

- detailed description of the management and monitoring regimes proposed;
- remedial measures should progress fail to meet the targets; and
- details of how the above will be secured for a minimum of thirty years.

In addition, the BNGMP should make clear how the predicted gain will be achieved and maintained alongside the use of the site as a country park which will bring with it recreational pressure and other urban-edge effects.

9.1.16 Hertfordshire Fire & Rescue Water Officer: No response received.

9.1.17 Hertfordshire Highways: [No objection]

9.1.17.1 Initial comments 18.07.2023. Objection.

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

REASONS AND COMMENTS

It is essential that any development site is unlocked sustainably considering sustainable transport opportunities first. This does not appear to have been considered and presently the proposals are considered non compliant with HCC' Local Transport Plan (LTP) 4 (May 2018). Furthermore, HCC Highways does not consider the access proposals are safe.

Sustainable Access

Currently for the most part the footway adjacent to Bedmond Road runs adjacent to the western side of the road. However, the development is located on the eastern side of Bedmond Road and whilst the vehicle access to the site is located circa 150m within a 30mph speed limit zone, it is clear from the applicants speed survey (15 November 2022) that this is not adhered to with 85th percentile vehicle speeds of 41.0mph north bound and 38.5mph southbound. Furthermore, it is proposed that the road will be widened to provide vehicle access and in doing so the constraint on southbound vehicles entering the village will be removed and southbound vehicle speeds are likely to rise to levels similar to or above the unconstrained northbound vehicle speeds.

Furthermore, whilst Bedmond Road is a recommended cycling route, it is considered that motor vehicle speeds at this location and the possibility of them rising is likely to deter most potential bicycle users both potential and existing.

It is therefore considered that a signalised access which controls speeds and facilitates pedestrian crossing may be more suitable at this location.

Additionally it does not appear that the proposed footway on eastern side of Bedmond Road connect to a safe and intuitive route for pedestrians to southbound bus stops or the village centre either.

Whilst bus services in the vicinity of the site are generally good with a reasonable frequency service potentially circa 400m (5minutes) walk from the site access the aforementioned problems with pedestrian access creates a barrier to all bus stops.

The applicants Transport Statement (TS) indicates that the Kings Langley rail station is circa 2km from the site however, it is over 2km walk by unpaved routes and nearly 3km (cycle) by paved routes (Bedmond Road, Gallow Hill Lane and Station Road). Whilst this is a cycleable distance and by roads identified in the emerging Three Rivers District Council

(TRDC) Local Cycling and Walking Improvement Plan (LCWIP), improvement to these routes need to be funded in order to make them an attractive and realistic alternative to the private car. The LCWIP also identifies the potential improvement to the Dairy Way to Parsonage Way bridleway which could potentially reduce the cycle to the station to 2.5km <https://storymaps.arcgis.com/stories/58f7397ac784439189193f6811f0e9a4>

Vehicle Access

As discussed previously HCC Highways has concerns as to the safe operation of a priority junction for all users at this location.

Travel Plan

In addition to the necessary accessibility improvements which will be required to input to the Travel Plan HCC's travel team note:

- Whilst there is mention of the Travel Plan Co-Ordinator responding to feedback from staff and visitors – this could be facilitated through a form of Steering Group for the plan which can work well within a business environment as it could utilise existing groups/meetings within the business. It is important to continue to receive feedback to ensure staff are engaged with the plan and the plan remains relevant.
- For public transport, there could also be promotion of relevant websites eg www.intalink.org.uk which is the source of bus service information within Hertfordshire and National Rail Enquiries for rail information. There could also be consideration of an on-site car share scheme subject to demand – giving people the opportunity to share with others working at the same facility. Paragraph 5.1.3 mentions reducing the environmental impact of fleet vehicles, business travel, and deliveries but no measures are specified – these could be company policy re flexible working and use of technology eg having meetings virtually rather than visitors needing to travel to the site for meetings, consolidation of deliveries and ensuring deliveries are outside peak traffic times to reduce their impact, use of low emission vehicles where possible. There is also no mention of measures for the training centre – this could be promotion of how to get there by sustainable modes, encouraging access to events on shared transport eg coach?
- Section 8 is somewhat vague with regard to the type monitoring, simply referring to 'travel surveys' which could mean various things – it would be useful to know exactly what is meant – eg questionnaire and/or multi-modal counts, surveys of uptake of various initiatives? There are also discrepancies in the frequency and extent of monitoring proposed, with paragraph 8.1.2 mentioning alternate year monitoring, whilst section 9 Action Plan talks about 'a baseline travel survey followed by annual snapshot survey'. For a development of this scale, we do require annual monitoring and a snapshot survey is unlikely to generate adequate data on which to review the plan and targets as response rates to surveys can be quite low, we will therefore expect full surveys to be undertaken, with review of the plan after each survey.
- Reference must be made to an Evaluation and Support fee , £1200 per year (£6000 for a 5-year plan, index linked to RPI Mar 2014).

Furthermore, post planning before the Travel Plan can be formally accepted to discharge a relevant planning condition the following will be required.

- Travel Plan Co-Ordinator details to be provided on appointment along with those of a secondary contact in case of personnel changes. Approx. time allocated to the role and frequency on site will need to be provided once known.
- A statement of commitment to the implementation of the plan from a suitable member of senior management. This gives us assurance that the business is committed to the implementation of the travel plan and its objectives.

Construction Traffic Management Plan (CTMP)

Further to the Transport Assessment any approved development by condition will require a Construction Traffic Management Plan (CTMP). The CTMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CTMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CTMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Sustainable Transport Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

Paragraph 5.1.6 of the applicants Transport Statement (TS) indicates that the proposed development will employ circa 250 FTE (Full Time Equivalent) staff. Therefore proportional to the development, if it were to proceed HCC would expect a payment of £105,500 in order to address the off site sustainable transport network. This would be allocated to the identified LCWIP routes identified previously which users of the site will impact upon and facilitate of. However, as mentioned previously the proposed development must connect into the sustainable transport network first.

9.1.17.2 Further comments 14.09.2023. No objection.

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 and a sustainable transport contribution of £105,500:

CONDITIONS

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

- i) Roads, footways.
- ii) Cycleways.
- iii) Foul and surface water drainage.
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

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

2) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (23127-06-2 Rev -) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority, the finalised design shall incorporate a signalised pedestrian/cycle crossing of Bedmond Road. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

4) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. This should include both the data centre and country park sites. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and there after retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a design for the upgrade of the existing footpath (Public Right of Way 29) to a bridleway has been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works)

referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

6) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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

7) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

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

APPROPRIATE INFORMATIVES

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

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be

mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN9) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

COMMENTS

The proposed site is an existing greenfield located immediately to the north of the existing residential area of Abbots Langley in the Three Rivers District Council area, and to the east of Bedmond Road. The proposal site is bound to the north by the M25 motorway. Currently the site is host to the Notley Farm. It is proposed to construct a data centre of up to 84,000 sqm (GEA), delivered across 2 separate buildings, in the western area of the site and establish a country park in the eastern area of the site accessed by the Public Right of Way footpaths (PROWs 29 and 31), the informal farm track from East Lane which goes under the M25 and the bridleway (PROW 004) which bridges over the M25.

Sustainable Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Currently for the most part the footway adjacent to Bedmond Road runs adjacent to the western side of the road. However, the proposed data centre development is located on the eastern side of Bedmond Road. Whilst the applicant has offered through their transport consultant to provide a footway on the eastern side of Bedmond Road towards Notley Close. It is clear from the applicants speed survey (15 November 2022) that the 30mph speed limit on Bedmond Road is not adhered to with 85th percentile vehicle speeds of 41.0mph north bound and 38.5mph southbound and crossing to/from the corresponding northbound bus stop on the western side of Bedmond Road would be dangerous. Therefore, HCC Highways considers that the development must provide a signalised pedestrian/cycle crossing of Bedmond Road to make this safer and start to unlock the site sustainably. Furthermore,

HCC Highways consider it feasible to do so and consider that the crossing could be integrated into a signalised junction which would control vehicle speeds on Bedmond Road.

Furthermore, the proposed eastern footway to Notley Close does not present an attractive route for pedestrians to a southbound bus stop. Which involves walking circa 115m south from the site access to an uncontrolled crossing of Bedmond Road to its western side, then walking a further 200m south to a uncontrolled 'zebra' cross of Bedmond Road back to its eastern side and finally walking another 85m south to the bus stop. With crossing the Bedmond Road site twice this tortuous route would not be within the recommended 5 minutes threshold.

The proposed country park itself is a destination and HCC Highways considers that cycle parking within the Park and suitable cycle access to the park via the conversion of the Public Right of Way (PROW) 029 to a surfaced bridleway is required.

Furthermore, the applicants Transport Statement (TS) indicates that the Kings Langley rail station is circa 2km from the site however, it is over 2km walk by unpaved routes and nearly 3km (cycle) by paved routes (Bedmond Road, Gallow Hill Lane and Station Road). Whilst this is a cyclable distance and by roads identified in the emerging Three Rivers District Council (TRDC) Local Cycling and Walking Improvement Plan (LCWIP), improvement to these routes need to be funded in order to make them an attractive and realistic alternative to the private car. The LCWIP also identifies the potential improvement to the Dairy Way to Parsonage Way bridleway which could potentially reduce the cycle to the station to 2.5km <https://storymaps.arcgis.com/stories/58f7397ac784439189193f6811f0e9a4>

However, this has been recognised by the applicant within their latest their 23 August 23 Transport Note (TN), para 2.6 "The applicant is willing to accept the £105,500 in order to address the off site sustainable transport network".

Therefore, in line with policy HCC Highways considers the site can be unlocked sustainably,

Vehicle Access

As discussed previously HCC Highways has concerns as to the safe operation of a priority junction for all users at this location and the finalised junction must be signal controlled.

Travel Plan

Whilst HCC's Travel Plan team consider that the applicants Travel Plan is sufficient for this stage in the planning process. Once the plan is in place we would expect more detail regarding the measures to reduce the impact of deliveries/fleet vehicles (a paragraph has been added in the plan, but it states a general intention to develop measures rather than state what these might be) and also to develop specific measures for the training centre (as this may have different travel patterns). This however, can be discharged by condition post planning permission.

Construction Traffic Management Plan (CTMP)

Further to the Transport Assessment, Transport Note and any approved development by condition will require a Construction Traffic Management Plan (CTMP). The CTMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CTMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CTMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

9.1.18 Herts. and Middlesex Wildlife Trust: 25.07.2023. Objection.

Objection: Biodiversity net gain not demonstrated, in accordance with NPPF. Full biodiversity metric required to enable scrutiny, not a summary. All habitats and condition assessment scores must be justified with evidence. Species lists and condition assessment sheets required.

The NPPF states:

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

d) minimising impacts on and providing net gains for biodiversity

The ecological report supplied does not contain an objective and measurable assessment of net gain. The NE biodiversity metric must be used to demonstrate net gain. A net gain is an increase in habitat units of 10%. The full metric must be supplied not a summary, as is currently the case.

BS 42020 states:

'8.1 Making decisions based on adequate information
The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:
h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

This application should not be determined until a biodiversity metric has been submitted that demonstrates net gain.

9.1.19 National Grid: No response received.

9.1.20 National Highways Agency: [No objection]

9.1.20.1 Initial comments 20.07.23. Holding Response.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 J6, M25 J20 and M25 J21A that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application (refer to Annex A where applicable).

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads)

Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the demolition of existing school buildings and erection of replacement school buildings with associated parking and landscaping. To include siting of two temporary classroom buildings during construction.

The SRN in the vicinity of the proposed development is the M1 J6, M25 J20 and M25 J21A.

We note that this proposal is for the demolition and clearance of existing buildings and hardstanding's to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved).

Traffic Impact

We have reviewed the Transport Statement (TS) prepared by DTA in June 2023 (ref. SJT/NS 23127-01a Transport Statement_Final), and have the following comments.

Trip Generation

While it is stated that the typical land use for a data centre is B8, data centres differ considerably from the normal B8 storage and distribution land uses. The storage element is digital rather than physical, and the distribution of what is being stored is not made by vehicles but distributed electronically. Data centres are less likely to generate significant vehicle trips to/from the site, in contrast to typical B8 storage and distribution land use sites. The TS states that the TRICS database does not contain any sites that reflect the proposed data centre uses, so a first principles approach has been used, based on the number of staff anticipated.

It is then stated that the proposed data centre will generate around 250 jobs, based on the experience of the promotor, who has other data centre sites. However, no evidence is provided to support this estimate of staff numbers. As the whole first principles trip generation process is based on this single estimate of staff numbers, it is critical that this figure is as accurate as reasonably possible.

It also suggests that the peak change in shifts for the proposed data centre will occur in the hours of 07:00 – 08:00 and 19:00 – 20:00, and so the traffic impact during the typical PM peaks will be minimal. However once planning permission is granted, it is possible that these shift patterns might change. Besides, it is possible that the innovation, education, and training centre is more likely to attract trips during more typical office hours, so likely during the weekday peak hours.

ACTION

We therefore request further evidence and clarification which should demonstrate the robustness of estimated staff numbers, for all land uses, as well as vehicular trips likely to be generated. A survey on another similar site or multiple sites should be undertaken by a third-party survey company.

Trip Distribution

We note that the Three Rivers 001 Middle Super Output Area (MSOA) has been used to determine the mode share and trip distribution for the proposed data centre. This MSOA covers the site area, as well as the nearest urban areas of Abbots Langley and Bedmond. The use of this MSOA is accepted, along with the associated mode share and trip distribution calculations.

Traffic has been assigned to the road network using the most direct route, but this only goes so far as to determine the direction of traffic at the Bedford Road site access junction. Trip assignment should be extended to include the nearby M1 J6, M25 J20 and M25 J21A so that the traffic impact on the SRN can be quantified.

ACTION

Trip Assignment information should be presented as proposed development traffic movements at each junction for the weekday AM and PM peak hours.

Recommendation

National Highways recommends that the Local Planning Authority does not grant planning permission for the application (Ref: 23/1068/OUT) for a period of 3 months (expiring on 20 October 2023) from the date of this recommendation. This is to enable the applicant to respond to the outstanding technical matters and to allow us to provide the Local Planning Authority with a fully informed formal recommendation.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.20.2 Further comments 04.09.23. Holding Response.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 J6, M25 J20 and M25 J21A that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Date: 04 September 2023

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved).

The SRN in the vicinity of the proposed development is the M1 J6, M25 J20 and M25 J21A.

After reviewing the Transport Statement (TS) prepared by DTA in June 2023 (ref. SJT/NS 23127-01a Transport Statement_Final), we requested further evidence and clarification to be provided for our review on 20 July 2023. We are now in receipt of the Transport Note (ref. TN 23127-03) which has been prepared by DTA Transportation in August 2023. The following text outlines our observations and feedback.

Trip Generation

It is stated in Section 2.0 (Page 3) that a manual classified turning count has been undertaken at the Prologis Park West London. The site is occupied by Virtus Data Centres. However, there is no further information on where in West London the site is located, thus making a profile comparison between the two sites difficult. We would therefore, require clarification on the sites surveyed for due diligence purposes before we could confirm if the trip generation is acceptable.

Recommendation

National Highways recommends that the Local Planning Authority does not grant planning permission for the application (Ref: 23/1068/OUT) for a period of 50 days (expiring on 20 October 2023) from the date of this recommendation. This is to enable the applicant to respond to the outstanding technical matters and to allow us to provide the Local Planning Authority with a fully informed formal recommendation.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.20.3 Further comments 18.10.23. Holding Response.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 J6, M25 J20 and M25 J21A that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved).

The SRN in the vicinity of the proposed development is the M1 J6, M25 J20 and M25 J21A.

With reference to our queries about trip generation, we recommended that the Local Planning Authority would not grant planning permission for the application (Ref: 23/1068/OUT) on 4th September 2023. This recommendation is expiring on 20th October 2023.

On 11th October, we have been re-consulted by the Council on the Transport Note (prepared by DTA on 21st September 2023). Our initial comments are as follows:

- The Site Surveyed is situated on Horton Road in West Drayton (West London) and is easily accessible via sustainable travel methods. West Drayton facilities are close by and can be reached on foot or by bicycle. Bus stops and West Drayton Railway Station (which is operated by GWR to London Paddington and Reading and now the Elizabeth line) is located 1km (10 min 39 sec – walking speed) from the existing site. Thus, it could be argued more actual opportunities for staff to get to and from that site using sustainable modes of transport.

Therefore, we request that staff numbers and the sites multimodal data be provided in order to review the West Drayton site trip generation. We also require further details regarding staff numbers and confirmation that the site shares the same shift patterns as the proposed development.

- If possible, it would also be helpful for the applicant to include information on the Slough Datacentre as well <https://virtusdatacentres.com/locations/uk> in order to provide more details on the existing trip generation and provide a wider range of source data. Particularly in light of the increased traffic the site is now generating.

- The applicant also states within the TS that “Based on experience of the promotor (and DTA) at other Data Centre proposals it is likely to the scale of development here will generate around 250 jobs”. Can this information be provided?

- Although the applicant mentions a country park, no trips have been reported for it. Clarification is therefore needed for that as well.

Once, the above trip generation has been provided we will then require the following;

- Traffic Distribution Calculation & Diagram – once the trip generation has been agreed, this needs to be assigned to the road network. Trip assignment should be extended to include the nearby M1 J6, M25 J20, and M25 J21A so that the traffic impact on the SRN can be quantified. Especially given the fact that J20 is notoriously congested in around the AM peak – particularly on the clockwise off slip.

A meeting on 20th October with the applicant and the case officer to discuss this Transport Note has been scheduled. In light of our comments above and the meeting that should take place soon, we expect the applicant would need additional time to respond to the outstanding technical matters.

Recommendation

National Highways recommends that the Local Planning Authority does not grant planning permission for the application (Ref: 23/1068/OUT) for a period of 3 months (expiring on 18 January 2024) from the date of this recommendation. This is to enable the applicant to respond to the outstanding technical matters and to allow us to provide the Local Planning Authority with a fully informed formal recommendation.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.20.4 Further comments 09.11.23. No objection.

Referring to the consultation dated 28 June 2023 referenced above, in the vicinity of the M1 and M25 that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

This application is for the demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved).

The SRN in the vicinity of the proposed development is the M1 and M25.

With reference to our queries about trip generation, we recommended that the Local Planning Authority would not grant planning permission for the application (Ref: 23/1068/OUT) on 18th October 2023. In light of the meeting on 20th October 2023, the applicant submitted an updated Transport Note (prepared by DTA; ref. SJT/NS 23127-06a Transport Note to NH Second Response_Final) to us on 7th November 2023. The text below details our observations and comments.

Trip Generation

As per our request regarding the extended AM peak hour of the SRN, the applicant has extended the exercise to demonstrate proposed trip generation from the typical period of 08:00 – 09:00 to 09:00 – 10:00.

We note that traffic generation has been uplifted by 9% to reflect the single occupancy car driver percentage of the proposed development, as a response to our concerns about the different accessibility credentials of the two sites (the survey site and the application site). We acknowledge that there is limited data of survey sites available to the applicant. We note that this approach is acceptable.

With reference to the Economics Need and Benefits Report which DTA submitted to us on 19th October 2023, we note their calculations of the number of jobs regarding this development proposal are acceptable.

As such, the proposed trip generation as tabulated in the report is acceptable.

Table 3 – Proposed Traffic Generation (9% uplift)

Time Period	In	Out	Total
0600-0700	90	29	119
0700-0800	95	16	111
0800-0900	51	8	59
0900-1000	33	11	44
1600-1700	4	81	85
1700-1800	23	71	94
24 Hour	480	493	973

Trip Distribution

We note that Census Journey to Work data has been employed to assign trips onto the local and surrounding highway network. This approach is acceptable. With reference to Table 5 and 6 of the report, we note the maximum number of two-way vehicle trips (per hour) in the extended AM peak (06:00 – 10:00) and PM peak (17:00 – 18:00) is 7.

Table 5 – M25 Junction 20 Development Vehicle Trip Generation

Road	Percentage	AM (0600-0700)			AM (0700-0800)		
		In	Out	Total	In	Out	Total
A41	3%	3	1	4	3	1	4
Road	Percentage	AM (0800-0900)			AM (0900-1000)		
		In	Out	Total	In	Out	Total
A41	3%	2	0	2	1	0	1
Road	Percentage	PM (1700-1800)					
		In	Out	Total			
A41	3%	1	2	3			

Table 6 – M1 Junction 6 Development Vehicle Trip Generation

Road	Percentage	AM (0600-0700)			AM (0700-0800)		
		In	Out	Total	In	Out	Total
M1 J6 NB Off Slip	8%	7	0	7	7	0	7
M1 J6 SB On Slip	8%	0	2	2	0	1	1
A405	5%	4	1	5	5	1	6
Road	Percentage	AM (0800-0900)			AM (0900-1000)		
		In	Out	Total	In	Out	Total
M1 J6 NB Off Slip	8%	4	0	4	2	0	2
M1 J6 SB On Slip	8%	0	1	1	0	1	1
A405	5%	3	0	3	2	1	2
Road	Percentage	PM (1700-1800)					
		In	Out	Total			
M1 J6 NB Off Slip	8%	2	0	2			
M1 J6 SB On Slip	8%	0	5	5			
A405	5%	1	3	4			

Traffic Impact

Considering the above, we note the traffic impact of this proposal on the SRN is likely to be insignificant.

Recommendation – No Objection

We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

9.1.21 Natural England: No response received.

9.1.22 St Albans City & District Council: 18.08.23. No objection.

Thank you for consulting St Albans City and District Council development management on this application.

Having reviewed the information supplied, we do not wish to object to the proposed development at this time. Three Rivers District Council as Local Planning Authority on this application should however satisfy themselves that any potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations in this case, in line with Paragraph 148 of the National Planning Policy Framework 2021.

We would advise that St Albans City and District Council is currently determining planning application 5/2022/2966, which has a resolution to grant outline planning permission, and includes potential provision for a data centre within the proposed scheme.

We would also request that St Albans City and District Council is consulted on future applications at this site.

9.1.23 Thames Water: 10.07.23. No objection.

Waste Comments

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.

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 would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is – Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ – Tel – 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and

Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

9.1.24 TRDC – Heritage Officer: 31.07.23. Objection.

This is an outline application for the demolition and clearance of existing buildings and hardstandings to allow for the construction of a data centre of up to 84,000 sqm (GEA) delivered across 2no. buildings, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. Other works include an ancillary innovation, education and training centre of up to 300 sqm, internal roads and footpaths, cycle and car parking, hard and soft landscaping, security perimeter fence, lighting, drainage, substation, and other associated works and infrastructure (all matters reserved).

The application site is located in the setting of the following heritage assets:

- Tithe Barn, 20 metres northeast of Parsonage Farm, Grade II*, (list entry: 1100908)
- Mansion Farmhouse, Grade II, (list entry: 1348213)
- Ovaltine Dairy Farm Cottages (non-designated heritage asset)
- Antoinette Court (non-designated heritage asset)

The application site is a historically undeveloped field which positively contributes to the significance of the above heritage assets. Views of the agrarian landscape from the heritage assets, and from the agrarian landscape back towards the heritage assets, permit an understanding of their historic context and function. The proposal would result in the fundamental alteration to the land use and character. The proposal would alter the assets physical surroundings as well the way in which they are experienced.

Due to this change, there would be 'less than substantial' harm to the designated heritage assets, paragraph 202 of the NPPF would be relevant. The level of harm to the Tithe Barn would be low due to the distance. The harm to Mansion Farmhouse would be the lowest level, due to the greater distance and intervening development. With regard to the non-designated heritage assets, paragraph 203 would be relevant. The level of harm to Ovaltine Dairy Farm Cottages would be medium due to the proximity of application site to the asset and fundamental change to the landscape. The harm to Antoinette Court would be low due to the greater distance and existing tree/hedge screening.

Whilst the proposed landscape strategy shows some additional planting around the data centres, I do not consider that there is the potential to fully mitigate the harm to the heritage assets with a development of this scale and extent.

9.1.25 TRDC – Environmental Health – Residential: 21.08.23. No objection.

I noticed that NSR1 – Farmhouse located to the southeast of the southern Site boundary will be the noise receptor that might be adversely affected by noise during the night-time, and this is after the mitigating measures are put in place. In addition, since work that involves (chillers and generators) has not been finalised it can be argued that the sound levels used in this noise report, to assess them, might change. Moreover, regarding the Education and Training Centre the Noise report states that at this stage is not known what type of ventilation system they will use, since this might have an impact on the noise generated by the site it must be taking to account as well.

Since there are quite a few uncertainties at this stage of the development, I would advise on behalf of the Environmental Health department that Planning puts a condition requesting that a new noise report, that address these uncertainties, is provided at the design stage.

9.1.26 TRDC – Leisure Department: 18.07.23. No objection subject to condition(s).

After full consideration of all the documents and information relating to the above planning application, Leisure Development Officers submit the following comments and recommendations.

These comments are given to help the development achieve the aims of Three Rivers District Council's Corporate Framework, Climate Emergency and Sustainability Strategy Sport and Physical Activity Strategy 2022–2025, Local and Strategic plans and National Policy Framework specifically:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

Recommendation for a development of this size is to include leisure facilities or features in the plans. However, Officers are unclear on a number of points in this proposal and require further details of clear plans for leisure facilities to be submitted before approval can be granted. Leisure Officer requirements are set out below.

- Details of full landscaping and leisure equipment proposals with product data sheets and proposed designs for all Leisure areas.
- Clear Operator signage for all outdoor leisure equipment conforming with the BS EN standards must be provided.
- Plans for outdoor leisure equipment do not have to be generic play or physical activity equipment. Leisure equipment and provision could include:
 - o landscaped relaxation areas
 - o natural play areas
 - o sensory play/garden areas
 - o wooded/garden/landscaped areas with physical activity equipment.
 - o trim trail
 - o or any other feature that enhances the health and wellbeing for visitors to the site.
- Any outdoor leisure equipment must conform to the following standards:
 - o Playground Equipment & Surfacing – BS EN 1176 & 1177
 - o MUGA's (Multi Use Games Areas) – BS EN 15312 – Free Access Multi Sports
 - o Skate Parks – BS EN 14974 – Roller Sports Equipment
 - o Outdoor Fitness Equipment – BS EN 16630
 - o Parkour Equipment – BS EN 16899
- Full details must be provided on the pond structure and the intended use eg shallow access for wildlife/pond dipping, access bridge, seasonal pond or year round, fenced or unfenced details on leisure provision use (either used for educational purposes or natural habitat purposes)
- Particular attention should be given to DDA compliant access to any leisure areas including pathways, seating and equipment as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland).
- Clear provision of sustainable active travel to support an active lifestyle, such as being bike friendly and details to show how this area links in with and encourages the green corridor links.
- Details showing vehicle access for maintenance of any leisure areas.
- Operator signs for any leisure areas are required and must include full contact details for reporting of maintenance or reparation issues and conform with BS EN standards.
- Clear signage details to show other local parks & open spaces, e.g., Leavesden Country Park, local footpaths etc.

- A full RoSPA based risk assessment must take place of any proposed outdoor leisure equipment and a RoSPA RPII Inspectors post installation inspection report must be provided.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if it the developer plans to formally hand over to the leisure facility to the Parish Council or Three Rivers District Council. This must include detailed Operation and maintenance Health & Safety manual showing:
 - o DDA compliancy certification as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland)
 - o details of installation method and as built drawings
 - o quality details of all materials used with the relevant certification.
 - o detailed maintenance guides for each piece of equipment
 - o RoSPA inspection of installed pieces of equipment
 - o Proof of adherence to RoSPA recommendations eg gates and fences etc.
- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

A pre-commencement condition is therefore requested which requires provision of a clear and detailed plan which must be approved by Officers in the leisure team.

It is therefore requested that the following condition is imposed as follows:

- (a) No development shall commence until the following documents have been submitted as a full programme of outdoor leisure facilities implementation which is approved in writing by the Local Planning Authority after consultation with Three Rivers District Council's Leisure Team. This must consist of:
- (i) A detailed design risk assessment of all proposed leisure facilities.
 - (ii) A detailed specification of:
 - a. the proposed equipment, ancillary items, operator signs and other operations associated with grass establishment,
 - b. ongoing maintenance proposals
 - c. a detailed programme of installation, showing all stages, key points for Leisure Officers to visit site and approve stages of building works and a method statement for the works.
- (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the maintenance proposals for the scheme and made available for use in accordance with the scheme.

Reason: To ensure that the Outdoor Leisure Facilities are prepared to an adequate standard and are fit for purpose and to accord with Development Plan Policy **.

Three Rivers District Council's Leisure team can provide examples of acceptable completed documents and contractor's specifications to the applicant, along with advice on aspects of outdoor leisure facility requirements, to assist with meeting the conditions set out as above condition.

9.1.27 TRDC - Local Plans: 11.10.23. Objection.

Representation: The application site is located within the Green Belt. Policy CP11 of the Core Strategy 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 NPPF states that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147-148). Paragraph 149 of the NPPF states that local planning authorities should "regard the construction of new buildings as inappropriate in the Green Belt", with limited exceptions. None of the exceptions set out in the NPPF apply to the proposed development.

The proposed buildings would comprise 84,300sqm of new employment floorspace. A gain in employment floorspace would be supported, although in this case this will only result in the creation of 15 full-time jobs, due to the nature of the development.

The South West Herts Economic Study (2019) indicates a need for 329,500sqm of B8 floorspace (storage and distribution) (18,300sq m per annum) across the whole of South West Herts. Of these amounts, it is estimated that in Three Rivers, there should be a provision of 15,600sqm of B8 floorspace over the 2018-2036 period (or 900sqm per annum). This is estimated to require a land requirement of 3.9ha. The application proposes B8 use to comprise the majority of the floorspace within the proposed development. It is therefore considered that the proposed development would strongly contribute to meeting the need for B8 floorspace set out in the South West Herts Economic Study (2018). The proposed development would provide a proportion of office floorspace, ancillary to the data centre use.

Although the proposed development would seemingly significantly contribute to meeting the District's B8 floorspace needs, a hyperscale datacentre is a very specific use and not typical of B8 uses. As such, there are concerns that in reality it would not result in meeting the District's B8 needs and these needs would need to be met elsewhere in the District. The Council does not have evidence of its own on this use and therefore the applicant would need to submit compelling evidence in support of a need for the hyperscale datacentre specifically in this location.

In the absence of sufficient evidence to justify the need to develop this Green Belt site and in the absence of consideration of suitable alternative sites the policy team considers this to be inappropriate development in the Green Belt.

9.1.28 TRDC – Tree Officer: 14.11.23. No objection.

Recommend: Approval.

The submitted plans indicate that two sections of hedgerow, one tree (T33 Ash) and a small area of ancient woodland would need to be removed to facilitate the development. The hedgerow is in relatively poor condition and its removal will not be of any real detriment to the landscape or biodiversity.

The removal of the tree and small area of woodland would be detrimental; however, their loss would be compensated for by the creation of a substantial area of country park, adjacent to the site, with substantial new tree, woodland and hedgerow planting.

Officer comment: An area of ancient woodland is not proposed to be removed.

9.1.29 Watford Environmental Health (Commercial): 27.07.23. No objection.

Air Quality

I have reviewed the Air Quality Assessment prepared by Air Quality Consultants (Report ref. J10/13954A/10/2/F1).

The report does not include an assessment of construction phase impacts.

The assessment has considered emissions from the proposed generator plant in combination with traffic emissions, the assessment demonstrates that off-site impacts of the proposed scheme will be negligible, with the routine testing of the generators resulting in a negligible risk of an exceedance of the short-term air quality objective for Nitrogen Dioxide. There is a very low risk of an exceedance of the short-term air quality objective for Nitrogen

Dioxide, if all generators were required to operate at once (in the event of a significant power outage).

The assessment of operational phase impacts indicates that the air quality effects of the proposed development will be not significant.

I would recommend the following be applied to any permission granted:

A condition requiring the submission of a dust management plan.

A condition limiting testing to 12 hours per year, with a requirement to undertake testing in accordance with a routine testing regime.

A condition requiring the specification of the generators to be installed to be equal to or better than the generators described in Appendix A3.

A condition requiring the installation and maintenance of an abatement system for all generators.

Land Contamination

Historical mapping indicates that the site where the buildings are to be constructed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, no changes are shown on the subsequent available maps.

Historical mapping indicates that the site where the country park is proposed may have had an agricultural use, inferred by field boundaries depicted on the map published in 1883, a cemetery, mortuary chapel, gasometer and gas works are shown offsite, a sewage pumping station is shown on the map published in 1925, a sewage tank is shown on site on the map published in 1926, no changes are shown on the subsequent available maps,

The site where the buildings are to be constructed has not been identified as having had a previous potentially contaminative use. Part of the site is currently occupied by a stables. A site to the west of the site has been identified as having been used for food processing.

The site where the country park is proposed has been identified as having a previous potentially contaminative use. Part of the site has been identified as having been used as a sewage works or sewage farm.

A number of sites to the south of the site have been identified as having had a previous potentially contaminative use. The following uses have been identified: cemetery or graveyard, heap - unknown constituents, sewage works and sewage farms, gas works, coke works, coal carbonisation plants.

The proposed development will not have a sensitive end use. The main use of the site appears to have been agricultural (likely arable crops) and there was a small sewage tank on site (it is not obvious what this was associated with). These uses are unlikely to have impacted the site significantly. Any unexpected contamination encountered during the development shall be reported to the LPA.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

1. 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.

INFORMATIVES:

Information for Developers and guidance documents can be found online at https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land

Aerial Photograph



Approximate Photo Locations

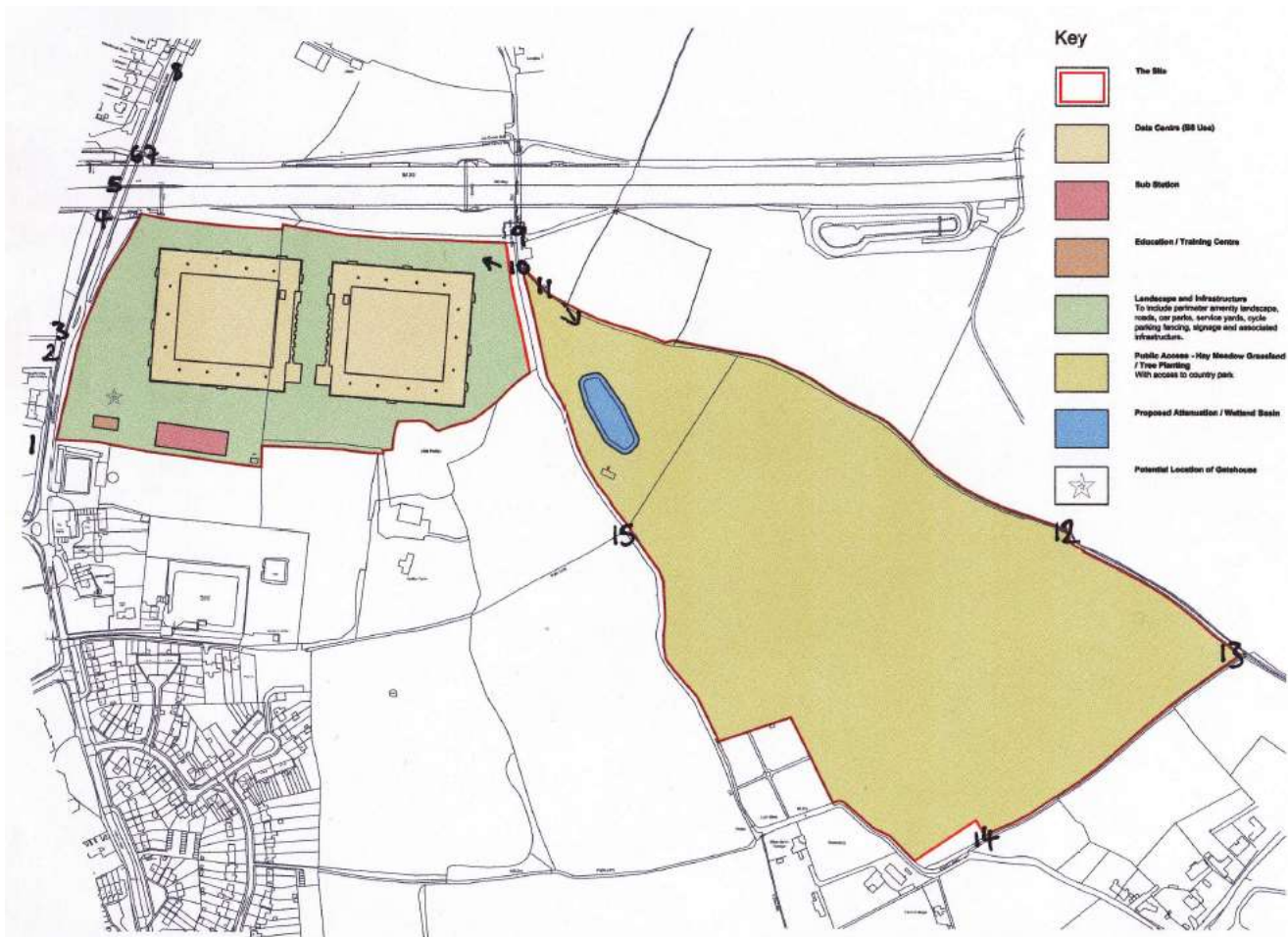


Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



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PLANNING COMMITTEE – 18 January 2024

23/1128/FUL - Demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation; new building to provide a laundry and maintenance store; and conversion of an existing garage to serve as a maintenance store and associated parking at CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 19.10.2023
(Extension agreed to 25.01.2024)

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to the conditions set out below, and any conditions requested by the LLFA:

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse on the multiple grounds listed within their comments at 5.1.1 of this report.

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=RXD0X4QFGAG00

1 Committee Update

- 1.1 This application was considered by the Planning Committee on 14 December 2023. The application was deferred for a site visit to view the parking arrangement of the site. The site visit was carried out on 6 January 2024.
- 1.2 Since the previous committee meeting, the applicant has submitted a Car Parking Management Strategy. Officers were previously satisfied, and remain satisfied, that the requisite level of parking could be accommodated within the site. This report aims to provide further clarification and address any outstanding concerns of Council members. The contents of this report are discussed in further detail within the analysis section of this report.
- 1.3 At the previous committee meeting, members queried the comments of the Landscape Officer. The Landscape Officers comments are in full at paragraph 5.1.3 of this report. To provide clarification on this matter, the Landscape Officer raised no objection to the application subject to conditions. The Landscape Officer included their comments on the previous application (22/1323/FUL) within their comments on the current application.
- 1.4 At the previous committee meeting, members queried the wording of the condition relating to the hours of use of the proposed laundry and maintenance building. This condition has been amended so that the hours of use would be from 09:00 on a Saturday as opposed to 08:00. A condition has also been included in this report for the requirement of a Construction Management Plan.
- 1.5 Since the previous committee meeting, representations from residents have been received regarding the fire safety aspect of the site during and following the proposed development. Whilst this matter is covered separately under the Building Regulations, the applicant has submitted a Fire Strategy Technical Note to address this.

- 1.6 The NPPF was updated in December 2023 following the committee meeting. Whilst the changes do not affect the officer's recommendation, the analysis below has been updated to reflect changes to the paragraph numbers of the NPPF where required.

2 Relevant Planning History

- 2.1 22/1323/FUL - Demolition of existing garages and construction of 7no. new dwellings (use Class C3) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking - 26.01.2023 – Refused for the following reasons:
- R1 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).*
- R2 The proposed development would have a detrimental impact on protected trees and trees of visual importance on the site and the proposed mitigation measures do not serve to outweigh the proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*
- R3 The proposed development would result in an unacceptable parking arrangement across the application site and would result in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).*
- R4 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).*
- 2.2 22/1329/FUL - Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping - 30.03.2023 – Permitted.
- 2.3 22/1311/LBC - Listed Building Consent: Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping - 30.03.2023 – Permitted.
- 2.4 10/2237/FUL - Erection of 2 elderly persons dwellings and associated site works - 12.01.2011 – Withdrawn.
- 2.5 09/1828/FUL - Site 1 - Erection of two elderly persons dwellings and associated site works - 07.06.2010 – Permitted (not implemented)
- 2.6 09/1843/FUL - Site 2 - Erection of three elderly persons dwellings and associated site works - 26.02.2010 - Refused, Appeal allowed (implemented)

- 2.7 06/1284/FUL - Internal alterations to allow conversion of 2 flats into a single residential unit - 20.10.2006 – Permitted.
- 2.8 98/0095 - Erection of 3 bungalows - 10.03.1998 – Withdrawn.
- 2.9 94/135/8LB - Retirement development - comprising residential units alterations to Listed Building and ancillary work - 04.07.1994 – Permitted.
- 2.10 8/557/90 - Health Care Development comprising 124 residential units with alterations and renovations to the listed building alongside ancillary work and staff accommodation.
- 2.11 8/498/90LB - Demolition of part and conversion to 13 No. elderly persons apartments and communal facilities - 24.06.1991 – Permitted.
- 2.12 8/600/74 - 3 Staff Flats - 05.01.1975 – Withdrawn.
- 2.13 8/105/74 - Six staff flats to be formed in a new two storey building - 23.04.1974 – Withdrawn.

3 Description of Application Site

- 3.1 Cedars Village is located within Chorleywood, off Dog Kennel Lane, near the M25 motorway. The site is located to the west of Chorleywood Common which consists of an expanse of common land with grass and wooded areas.
- 3.2 The site is situated within the Chorleywood Common Conservation Area and within the grounds of a Grade II Listed Mansion House known as The Cedars, formerly Chorleywood College, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). The application site is a gated residential complex, which is approximately 22 acres in area, and comprises residential uses including apartments and detached bungalows set within the grounds.
- 3.3 This application involves development works at three smaller sites within the retirement village complex, which are referred to hereafter as the Marriott Terrace site, the Badgers Walk site and the Lodge site. The Marriott Terrace site is positioned to the north of the Grade II Listed Mansion House and contains detached garage buildings and an area of lawn and trees. The Badgers Walk site is in the southern part of the village complex, away from the Mansion House. This site contains a detached garage building and an area of lawn and trees. The Lodge site is located at the main entrance directly adjoining the site of the gate lodge. This site is predominantly laid as hardstanding and contains a double garage and timber carport.

4 Description of Proposed Development

- 4.1 Planning permission is sought for the demolition of existing garages and construction of 7no dwellings (use Class C3) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking.
- 4.2 At the Marriott Terrace site, two detached garage blocks, which accommodate four and five garage spaces respectively, would be demolished and five bungalows would be constructed in place. The bungalows would consist of two pairs of semi-detached dwellings and one detached dwelling. The detached dwelling and one pair of the semi-detached dwellings would be orientated to face in a western direction. The other pair of semi-detached dwellings would face to the north. The dwellings would each have a width of 7.6m and a depth of 12.1m. The dwellings would have a gabled roof form with an eaves height of 2.3m and a ridge height of 6.2m. The dwellings would contain a dormer window within their rear roofslope which would have a depth of 4.1m, a width of 3.8m and a height of 2.3m. There would be three rooflights to the front roofslopes of each dwelling. The dwellings would have a brick exterior finish and tiled roofs. Each dwelling would be afforded a private rear patio

area of 12sqm and beyond would be communal amenity garden, similar to the amenity garden arrangement to the wider village.

- 4.3 At the Badgers Walk site, a detached garage block would be demolished, and two bungalows would be constructed in place. The bungalows would consist of a pair of semi-detached dwellings. The dwellings would be of the same scale and design as set out above.
- 4.4 At the Lodge site, an existing garage would be converted into a maintenance building which would not involve any exterior alterations. A new building would be constructed to serve partly as a maintenance facility (containing office, W/C, breakout area and kitchenette), and partly as a laundry building. The building would have a width of 7.7m and a depth of 8.5m. The building would have a hipped roof form with an eaves height of 2.5m and an overall height of 4.9m. The building would have a brick exterior finish and tiled roof. The building would contain a set of doors within its front elevation and doors and windows within its western and northern flanks.
- 4.5 This application follows a previously refused application (22/1323/FUL) of largely identical character and description. The key difference between this current proposal and the previous proposal is the re-siting of two dwellings within the Marriott Terrace site, 3.0m further to the east from their previous position. A large, mature Horse Chestnut tree (T61) and its surrounding area of landscaping have been retained as a result. This application is also accompanied by updated parking, drainage, and landscape information, in addition to agreement to make an affordable housing commuted sum payment contribution, to address the full set of reasons why the previous application was refused.

5 Consultation

5.1 Statutory Consultation

5.1.1 Chorleywood Parish Council: Objection

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

- *The proposals, owing to the siting and scale of the proposed laundry and maintenance store and the siting and position of the 7 retirement village units would adversely impact the setting of the lodge and the main building.*
- *The proposal would adversely impact Chorleywood Common Conservation Area owing to the siting and design of the laundry and maintenance buildings.*
- *The proposal fails to provide sufficient car parking, whilst the Applicant argues this is a C2 offering, the residents of this development are independent and choose to move into Cedars Village because they seek to maintain their independence.*
- *The proposal would fail to provide adequate car parking to meet the needs of the residents of Cedars Village, resulting in unacceptable parking arrangement, resulting in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2012).*
- *The proposal fails to provide adequate vehicular access particularly for the proposed retirement village units - elderly residents are more vulnerable to falls and as a result of the proposal.*
- *The proposed development is contrived and ill thought out, the proposed retirement units do not have adequate outdoor space, they have been crammed into an area and detract from the setting of the listed building.*
- *The proposed units, owing to their layout would result in the loss of privacy for existing residents.*
- *The proposed laundry and maintenance unit would result in noise impacts that would harm the amenities of neighbouring residents both at Cedars Village any beyond, this*

is especially a concern owing to the limited depth of gardens. The proposed heat pumps are especially a concern.

- *There are significant concerns relating to the loss of mature trees to make way for a very contrived development which is simply cramming in units rather than thoughtfully considering the setting of the designated heritage assets, the density of the proposal is inappropriate within the site's context.*
- *The proposed development would have a detrimental impact on protected trees and trees of Visual importance on the site and the proposed mitigation measures do not serve to outweigh the Proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF*
- *There are concerns relating to the impact on ecology.*
- *Should the laundry and maintenance building be considered acceptable, it must ONLY be used for this site and should not be used for any other process.*

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

- 5.1.2 Conservation Officer: The proposals were discussed verbally with this consultee, and they confirmed that their written comments made in respect of 22/1323/FUL remain applicable to the proposed development.

Comments of 23/09/2022 on 22/1323/FUL

"The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.

This application follows pre-application advice (ref: 22/0422/PREAPP) for a largely similar scheme.

The proposed laundry and maintenance facility and residential units at Badgers Walk would not raise an objection. The laundry and maintenance facility would follow the same form and appearance as the existing modern double garage and would not detract from the setting of the Entrance Lodge or the principal listed building. Badgers Walk would not result in harm to the setting of the listed building due to the scale and extent of intervening development.

With regard to the proposed development at Marriot Terrace; it was advised within pre-application advice that there would be concerns about the visual impact due to the proximity to the listed building. It was recommended to provide further information (visualisations or streetscene) to show the new dwellings in the context of the listed building to understand the full impact. Such information has not been presented in the full application and therefore, previous concerns have not been addressed. As previously noted, the existing garages are small scale ancillary buildings and there would likely be an impact arising from the proposal due to the change in character and increase in built form. Due to the lack of sufficient information, concerns regarding the development at Marriot Terrace remain applicable.

Furthermore, concerns were also raised regarding the scale of the dormers and quantity of rooflights which have not been addressed. It should also be noted that the loss of existing trees raises a concern as this could exacerbate the visual impact of the development through the loss of screening.

I have no in concerns upon the principle however the acceptability of the scheme is dependent upon the detail. Therefore, I request additional information, such as an indicative street scene to show the new development in the context of the listed building.

Comments of 01/12/2022 on 22/1323/FUL

"This application is for the demolition of existing garages and construction of 7no. new Extra Care units (use class C2) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking.

The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.

This is the second consultation within this application. Initial advice stated that there were concerns regarding the visual impact arising from the Marriot Terrace development and requested a proposed street scene to fully understand the impact of the proposal.

No additional information has been submitted. As noted previously the existing development comprises of small-scale ancillary buildings. There is potential for the development to be more visually intrusive than the existing development due to the increase in built form as well as the proximity to the listed building and positioning of the dwellings set at 45-degree angle. However, taking into consideration the extent of existing development within the setting of the listed building, the proposed dwellings would unlikely result in any additional harm.

Notwithstanding this, there is a missed opportunity to reduce the impact of this development. Were the dwellings re-positioned to sit behind the front building line of the listed building the visual impact would be mitigated. I recommend that the front rooflights are omitted to reduce the visual impact of the new dwellings."

5.1.3 Landscape Officer: [No objection subject to conditions].

Further to previous comments on this application, it appears amendments have been made, which will allow the retention of tree T61 (Horse Chestnut). Other than this the impact on trees appears to be substantially the same as the previous application. As with the previous application, this proposal would locate new dwellings in very close proximity to the mansion house. This would lead to further loss and damage to the landscaped grounds and, as a consequence, the setting of the main house.

The retention of T61 is welcomed, however remedial landscaping plans should include details of how the rooting environment of this retained tree will be improved. This should include the removal of the existing geotextile membrane and the application of composted bark mulch layer, or similar. Details should be required as part of a discharge of conditions.

The loss of trees to the rear of the main house, including T34 is regrettable, however their visual amenity value is limited, and substantial replacement tree and shrub planting should mitigate these impacts. Some indication of replacement tree planting has been provided, but further details of new planting should be required, particularly in the vicinity of the proposed dwellings.

If the application is approved, a more detailed landscaping scheme should be required by condition.

Comments on 22/1329/FUL

The application site (a retirement village) is within the Chorleywood Common Conservation Area and the Green Belt. The land is recognised as a wildlife site within which is a Grade II listed building. An area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site. There are a number of mature, prominent trees across the site that are visually appealing and important within the local landscape. It is noted that a large specimen tree has been

removed to the front of 17-19 Cedars Walk and the large Silver Lime to the front of the main building has recently lost a substantial limb.

The proposed development involving the construction of new dwellings and landscaping will impact directly and indirectly on trees; several mature trees are proposed for removal and a number of poorer specimens would be removed and/or pruned. The applicant has provided a tree survey and impact assessment, tree protection plan, constraints plan and a tree planting plan. Of particular note is the proposal to remove a mature Horse Chestnut tree (T61) located in a small car parking area in Marriott Terrace, to the north of the main building.

The tree is a mature specimen but appears to be showing signs of decline within part of its crown but the remaining canopy is showing good vigour. The submitted tree report suggests that the tree is likely to have safe useful life expectancy of less than 20 years. However, no indication of what might be causing the decline has been offered and no climbing inspection or internal decay testing has been carried out. A site visit has revealed that the rooting conditions of the tree are less than ideal, with the root zone of the tree covered with landscaping fabric tight up to the base of the main stem.

The application seeks to take a pragmatic view that removal of the tree and redevelopment of the area provides an opportunity to establish a replacement specimen to maintain tree cover over the long term. However, the information provided does not make a compelling case that the tree is in terminal decline and it seems possible that some remedial tree works and improvements to the rooting environment could allow the tree to be retained for at least another 20 years.

In addition, the layout of the proposed landscaping would not make a central feature of the replacement tree, unlike the existing Horse Chestnut and its close proximity and position to the southwest of the proposed development is likely to lead to heavy shading and nuisance issues for future residents.

It is also proposed to remove an early mature Norway Maple (T34) to the rear of Marriott Terrace with the tree report describing it of having poor vigour. Whilst not currently visually prominent a site visit has confirmed that the Maple appears to be in good health and condition and has good form. No signs of low or poor vigour were observed, although a row of poor-quality Lawson's Cypress are currently suppressing the Maple's growth to the north and west. The proposed removal of the Cypress could greatly benefit the Maple, which could have a safe useful life expectancy of over 40 years.

Other works in this area are mainly to low value category C trees including the felling of a group of Lawson cypress and the pruning of some Yew and Sycamore. Across the other side of the site, to the south-east at Badgers Walk, three category C trees are proposed for removal, a Holly, Norway Maple and Lawson cypress. Towards the front entrance of the site, a new laundry building is proposed where a number of smaller sized holly will be removed.

One for one replacement planting has been considered across the site to mitigate the loss of the larger tree specimens. Given the mature nature of some the trees proposed for removal, this would seem inadequate, and there are some concerns regarding the location, number and type of trees that have been proposed. Principally, new planting should not just replace but enhance the environment and landscape around it. Whilst the sourcing of extra heavy standard trees will provide immediate visual impact, it is felt that further consideration should be given to the future growth implications of the Dawn Redwood in Marriotts Terrace and the Maple at Badgers Walk. Given their close proximity to the proposed new dwellings it is likely future residents will experience the loss of light, branches touching buildings, and nuisance issues, such as leaf drop.

The Cedars Village comprises of a community of retirement dwellings, built within the former landscaped grounds of a grade II listed mansion house. Whilst much of the existing dwellings are within the wider grounds, this new proposal would locate new dwellings in very close proximity to the mansion house. This would lead to further loss and damage to the landscaped grounds and, as a consequence the setting of the main house.

In summary, refusal is recommended due to the removal of mature trees; inadequate proposals for replacement tree planting and the loss and damage to the landscaped grounds of a listed building. The proposals are contrary to Policy DM1, DM3 & DM6 of the Three Rivers Local Plan 2014. Should planning permission be granted additional proposals for replacement tree planting and remedial landscaping should be required.

5.1.4 HCC Flood Risk Management Team (LLFA): Objection

Officer comment: This consultee is currently reviewing further information which was submitted by the applicant in response to the below objection.

Thank you for your consultation on the above site, received on 25 July 2023. We have reviewed the application as submitted and wish to make the following comments.

The application is for the demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation, in addition to a new building to provide a laundry and maintenance store, and conversion of an existing garage to serve as a maintenance store and associated parking.

Full drainage network calculations should be provided to ensure the scheme will work for all return periods up to and including the 1 in 100 year plus climate change. We would usually expect provision of calculations for a 1 in 1, 1 in 30, 1 in 30 plus climate change, 1 in 100, and 1 in 100 year plus appropriate climate change as a minimum to support this. We are also concerned the calculations provided have used FSR method rather than using the latest FEH2022 rainfall data. In addition, the applicant has not provided evidence to demonstrate the proposed surface water system has applied the four pillars of SuDS as there is no information provided for biodiversity, amenity, or water quality. Provided infiltration testing is not sufficient to support current proposals.

We object to this planning application in the absence of an acceptable Drainage Strategy / supporting information relating to:

- *Impacts from the development adversely effecting flood risk as runoff rates and volumes have not been provided.*
- *Insufficient supporting data to demonstrate viability of proposed drainage scheme.*
- *The development not complying with NPPF, PPG or local policies - Three Rivers Local Plan: Policy DM8 (Flood Risk and Water Resources)*

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

5.1.5 Hertfordshire Ecology: [No response received]

5.1.6 Environmental Health: The proposed development was discussed verbally with this consultee who made the following comments:

- *There are not concerns with the siting of the laundry and maintenance facility subject to conditions limiting the hours of use (i.e. normal day time working hours and not on Sundays and bank holidays).*

5.1.7 HCC Footpath Section: [No response received]

5.1.8 Local Plans Section: [No response received]

5.1.9 National Grid: [No response received]

5.2 Public/Neighbour Consultation

5.2.1 Neighbours consulted: 199

5.2.2 Site Notice posted 28.07.2023, expired 18.08.2023.

5.2.3 Press notice published 04.08.2023, expired 25.08.2023.

5.2.4 Responses received: 19 (17 Objection, 1 Neutral, 1 Support)

5.2.5 Summary of responses

Objection

- Impact upon Conservation Area
- Impact upon Listed Building
- Loss of parking
- Loss of trees
- Overlooking concerns
- Loss of outlook
- Construction disruption including traffic, dust and noise
- General increase in noise
- Impact to wildlife
- Loss of value to existing property
- Noise from proposed laundry and maintenance facility
- Concerns over fire safety

Support

- Improved facilities for residents from the proposed development

5.2.6 Material planning considerations are addressed in this report.

6 Reason for Delay

6.1 Committee cycle and deferral for site visit.

7 Relevant Planning Policy, Guidance and Legislation

Legislation

7.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

- 7.1.3 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 7.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant

7.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 7.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.
- 7.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 7.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 7.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10 and CP12.
- 7.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Policies DM1, DM3, DM6, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5.
- 7.2.6 Chorleywood Neighbourhood Development Plan (referendum version August 2020). Policies 1, 2, 3 and 4 are relevant.

7.3 Other

- 7.3.1 The Chorleywood Common Conservation Area Appraisal (adopted February 2010).
- 7.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

8 Planning Analysis

8.1 Principle of Development

- 8.1.1 The proposed development would result in a net gain of seven dwellings. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through

the planning application process where it will be tested in accordance with relevant national and local policies.

8.1.2 Paragraph 123 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. The application would therefore need to be assessed against all other material planning considerations.

8.1.3 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
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

8.1.4 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Secondary Centres are expected to contribute 60% of housing supply over the plan period. There is no objection in principle to residential development subject to compliance with other relevant policies.

8.2 Housing Mix

8.2.1 Policy CP3 sets out that the Council will require housing proposals to consider the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent Local Housing Needs Assessment (LHNA) (2020) advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

8.2.2 The nature of the proposed development means that it would provide 100% 2-bedroom units and would not strictly accord with Policy CP3 of the Core Strategy, however it is considered that a development of this nature would not 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).

8.3 Affordable Housing

8.3.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

- 8.3.2 As a net gain of seven dwellings, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the "Highest Value Three Rivers" market area where the figure is £1,250 per square metre. The Council have calculated the affordable housing payment requirement to be £656,250 (plus £387,835 indexation).
- 8.3.3 The terms of a Section 106 have been agreed between the applicant and the LPA to secure this amount as a contribution towards affordable housing. The Section 106 agreement at the time of writing this report has not been executed therefore any recommendation for approval would be subject to the completion of the Section 106. The completion of the Section 106 agreement to secure a commuted sum payment for affordable housing contribution would satisfactorily overcome the previous reason for refusal of 22/1323/FUL.
- 8.3.4 In summary, the proposed development, subject to the completed of the Section 106, is acceptable in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 8.4 Impact on Conservation Area & Heritage Assets
- 8.4.1 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.
- 8.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 8.4.3 For new residential development, Policy DM1 states 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 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.)
- 8.4.4 The application site is located within the Chorleywood Common Conservation Area and within the former grounds of The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore it states that development should not harm important views into, out or within the Conservation Area.
- 8.4.5 The Chorleywood Neighbourhood Plan is also relevant. Policy 1 relates to 'Development within Conservation Areas' and requires that development proposals should preserve or enhance the character or appearance of the Conservation Area and use materials that area

appropriate. Policy 2 relates to the characteristics of development and requires all developments to demonstrate how they are in keeping.

- 8.4.6 The Conservation Officer was consulted on the proposed development (under application 22/1323/FUL). As set out above, this scheme is largely identical in terms of its design with the exception of two of the dwellings at the Marriot Terrace site being sited some 3.0m further to the east. The Conservation Officer initially stated, with regard to the proposed development of five dwellings at Marriot Terrace, there would be concerns about the visual impact due to the proximity to the Grade II Listed Building. The Conservation Officer recommended at pre-application stage that information was provided at application stage, including either a ground level visualisation or street scene to show the new dwellings in the context of the Listed Building to understand the full impact. Such information has not been presented with this current application. The Conservation Officer raised concerns that there would be potential for the development to be more visually intrusive due to the change in character and increase in built form relative to the existing garage site. The Conservation Officer acknowledges, taking into consideration the extent of existing development within the setting of the listed building, that the proposed dwellings would unlikely result in any additional harm. Based on the submitted information in conjunction with visiting the site and observing the location of the development from key front and side views of the Grade II Listed Building, Officers consider that the proposed dwellings would not impact the setting of the building. Therefore, whilst street scene drawings were not submitted with this application, it is considered that a full assessment can be made, and the proposed development is acceptable in terms of its impact in this regard.
- 8.4.7 The Conservation Officer raised no objection to the two proposed dwellings at Badgers Walk. It is not considered that these would result in harm to the setting of the listed building due to the scale and extent of intervening development.
- 8.4.8 In terms of the design of the dwellings, these would be of comparable scale to those which currently exist within the village. It is considered that the proposed layout of the dwellings at both the Marriott Terrace and Badgers Walk sites would maintain the character of the area in terms of their scale and siting. It is noted that the Conservation Officer expresses some concern regarding the scale of the proposed rear dormer windows. When applying the Design Criteria at Appendix 2, which states that dormers must be subordinate to the host roof slope, set in from the flanks, set down from the ridge and set up from the eaves, it is considered that the dormers would meet this criteria and, on balance, are acceptable. In addition, whilst it is acknowledged that the Conservation Officer recommends the omission of the rooflights, it is not considered that these would result in harm which would justify the refusal of permission. It is considered appropriate to include a condition on any permission granted for full details of materials including fenestration. It is also considered appropriate to include a condition restricting further extensions to the dwellings under the provisions of permitted development to allow the LPA adequate control in preventing overdevelopment of the site.
- 8.4.9 The Conservation Officer raised no objection to the proposed laundry and maintenance facility. It is considered that the laundry and maintenance facility would follow the same form and appearance as the existing modern double garage in this location and would not detract from the setting of the Entrance Lodge or the principal Listed Building. In response to comments regarding the setting of nearby Listed Buildings within The Paddocks, the Conservation Officer confirmed that the proposed development would not harm the setting of these buildings.
- 8.4.10 It is acknowledged that the Conservation Officer expresses concern regarding the loss of tree screening. While this is noted, the proposed trees to be removed are limited to the area to the rear of the Marriott Terrace site which have limited value in their contribution to the site. It is not considered that the trees proposed to be removed would detrimentally harm the character of the site, Conservation Area or setting of the Listed Building. As discussed within the Landscape section of this report, landscape mitigation is proposed.

- 8.4.11 The impact of the proposed development on this ground was deemed to be acceptable under application 22/1323/FUL. It is not considered that the proposed minor amendments, as discussed above, would alter this consideration.
- 8.4.12 In summary, the proposed development would not result in an adverse impact on the character or appearance of the Conservation Area or Heritage Assets and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version) (2020).
- 8.5 Impact on Neighbours
- 8.5.1 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.
- 8.5.2 At the Marriot Terrace site, the proposed block plan indicates that the proposed dwellings would adhere to the 45-degree splay line and are not considered to result in harm to one another in terms of a loss of light or overbearing impact. Given the siting of the proposed dwellings it is not considered that they would result in harm to existing adjoining neighbours in terms of a loss of light or overbearing impact. It is acknowledged that the proposed dwellings in this location would be visible from some of the windows to the extended residential wing of the mansion house, located directly to the south. Whilst this is factored into consideration, it is not considered that such visibility in this instance equates to harm.
- 8.5.3 It is not considered that the fenestration proposed to the dwellings, including ground floor front and rear windows, front rooflights and rear dormers, would result in overlooking to one another or existing adjoining neighbours. There would be a separation distance of 20m from the rear elevations of the three dwellings in the northern portion of the Marriot Terrace site and the dwellings to the rear within Parkfield. It is not considered that the rear dormers would harmfully overlook these neighbours given the separation distance. The rear dormers to the southernmost pair of dwellings in this location would overlook an area of grass and woodland to the rear of the mansion.
- 8.5.4 At the Badgers Walk site, the dwellings would assume a staggered arrangement however it is not considered that these dwellings would be harmfully overbearing or lead to an unacceptable loss of light to the front and rear windows of one another. It is not considered that the fenestration proposed to the dwellings, including ground floor front and rear windows, front rooflights and rear dormers, would result in overlooking to one another or existing adjoining neighbours. It is acknowledged that the rear dormers would overlook part of the shared lawn amenity space to the rear of the row of dwellings along Badgers Walk to the west. It is not considered, given the general arrangement and inherent degree of overlooking within the wider site presently, that this would be an unacceptable arrangement.
- 8.5.5 It is not considered that the proposed new laundry building, given its scale and siting, would result in harm in terms of a loss of light or overbearing impact to adjoining neighbours within The Paddocks. It is also considered, given that the fenestration would be limited to ground floor level, that this building would overlook any neighbour.
- 8.5.6 It is acknowledged that comments were received during the application regarding concerns of noise generated by the proposed new laundry and maintenance facilities and the potential impact on adjoining neighbours. Whilst these concerns are noted, it is considered that this element of the development would be acceptable subject to appropriate conditions limiting the use of these facilities to reasonable working hours, such as those set out within the Control of Pollution Act 1974 which state 0800 to 1800 Monday to Friday, 0900 to 1300

on Saturdays and not at all on Sundays and Bank Holidays. The application was discussed with the Environmental Health Officer who raised no concerns subject to conditions regarding hours of use.

- 8.5.7 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.6 Highways & Parking

- 8.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

- 8.6.2 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

The proposed development would result in an unacceptable parking arrangement across the application site and would result in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

- 8.6.3 The adopted parking standards, as per Appendix 5 of the DMP LDD, dictate that the development should provide 10.5 parking spaces. The proposed development would involve the demolition of 17 garage spaces and 4 car parking spaces. The development would therefore result in a deficit of up to 31.5 car parking spaces when factoring in the proposed loss and the policy requirement for parking provision. It is considered appropriate to use this as a starting point for the assessment of the parking implications of the proposed development. The above consideration was applied to the previously refused scheme however it was not satisfactorily demonstrated previously that the proposed parking policy deficit would not result in harm by virtue of vehicles parking informally within the site and immediately outside the site on the public highway.

- 8.6.4 The application is accompanied by a Transport Statement (TA), prepared by Transport Planning Associates dated July 2023 including a car parking survey. The previous application was accompanied by a two-day parking survey carried out on a Friday and Saturday in November 2021. This current application includes a further 5-day survey carried out in May 2023. The two surveys recorded an average residential occupancy rate of 80% and 84% respectively, which the TS notes to be typical of similar sites run by the same operator as Cedars Village, Retirement Villages Group. The data presented confirms that, following the proposed development, the peak demand for parking would not be more than the total number of formal parking spaces available at the site. Therefore, there would not be any need for residents, staff, or others to park informally within Cedars Village or on the local highway network. The TS notes that 10 formal parking bays and a further 2 garage spaces would be delivered by the proposed development.

- 8.6.5 While there would be a shortfall in parking provision, when assessed in accordance with the adopted parking standards in Appendix 5 of the DMD LDD, the LPA can attribute weight to the parking data supplied by the applicant which demonstrates that there are more than enough parking spaces to accommodate the demand generated by Cedars Village including the proposed development. The TS includes plans showing that the demand for parking could be accommodated within the wider site and would not be displaced onto the local highway network. Furthermore, the updated information supplied with this application indicates availability of informal parking bays within the complex, which would not obstruct

the flow of traffic within the site, where parking may be displaced to, should formal bays not be available. Weight may therefore be given to the current site circumstances with regard to car-parking in this instance which are sufficient to override the deficit of parking provision applying Appendix 5 of the DMP LDD. On balance therefore in the context of Cedars Village as a whole, the proposed parking arrangement is considered to be acceptable and would not justify the refusal of the application on this ground.

- 8.6.6 Since the previous committee meeting, the applicant has submitted a Car Parking Management Strategy. As set out above, Officers are satisfied that the requisite level of parking could be accommodated within the site.
- 8.6.7 The original TS reports submitted were based on parking survey work, augmented by the observations of experienced site management and staff. The parking survey figures include all vehicles observed at the site including those of residents, visitors (including personal and professional visitors e.g. third-party carers) and Cedars Village staff.
- 8.6.8 At the time of the previous two surveys, 84% of homes at Cedars Village were occupied, which is stated to be a typical level observed over many years at this site and others across the country operated by the same company. The TS (Dec 2023) notes at paragraph 2.19 that, to provide a robust assessment, the proposals have tested with the assumption of full site occupancy (or 100%). The applicant contends that this is a theoretical scenario and not a realistic proposition; but that it demonstrates that the village can accommodate the requisite level of parking with the proposed development in a “worst case” scenario.
- 8.6.9 Based on observed levels of parking, peak demand with the proposed additional dwellings is estimated to be 111 spaces, leaving 37 parking spaces and 4 garages still available at typical occupancy levels. This figure would reduce to 17 spaces and 4 garages still available in the theoretical (100%) occupancy scenario. The TS (Dec 2023) accordingly is considered to further satisfactorily demonstrate that Cedars Village with the proposed development could readily accommodate the requisite level of parking in a real-life scenario, based on the original survey work and typical site occupancy, and in the “worst case” scenario of full site occupancy.
- 8.6.10 In addition to the above, the TS (Dec 2023) has carried out further studies which highlight that, while Cedars Village can accommodate its existing and proposed parking demand, there are parking “hot spots” across the village. The reasons for this include undedicated staff parking and the tendency of staff to park in the most convenient locations for access to the clubhouse. Local parking demand has been analysed, with the village broken down into six zones. To address this matter in the future, outside the remit of this current application, dedicated staff parking is proposed to be introduced in zones of lower parking demand which will significantly reduce localised pressures across the site. The report also includes further “Travel Plan” measures which could be implemented in the future, irrespective of the current proposals, to reduce the demand for parking across the site.
- 8.6.11 In summary, detailed and site-specific survey work has established that overall, there is adequate parking provision to accommodate the parking demand generated by the proposed development. The information provided by the applicant additionally demonstrates that localised improvements such as dedicated staff parking within areas of lower parking demand across the village could improve access to parking for residents and visitors, reducing walking distances from car parking locations to residences. This can be secured by a condition providing for the submission and approval of a Car Parking Management Strategy.
- 8.6.12 The Public Sector Equality Duty is a material planning consideration. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not

share it; and (c) foster good relations between persons who share a relevant characteristic and those who do not share it. Subsection (3) of s.149 specifies in further detail what “having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it” involves. The “relevant protected characteristics” are listed in s.149(7) and include age, disability, and race.

- 8.6.13 The LPA note that concerns have been raised in the context of the application and the application of the Equality Duty relating to whether the proposed new dwellings would displace parking facilities at present accessible to persons including those who are elderly and those with limited mobility in a way that would be detrimental to those persons. While, as set out above, the LPA is satisfied that Cedars Village with the proposed development would be readily able to accommodate the requisite parking provision across the whole village, the LPA has considered the above accessibility considerations in the light of the duty in S. 149. Having regard to the proposed location of the 3 applications sites, the Existing Parking Layout drawing SK01 C and the Proposed Parking Layout drawing SK03 B, and the TPA Car Parking Management Plan January 2024 officers are satisfied that the proposed car parking arrangements would not materially affect the equality of opportunity to access car parking at Cedars Village between persons who share a relevant protected characteristic and persons who do not under the 2010 Act subject to a planning condition requiring the submission and approval of a car parking management plan.
- 8.6.14 The LPA note that the applicant has undertaken further work in ensuring that future parking allocation to staff will aim to relieve pressure on the more popular locations to park across the site, close to the clubhouse and flats, where distances may be greater between individuals dwellings and car parking spaces. Where parking is to be displaced, it is to be ensured that opportunities to park in close proximity to affected residences remains available. In addition to accepting the total parking provision across the site is acceptable, the LPA has had regard to the provisions of S. 149 of the Equality Duty, the existing and proposed parking layouts and the proposed car parking management plan and does not consider that the grant of planning permission for the proposed development would be materially detrimental to those persons occupying residences in proximity to the proposed development new residences as regards car parking
- 8.6.15 It is considered that the reason for refusing the previous application on car-parking grounds has been satisfactorily overcome through the submission of updated and more robust information. The proposed development, subject to a car parking management condition, is considered acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

8.7 Trees & Landscape

- 8.7.1 Policy CP12 of the Core Strategy expects development proposals to ‘have regard to the character, amenities and quality of an area’, to ‘conserve and enhance natural and heritage assets’ and to ‘ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.’ Policy DM6 of the Development Management Policies LDD advises that ‘development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 8.7.2 The application site is within the Chorleywood Common Conservation Area and an area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site.
- 8.7.3 The application was accompanied by a Tree Survey & Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Tree Planting Mitigation Proposal.

- 8.7.4 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

The proposed development would have a detrimental impact on protected trees and trees of visual importance on the site and the proposed mitigation measures do not serve to outweigh the proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

- 8.7.5 It is firstly noted that this current application does not propose the removal of the large, mature Horse Chestnut tree (T61). This was a key component of the previous reason for refusal, as set out above. Two of the proposed dwellings within the Marriott Terrace site have been moved approximately 3.0m to the east of their previous siting, allowing the existing landscaped area and existing hardstanding to be retained. Furthermore, improvements to the rooting environment of this tree are proposed, as recommended by the Landscape Officer.
- 8.7.6 This current application proposes the removal of an early mature Norway Maple tree (T34) and other smaller scale Category B and C trees. T34 and the other trees are located to the rear of the Marriott Terrace site and to the side of the mansion, in a relatively discreet area of the site. T34 was proposed to be removed as part of application 22/1323/FUL. The Landscape Officer notes that the loss of trees, including this tree, to the rear of the main house however their visual amenity value is limited, and substantial replacement tree and shrub planting, as proposed in the Tree Planting Mitigation Proposal, would mitigate these impacts. The Tree Planting Mitigation Proposal includes a total of 12 new trees across the wider site and in more visually prominent locations. As set out within the proposals, these trees would be semi-mature specimens ranging from 2.5-4m in approximate height.
- 8.7.7 The Landscape Officer's comments in relation to the loss of landscaping resulting in an impact to the setting of the mansion is noted, however, as discussed in the above Character and Heritage section, the proposed development is acceptable in this regard. Notwithstanding, any recommendation for approval will be subject to the recommendation of the Landscape Officer for a condition requiring a detailed landscaping scheme.
- 8.7.8 The application is also accompanied by a Tree Protection Plan. Any recommendation for approval will be subject to a condition requiring the development to be carried out in accordance with this plan, including protection measures such as fencing, to be erected prior to the commencement of the development.
- 8.7.9 In summary, the proposed mitigation would adequately outweigh the proposed tree removal. It is considered that the reason for refusal of 22/1323/FUL has been satisfactorily overcome. The proposed development is therefore acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

8.8 Drainage & Flooding

- 8.8.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.
- 8.8.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would

not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

- 8.8.3 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

- 8.8.4 Flood Risk and Drainage information has been submitted with this current application to address the previous reason for refusal. The LLFA commented on this application and stated that the current information is insufficient to recommend the application for approval on this ground. Notwithstanding, the LLFA confirmed that they are agreeable to review amended information to address their outstanding concerns. The application provided amended information during the application which the LLFA are currently reviewing.

8.9 Rear Garden Amenity Space

- 8.9.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

- 8.9.2 The proposed dwellings would reflect the same amenity space arrangement as the existing dwellings within the village whereby each of the dwellings have a designated patio area however the amenity gardens are open to the wider village area. Each of the dwellings are afforded a similar amount of lawn area beyond their individual patio areas and the wider village complex contains large open areas of amenity lawn. It is considered that the proposed development is acceptable in this regard.

8.10 Refuse & Recycling

- 8.10.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

- 8.10.2 The site is an existing residential area with existing communal refuse and recycling compound. It is considered acceptable for the proposed development to utilise the existing refuse and recycling arrangements.

- 8.10.3 The proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

8.11 CIL

- 8.11.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came

into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre of residential development.

8.12 Biodiversity

8.12.1 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.

8.12.2 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.

8.12.3 The application was accompanied by an Ecological Assessment, by Ecology Solutions dated June 2023. The report submitted with this application is an updated version of the same report submitted with application 22/1323/FUL, dated July 2022. The report includes Habitat Bat surveys. The report confirms that no adverse impacts on protected species or protected sites are therefore considered likely as a result of the development proposals. The report notes that all survey work is less than two years old and therefore, still within the typical period considered valid for the purpose of planning.

8.12.4 Hertfordshire Ecology were consulted on the application however have not submitted any formal consultee comments at the time of writing this report. As set out above, the information in this aspect remains the same as submitted under application 22/1323/FUL. For this previous application Hertfordshire Ecology confirmed that biodiversity would not be negatively impacted by the proposed development. Hertfordshire Ecology noted that locally there will be loss of some habitat features and trees to accommodate the proposals, but do not consider that the habitats affected are of sufficient value to represent a fundamental constraint. They further acknowledge that landscaping is proposed which will restore some habitat although this is likely to be of limited significance in overall impact.

8.12.5 Hertfordshire Ecology recommend the inclusion of conditions to secure ecological enhancement and mitigation features such as bat boxes, tiles, and bird boxes. A condition will therefore be included on any permission granted for the development to be carried out in accordance with the recommendations of the Ecological Assessment.

8.12.6 In summary, subject to conditions, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8.13 Fire Safety

8.13.1 Since the previous committee meeting, representations from residents have been received regarding the fire safety aspect of the site during and following the proposed development. While this is not a material planning consideration, the applicant has submitted a Fire Strategy Technical Note to address this.

8.13.2 The applicant has confirmed that the proposed works to the area between Marriott Terrace and Wildwood Court do not impact on the existing fire strategy or vehicular access to

Wildwood Court. It is stated that the footpath that joins Marriot Terrace with the escape door/stair tower will be maintained as the access route for any emergency services, should this be necessary. It also maintains the fire escape route for residents/staff/visitors from the end of Wildwood Court as required in the buildings fire strategy document; the Fire Strategy has been produced with guidance/comments from the Fire Consultant. Access/turning for emergency vehicles will be maintained on Marriot Terrace and the new parking arrangements will not impact on access to existing facilities or new proposals; the design has been produced with guidance/comments from the Transport Consultant. During the construction phase of the works, the appointed contractor will ensure the fire strategy and vehicular access is maintained to Wildwood Court.

9 Recommendation

That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to the conditions set out below, and any conditions requested by the LLFA:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

CVR-HLM-00-00-DR-A-00000 P07, CVR-HLM-00-00-DR-A-00001 REV P03, CVR-HLM-00-00-DR-A-00601 P01, CVR-HLM-00-00-DR-A-00602 P02, CVR-HLM-00-00-DR-A-00604 REV P02, CVR-HLM-02-00-DR-A-00000 P05, CVR-HLM-02-00-DR-A-00001 REV P01, CVR-HLM-02-00-DR-A-00100 REV P04, CVR-HLM-02-00-DR-A-00600 P02, CVR-HLM-02-00-DR-A-00601 P01, CVR-HLM-02-01-DR-A-00101 REV P04, CVR-HLM-02-RF-DR-A-00102 REV P04, CVR-HLM-02-XX-DR-A-00200 REV P04, CVR-HLM-02-XX-DR-A-00300 REV P04, CVR-HLM-03-00-DR-A-00100 REV P04, CVR-HLM-03-01-DR-A-00101 REV P04, CVR-HLM-03-RF-DR-A-00102 REV P04, CVR-HLM-03-XX-DR-A-00200 REV P03, CVR-HLM-03-XX-DR-A-00300 REV P03, CVR-HLM-04-00-DR-A-00000, CVR-HLM-04-00-DR-A-00001 REV P01, CVR-HLM-04-00-DR-A-00100 REV P03, CVR-HLM-04-00-DR-A-00600 P01, CVR-HLM-04-00-DR-A-00601 P01, CVR-HLM-04-01-DR-A-00101 REV P03, CVR-HLM-04-RF-DR-A-00102 REV P03, CVR-HLM-04-XX-DR-A-00200 REV P03, CVR-HLM-04-XX-DR-A-00300 REV P03, CVR-HLM-05-00-DR-A-00000 P05, CVR-HLM-05-00-DR-A-00001 REV P03, CVR-HLM-05-00-DR-A-00103 REV P03, CVR-HLM-05-00-DR-A-00104 REV P03, CVR-HLM-05-00-DR-A-00105 P03, CVR-HLM-05-00-DR-A-00110 REV P05, CVR-HLM-05-00-DR-A-00300 REV P01, CVR-HLM-05-00-DR-A-00600 P01, CVR-HLM-05-00-DR-A-25500 REV P02, CVR-HLM-05-XX-DR-A-00300 REV P05, CVR-HLM-05-XX-DR-A-00400 REV P02, RG-LD-01 REV B, RG-LD-02 REV B, RG-LD-03 REV C, RG-LD-04 REV E, SK01 REV C, SK03 REV B, 1783-KC-XX-YTREE-TPP02 REV 0

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, including Chorleywood Common Conservation Area and the setting of the Grade II Listed Mansion House, 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, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Common Conservation Area Appraisal (2010) and the Chorleywood Neighbourhood Development Plan (referendum version August 2020).

- C3 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

- C4 The tree protection measures, including protective fencing in accordance with BS5837 2012, as shown on drawing number 1783-KC-XX-YTREE-TPP02 REV 0 shall be installed in full accordance with the approved drawing before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is required to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials, and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre-commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, the proposed Tree Planting Mitigation Proposals shall be carried out in accordance with the submitted report.

If any trees become severely damaged or diseased within five years of the completion of development, they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance and landscape character of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the commencement of works above ground level, details of ecological enhancement measures, such as bat tiles, bat boxes and bird boxes, recommended by the Ecological Assessment, including quantity, scale and location, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C8 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, the proposed improvements to the rooting environment of T61 shall be carried out in accordance with the details as shown on drawing number RG-LD-04 REV E.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C9 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement, prepared by Hoare Lea dated 22 June 2022, prior to the first use of the development and shall be permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C11 The laundry and maintenance facilities hereby permitted, shall not operate other than between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 09:00 to 13:00 on Saturdays, and not at all on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted

October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C12 The proposed new parking spaces shall be provided in accordance with drawing number SK03 REV B prior to the first occupation the development hereby permitted. The parking spaces shall thereafter be kept permanently available for the use of occupiers or visitors to the site.

Reason: To ensure that adequate off-street parking space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C13 No development shall take place, including any works of demolition, 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 including decorative displays and facilities for public viewing, where appropriate.
 - 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.
 - ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the 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).

- C14 No development shall take place, including any works of demolition, until a Vehicle Parking management plan for Cedars Village has been submitted to and approved in writing by the local planning authority. The plan shall provide for:
- i) car parking of vehicles for staff and visitors,
 - ii) car parking for residents, and
 - iii) the parking of delivery and commercial vehicles.

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).

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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate

changes to reduce your energy and water use is available at:
<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.







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PLANNING COMMITTEE – 18 January 2024

23/1352/FUL - Demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works at MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 22.11.2023
(Extension agreed to 25.01.2024)

Ward: Abbots Langley & Bedmond
Case Officer: Tom Norris

Recommendation:

Recommendation 1:

That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA), and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for impact on conservation area and absence of S106 (see section 8 below).

Recommendation 2:

That subject to the Lead Local Flood Authority (LFFA) maintaining their objection to the scheme, and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for impact on conservation area, absence of S106 and detrimental flooding and drainage impact (see section 8 below)

Reason for consideration by the Committee: Called in by three members of the Planning Committee due to concerns regarding the proposed height and density of the scheme.

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=RZ7P3LQFGOU00>

1 Relevant Planning History

1.1 No planning history relevant to the current proposal.

2 Description of Application Site

2.1 The application site is located to the west of the High Street, Abbots Langley. The vehicular access to the site is via Parsonage Close to the west however the site contains pedestrian access from the High Street.

2.2 The site consists of a former care home building and associated land including car park to the north-west of the building and areas of lawn and trees surrounding the building. The building is single-storey and has dark tiled hipped roof forms. The plan layout of the building is largely square in shape and contains central courtyard areas. The care home is currently closed. The supporting detail submitted with the application confirms that the care home accommodated 50 beds.

2.3 Surrounding land uses include Abbots Langley School immediately to the north of the site, residential development including Parsonage Close and Abbots Road to the north-west and a Library to the south east.

- 2.4 The southern portion of the site is within the Abbots Langley Conservation Area boundary. To the south of the site is also St Lawrence Church which is a Grade I Listed Building (List entry no. 1296433).

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works.
- 3.2 It is proposed that the existing care home building is demolished and a total of 27 dwellings constructed in its place. These dwellings would consist of two-storey detached and semi-detached dwellings and a three-storey flatted building. The vehicular access to the site would be via an extension to Parsonage Close which is proposed to be continued in a linear manner through the centre of the site towards the High Street. The flatted building would be positioned to the northern side of the access road and dwellings would be on a cul-de-sac road in the southern section of the site, off the main access road.
- 3.3 The proposed flatted building would have a principal width of 45m and a depth of 12.5m. The building would have a flat roof with an overall height of 9.5m. The proposed detached and semi-detached dwellings would have a principal depth of 9.5m and a width of between 6.0m to 6.5m. The dwellings would have a gabled roof form with an eaves height of 5.2m. The dwellings without roof accommodation would have a ridge height of 8.5m and the dwellings with roof accommodation would have a ridge height of 10.0m. The proposed flats and dwellings would be finished in facing brickwork.
- 3.4 Each dwelling would have their own amenity garden with areas ranging between 90-300sqm. The site proposes a total of 50 car parking spaces with allocated and visitor parking to the proposed dwellings and flats. The proposed development includes hard and soft landscaping and replacement planting throughout.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Objection

ORIGINAL CONSULTATION COMMENT: Members support the proposed development in the village as it is on an already developed site and centrally located with good pedestrian access to local shops. Members support the retention of public footpaths and cycle paths through the site. Members are amicable to the proposed public space coming off the High Street.

However, members have concerns regarding access to the site off Parsonage Close as this area becomes impassable during the morning and afternoon school run. Members felt this development would add to the issues experienced by school users and residents of the scheme. During the building phase, Members are concerned about maintaining access at all times as ALPC encourages walking and cycling to school and the local shops. Members are concerned the proposed parking allocation is not sufficient for 30 dwellings and traffic in / out of the site would aggravate existing issues with access at peak times. Members noted there is an issue with flooding at the entrance to the site off Parsonage Close which would need to be addressed. Given the site's location and proximity to St. Lawrence's Church, members have concerns regarding the development's proximity to the church and many listed buildings on the High Street. Whilst members note the site is not wholly within the Conservation Area, a more sympathetic approach regarding materials and over-all form may be more appropriate for the location.

APPLICATION COMMENT: Members still have serious concerns regarding sole access and egress being from Parsonage Close and the impact this will have on local residents

and on the local school, especially during school drop off and pick up times. Additionally, whilst Members acknowledge not the whole site is not within the Conservation Area, the proposed development is quite stark given its proximity to other local listed buildings and the parish church. Members feel the design is inappropriate.

Officer comment: Reference to “original consultant comment” relates to comments provided via the pre-consultation exercise undertaken by the applicant.

4.1.2 Conservation Officer: Objection

This application is for the demolition of existing building and redevelopment of the site to provide 27 residential units, with associated access, parking and landscaping works.

The site is located within the setting of the Grade I listed Church of St Lawrence the Martyr (list entry: 1296433). The Abbots Langley Conservation Area runs through the site, the south and southwest of the site is located the Conservation Area within the Tibbs Hill to Abbots House character area. The application site makes a limited contribution to the setting of listed church and the setting and significance of the Conservation Area. However, the site is surrounded by mature tree screen which is positive and preserves the setting of the listed church as well as the character and appearance of the Conservation Area. The low height of the existing building also limits its visual impact within the Conservation Area and the setting of the church.

This application follows pre-application. As previously noted, the existing building is modern and of low architectural interest, there would be no in principle objection to its demolition and replacement.

It is now proposed to construct a three-storey block of flats (plots 11-27) to the northeast of the site and increase the number of detached/ semi-detached dwellings from five to ten dwellings. There are concerns regarding the Increase in scale, massing and appearance of the proposed residential development.

Flat development

The proposed flatted development would be uncharacteristic of the conservation area by virtue of its scale, form and appearance. The flats would be visible from the High Street due to their positioning and proximity to the boundary wall. The proposed flat roof form of the flat development would appear overly bulky in massing and relate poorly to the traditional duo pitched roof forms that are prevalent within the conservation area. There are also concerns regarding the proposed scale of the building, I acknowledge that there are three storey flat developments on in Parsonage Close but they do not relate well to the traditional character of the conservation area (as noted within the appraisal) the massing and visual impact is reduced by a traditional duo pitched and the existing landscaping.

Detached/ semi-detached dwellings

The proposed dwellings would be of a reduced footprint when compared to the existing building but would be of greater in height. There are concerns regarding the proposed two and a half/three storey dwellings. There is a preference for them to be reduced to two-storeys.

There are some concerns regarding the visual impact upon the conservation area and setting of the church given the loss of trees proposed. However, I acknowledge the distance between the application site and church. A reduction in the height of the proposed dwellings would go some way to minimise their visual impact. The conservation area appraisal notes that the landscape and planting around the library and Hanover Garden, contributes to the street scene atmosphere of rurality at the entrance to the Conservation Area. The loss of such landscaping would therefore have an adverse impact on the character and appearance of the conservation area.

There are also concerns regarding the proposed materials. I acknowledge that there is a mix of traditional materials throughout the conservation area. However, within the character area it is predominantly render, elsewhere there is red brick and some yellow stock. Whilst material details could be secured through conditions, high quality materials are expected and at present there are some concerns regarding the type of brick proposed. The semi-detached and detached dwelling could benefit from some additional brick detailing to break up the elevations. Furthermore, black weatherboarding is not prevalent within the conservation area and would be an inappropriate material detail for residential dwellings. Other features such as balconies, grey windows, concrete tiles and rooflights visible from within the conservation area would not be supported from a conservation perspective.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199.

4.1.3 Landscape Officer: No objection.

Recommend: Approval

The site is located partially within the Abbots Langley Conservation Area. It comprises of a former sheltered housing complex which is substantially screened on all boundaries by shelter belts of trees. The submitted plans propose demolition and a complete redevelopment of housing on the site, without the loss of any of the existing tree screen. A number of small, predominantly poor quality and self-set trees would need to be removed within the core of the site, however detailed plans have been submitted which indicate extensive relandscaping of the site, including replacement tree planting.

Compliance conditions should be applied requiring the applicant to follow the tree protection method statement submitted and implement the landscaping scheme as per the submitted plans.

4.1.4 Hertfordshire County Council Highways: No objection

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. *Tactile paving and pedestrian dropped kerbs on either side of the bellmouth access into the Watford Day Care Centre.*
 - b. *A vehicle crossover / pedestrian priority access for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road.*

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:

- *Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.*
- *Conversion of part of the highway footway to carriageway at the entrance point into the site.*
- *Reinstated highway verge where the highway footway is no longer required.*
- *Any other associated and necessary works identified.*

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 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).

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); 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>

Comments / Analysis

The proposal comprises of the construction of 27 residential dwellings on land at Parsonage Close and High Street, Abbots Langley.

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

Access

There is an existing vehicle access point into the site from Parsonage Close, which is to be utilized for the proposed development. Parsonage Close is designated as an unclassified local access road, subject to a speed limit of 20mph and is highway maintainable at public expense. Parsonage Close is also classified as P2/M1 (residential street) on HCC's Place and Movement Network. High Street runs adjacent to the south-east boundary of the site, which is designated as a classified C local distributor road, subject to a speed limit of 30mph and classified as P2/M2 (multi-function road).

The proposals include retaining the main access point into the site with a 3.7m wide carriageway widening to 6m within the site, the layout of which is shown on submitted drawing numbers P05. The vehicle access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size with the minimum 3.7m width acceptable to provide access for a fire tender whilst the remainder of the site would enable two vehicles to safely pass one another.

The internal layout of the site has been designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Furthermore the proposal includes a pedestrian access through the site and therefore provides a pedestrian link between Parsonage Close and High Street, which is necessary to promote and maximise permeability and accessibility for pedestrians. It would however be recommended that a vehicle crossover / pedestrian priority access design is provided for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road. This is in addition to pedestrian dropped kerbs and tactile paving on either side of the existing bellmouth access into the Watford Day Care Centre.

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 adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire 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:

- *Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.*
- *Conversion of part of the highway footway to carriageway at the entrance point into the site.*
- *Reinstated highway verge where the highway footway is no longer required.*

- Any other associated and necessary works identified.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to 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 plan / tracking (drawing number ST-3102-802-A) have been submitted as part of the TA to illustrate that an 11.5m 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. Provision has been made for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The proposed layout would enable a fire tender to get to within 45m of all parts of the footprint of the dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. The proposals would therefore be considered to acceptable in this respect. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

Car Parking

The proposal includes the provision of 50 onsite car parking spaces. Following consideration of the details submitted in section 5 of the TA (including parking survey and ownership details), HCC as the Highway Authority would not have any objections to the overall level of car parking.

The dimensions and layout of the parking areas are considered to be acceptable by HCC as Highway Authority. However consideration should be made as to preventing cars parking on any of the necessary turning and manoeuvring areas within the site and particularly on any footways, which could have the potential to interfere with the accessibility for pedestrians.

HCC as Highway Authority is supportive of the proposed 27 electric vehicle parking spaces. The proposals are therefore in accordance with 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 would need to be satisfied with the proposed type and level of parking on site.

Trip Generation

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 11 two-way vehicle movements in the AM peak and 11 two-way vehicle movements in the PM peak.

From a highways and transport perspective, HCC as HA has assessed and reviewed the above in the context of the National Planning Policy Framework (NPPF) (update 2021), which states that: “Development should only be prevented or refused on highways grounds

if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". In this context and in conjunction with a review of the application the above vehicle movements have demonstrated that there would not be a severe or unacceptable impact on the surrounding road network.

Sustainable Travel Options

The site is located in close proximity to the centre of Abbots Langley and its associated amenities and facilities and shops. The nearest bus stops are located on High Street and are served by services 10, 318, H19 and R9. The bus stops 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 to surrounding towns and settlements.

Kings Langley Railway Station is located approximately 1.5km to the west of the site and would be within an easy cycling distance and reasonable walking distance for some. The provisions in this respect are therefore considered acceptable and there would be the potential for future residents to access the railway station via alternatives to the private car.

A secure covered cycle store for 17 cycles for the proposed apartment block is included in the proposals, which is supported 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 and would also support the necessary 20mph design speed.

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 acceptable for the size and nature of the development. 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.

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.

4.1.5 HCC Flood Risk Management Team (LLFA): Objection

Thank you for your consultation on the above site, on the received-on 24 August 2023. We have reviewed the application as submitted and wish to make the following comments.

This application is for the demolition of existing building and redevelopment of the site to provide 27 residential units, with associated access, parking and landscaping works.

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy and supporting information relating to:

- *Infiltration testing has not been provided to support the use of soakaways on site.*

- *Drainage calculations have not been provided for the appropriate return period events.*
 - *A drainage layout has not been provided.*
- *Not enough evidence has been provided to demonstrate that the four pillars of SuDS have been met.*
- *The development not complying with NPPF, PPG and local policies POLICY DM8 – Flood Risk and Water Resources, POLICY DM9 – Contamination and Pollution Control.*

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing our response of the issues highlighted in our technical review checklist are addressed.

Informative to the LPA

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](https://www.hydrosolutions.co.uk))). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, you should notify the us, the Lead Local Flood Authority, by email at FRMConsultations@hertfordshire.gov.uk.

Note: Appendices E and F of the drainage statement submitted are missing but we have reviewed the information provided so far and await further submitted information to provide comment.

4.1.6 Growth & Infrastructure Unit: No objection

Thank you for your email regarding the abovementioned planning application.

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021. Notwithstanding this, we reserve the

right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I trust the above is of assistance if you require any further information, please contact the Growth & Infrastructure Unit.

4.1.7 National Grid: No objection

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

- 4.1.8 Hertfordshire Ecology: [No response received]
- 4.1.9 Hertfordshire Archaeology: [No response received]
- 4.1.10 Herts & Middlesex Wildlife Trust: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 74
- 4.2.2 Site Notice posted 08.09.2023, expired 29.09.2023.
- 4.2.3 Press notice published 08.09.2023, expired 29.09.2023.
- 4.2.4 Responses received: 5 (4 Objections & 1 Neutral)
- 4.2.5 Summary of responses

Objection

- Concerns over the loss of care home space
- Concerns with construction traffic and proximity to primary school
- Concerns with parking and traffic impact
- Concerns with no provision of affordable housing
- Concerns with lack of consultation
- Impact upon Conservation Area and Church

Neutral

- Biodiversity impact and suggestions to incorporate enhancements

5 Reason for Delay

- 5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 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.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10 and CP12.

6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Policies DM1, DM3, DM6, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5.

6.3 Other

6.3.1 The Abbots Langley Conservation Area Appraisal (2014).

6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

6.3.3 The Local Housing Needs Assessment (LNHA)

7 Planning Analysis

7.1 Principle of Demolition and Development

7.1.1 Paragraph 123 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. The application would therefore need to be assessed against all other material planning considerations.

7.1.2 The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the district's housing supply. 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.

7.1.3 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, considering 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 targets.

7.1.4 Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the district and caters for a range of housing needs. The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The proposal would result in a reduction of care beds however the care home is a vacant site and the submitted documents state that the existing care home has found to be below modern care standards, with existing residents re-located to care home accommodation within the locality. Therefore, the proposal to redevelop the existing site for residential use would not result in an objection to the loss of vacant care home on the site.

7.1.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Secondary Centres are expected to contribute 60% of housing supply over the plan period. There is no objection in principle to residential development subject to compliance with other relevant policies.

7.1.6 Most of the application site, including approximately two thirds of the existing care home building is within the Abbots Langley Conservation Area. There is no objection in principle to the demolition of the existing care home building. As noted by the Conservation Officer, the existing building is modern and of low architectural interest and there would be no in principle objection to its demolition and replacement. It is therefore considered that the demolition of the existing building is acceptable in principle.

7.1.7 The Planning Statement states there are 50 beds within the existing care home. The South West Hertfordshire Local Housing Needs Assessment (LHNA) (2020), which is the most up-to-date evidence base, used by the five Local Planning Authorities, states at paragraph 7.29 that the C2 to C3 ratio is based on the average number of adults in households and in Three Rivers this equates to 1.88 bed spaces per dwelling. Therefore, the conversion ratio is 1.9:1 (1.9 bedrooms in C2 use 'frees up' 1 open market C3 dwelling).

7.1.8 Applying the conversion ratio of 1.9 C2 beds to 1 C3 dwelling, the care home provides the equivalent of 26 market dwellings on the site. The application proposes 27 new market dwellings which would result in a net gain of one dwelling.

7.2 Housing Mix

7.2.1 Policy CP3 sets out that the Council will require housing proposals to consider the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent Local Housing Needs Assessment (LHNA) (2020) advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

7.2.2 The proposed development would provide 41% one-bedroom units, 37% two-bedroom units and 22% three-bedroom units. While the proposed housing mix does not strictly accord with Policy CP3 of the Core Strategy, and updated evidence base, the proposed development would provide a good mix of housing to address the need. It is not considered that the proposed development 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).

7.3 Affordable Housing & Vacant Building Credit

7.3.1 The Planning Statement accompanying the application proposes to utilise Vacant Building Credit (VBC). VBC reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped. According to the National Planning Practice Guidance (NPPG) VBC applies to sites where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building. To qualify for VBC, the vacant building also must not have been abandoned and the following circumstances should be considered (NPPG, para. 28):

- The condition of the property
- The period of non-use
- Whether there is an intervening use; and
- Any evidence regarding the owners intention

7.3.2 In relation to the condition of the property, the submitted documents state that the care home building was assessed to fall short of modern care standards and was subsequently closed. Supporting documents also state the care home became vacant from October 2020 and has not had any intervening use since.

7.3.3 The NPPG also states that when considering how the vacant building credit should apply to a development, LPAs should have regard to the intention of national policy (the reuse or redevelopment of empty and redundant buildings). In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

7.3.4 Regarding the consideration as to whether the building has been made vacant for the sole purposes of redevelopment, the care home was closed and subsequently became vacant due to falling short of modern care standards. The building is also not covered by an extant or a recently expired planning permission. It is therefore considered that the use of VBC could be applied to the scheme in this instance.

7.3.5 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

7.3.6 As a net gain of one dwelling, the proposed development would be liable for a commuted sum payment towards affordable housing. The application site is within the "The Langleys and Croxley" market area where the figure is £750 per square metre. The Council have

calculated the affordable housing payment requirement to be £35,639 (plus £21,532 indexation). This is based on the average habitable floor area of the 27 proposed dwellings.

- 7.3.7 The NPPG states that the vacant building credit should be calculated by deducting the gross vacant building floorspace from the gross floorspace of the new development. The net change in floorspace in this instance is 875sqm (2380sqm proposed minus 1505sqm existing) which is 36.8% of the proposed floorspace. The VBC adjusted affordable housing contribution is therefore calculated to be £12,010 (plus £7,256 indexation).
- 7.3.8 The Planning Statement submitted with the application confirms at paragraph 6.8 that an off-site contribution is applicable in this instance. Given that the application is deemed to be unacceptable on other grounds, a Section 106 has not been agreed between the applicant and the LPA to secure this amount as a contribution towards affordable housing. While the applicant has no objection to entering into a Section 106, the application would require a reason for refusal on this ground in the absence of a Section 106.
- 7.3.9 In summary, the proposed development, in the absence of a completed Section 106, would be contrary to Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 7.4 Impact on the character and appearance of the locality, the Conservation Area and on Heritage Assets
- 7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. 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.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.4.3 For new residential development, Policy DM1 states 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 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.)
- 7.4.4 The application site is located within the Abbots Langley Conservation Area. In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area.

- 7.4.5 The Abbots Langley Conservation Area Appraisal (2014) refers to Margaret House. The Appraisal states that *there are several modern developments within the boundaries of the Conservation Area, many of which sit comfortably alongside the historic properties of the village's core and help contribute to Abbots Langley's sense of place* including Margaret House Residential Home. The Appraisal further states that *although not enhancing the character and appearance of the Conservation Area, most of the modern infill and additions do not significantly harm its special historic and architectural interest. Examples of low-key modern additions to the Conservation Area include Margaret House.*
- 7.4.6 The application site is also situated in close proximity to a Grade I Listed Building (Church of St Lawrence the Martyr - List entry no. 1296433) which is approximately 70m to the south of the site.
- 7.4.7 In terms of the proposed site layout, the proposed development would include a continuation of Parsonage Close in an eastern direction to provide vehicular access. A secondary road would be located off this main access drive, projecting in a southern direction to serve the houses. The layout includes appropriate 1.5m spacing between the dwellings in the southern portion of the site. Furthermore, the proposed dwellings and flatted block would be appropriately located, well within the site and away from the site boundaries. As such, it is considered that the proposed layout of built form would maintain the character of the area in terms of its general spaciousness and harm would not arise as a result of overdevelopment of the plot. Green spaces are positioned throughout the development and provide amenity space and allow for views through the site. The parking bays are acceptably arranged throughout the site and adequately broken up with landscaping and tree planting. The layout of the site and the individual units and their associated curtilages is acceptable.
- 7.4.8 The Conservation Officer was consulted on the proposed development and stated that the application site, as existing, makes a limited contribution to the setting of listed church and the setting and significance of the Conservation Area. As set out within the Principle of Development section of this report, the existing building is modern and of low architectural interest and there would be no in principle objection to its demolition and appropriate replacement. The Conservation Officer considers that the low height of the existing building limits its visual impact within the Conservation Area and the setting of the Church.
- 7.4.9 The Conservation Officer raises concerns regarding the visual impact upon the Conservation Area and setting of the Church given the loss of trees proposed, however they do acknowledge that there is a substantial distance of 90 metres between the application site and the Church. While the concerns of the Conservation Officer are noted in respect of the loss of trees to the site, the site would still maintain a significant degree of landscaping and screening, particularly to its western and southern edges. There would be landscaping in the form of mature and semi-mature trees and hedges maintained adjacent to the High Street which would continue to contribute to the street scene and existing atmosphere of rurality at the entrance to the Conservation Area. Furthermore, the proposal also introduces new planting within the proposed layout. On balance, it is not considered that the proposed loss of landscaping would result in a harmful impact on the setting of the Listed Building, given the significant distance from it to the site, or the Conservation Area, given the extent of landscaping to be maintained around the edges of the site adjacent to it. The proposed development is therefore considered acceptable in terms of the impact upon the landscape character of the site and its impact upon the Conservation Area and setting of the Listed Building.
- 7.4.10 The Conservation Officer stated that the proposed flatted development would be uncharacteristic of the conservation area by virtue of its scale, form, and appearance. This part of the development would be visible from the High Street due to their positioning and proximity to the boundary wall. While the concerns of the Conservation Officer regarding scale are noted, it is not considered that the principle of a three-storey block, given its footprint and proximity to the boundaries would be unacceptable. The position in which the flatted development is sited is partially within and partially outside of the Conservation Area.

It is acknowledged that the general character of the Conservation Area, along the High Street, is largely limited to two-storey however there are examples of three-storey development to the west on Parsonage Close, outside the Conservation Area. There would be glimpsed and longer distance views of the proposed flats from inside the Conservation Area however, the principle of three storeys, given the proposed footprint and siting, is not considered to dominate or appear prominent within the Conservation Area.

- 7.4.11 The Conservation Officer notes that the proposed flat roof form to the flat development would appear overly bulky in massing and relates poorly to the traditional duo pitched roof forms that are prevalent within the Conservation Area. Notwithstanding the above considerations relating to three-storey development being acceptable in principle, it is considered that harm would arise from the proposed flat roof design of the development. It is considered that this industrial form is uncharacteristic of the Conservation Area and, as noted above, would be publicly visible from inside the Conservation Area.
- 7.4.12 The Abbots Langley Conservation Area Appraisal states that there are various important characteristics and architectural features which contribute to the character of the area, including a mixture of materials such as flint, brick, and timber. The Appraisal also makes reference throughout to a strong Victorian and Edwardian character, found predominantly within and around the High Street. The Conservation Officer states that there are concerns regarding the proposed materials however acknowledges that there is a mix of traditional materials throughout the Conservation Area. The Conservation Officer states that there are some concerns regarding the type of brick proposed and other features such as balconies, grey windows, concrete tiles would not be supported. While final material details could be secured by condition to ensure that they are high quality and reflective of the Conservation Area, the proposed design detailing to the flatted block is not considered to have regard to or draw adequate reference to the characteristics of the Conservation Area. The proposed external material detailing, and fenestration detailing is bland and has little regard to the Conservation Area. It is noted that the proposed variation in brick colour and pronounced brick banding creates some elevational interest to the building however these features are considered to exacerbate the more industrial and less traditional form found throughout the Conservation Area.
- 7.4.13 In summary, while harm is not considered to directly arise from the scale and height of the proposed flatted development, the design including the flat roof and external detailing, including fenestration and materials, is considered to neither preserve or enhance the character and appearance of the Conservation Area.
- 7.4.14 The Conservation Officer notes that the proposed dwellings would be of a reduced footprint when compared to the existing building but would be of greater in height. The existing building is single-storey, and the proposed dwellings would be a mix of two-storey and two and a half storeys where they include roof accommodation served by dormer windows. The Conservation Officer expresses concern regarding the proposed two and a half storey dwellings and states that there is a preference for them to be reduced to two-storeys. This would limit the visual impact and preserve the character of the Conservation Area and the setting of the Listed Building.
- 7.4.15 It is considered that the proposal for two-storey dwellings is acceptable in principle. While this would represent an increase in height relative to the existing care home building, two-storey development is reflective of the character found locally throughout the Conservation Area. Furthermore, the inclusion of pitched roofs to the proposed dwellings is acceptable in principle.
- 7.4.16 Notwithstanding, it is considered that the proposed street scene which would include rows of dwellings with varying ridge heights and angle of roof pitches results in a contrived form of development. Weight may be given to this design feature being a reference to the varying heights of pitches roofs found throughout the Conservation Area, such as on the High Street, however the execution of this is poor. The row of dwellings to the western side of

the site consists of a central row of three dwellings of two-storey height, bookended by two dwellings with a taller ridge and steeper roof angle and front dormer window serving roof accommodation. The row of dwellings to the eastern side consists predominantly of the taller dwelling type with a lone two-storey dwelling at the northern end. It is considered that the articulation and mix of varying roof heights appears random and results in a poor form of development.

- 7.4.17 In terms of their individual scale and design, the proposed two-storey dwellings are relatively well proportioned in terms of scale and relative roof mass. It is considered that the contrived appearance of the taller dwellings is exacerbated by them sharing a level eaves height while having a taller ridge and overly steep roof. This is considered to result in poor and top-heavy proportional appearance. This is further compounded by the proposed scale and design of the front dormer windows to these taller dwellings. These are considered to be disproportionate in scale and do not reflect the modest character of dormer windows expected or found throughout the Conservation Area. It is noted that the Conservation Officer states that rooflights visible from within the Conservation Area would not be supported however it is not considered that this would be harmful in principle subject to them being of Conservation style.
- 7.4.18 In respect of the materials to the proposed dwellings, many of the considerations applied to the proposed flatted development would also apply. The Conservation Officer stated that the dwellings would benefit from some additional brick detailing to break up the elevations and that black weatherboarding on the dormers is not prevalent within the Conservation Area and would be an inappropriate material detail for residential dwellings. The proposed design detailing to the dwellings is also not considered to have regard to or draw adequate reference to the characteristics of the of the Conservation Area. The proposed external material detailing, and fenestration detailing is bland and has little regard to the Conservation Area. The dwellings each have a single, solid proposed brick colour. The dwellings found throughout the Conservation Area are commonly broken up with brick banding or detailing of a varying tone. It is noted that the proposed protruding brick banding creates some interest at ground floor level to the building however, as considered of the flatted development, these features give rise to a more industrial appearance and less of a traditional form found throughout the Conservation Area.
- 7.4.19 In summary, the proposed dwellings, by virtue of their scale and design, including the contrived appearance as a result of their varying roof heights; and disproportionate roof mass and overly large front dormer windows to the taller dwellings, considered in conjunction with poor external detailing, including fenestration and materials, is considered to result in harm to the character and appearance of the Conservation Area.
- 7.4.20 In summary, the proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with the National Planning Policy Framework, the level of harm is 'less than substantial' as per paragraph 208. Great weight should be given to the heritage asset's conservation as per paragraph 205 of the NPPF. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM1, DM3 and Appendix 2 of the Development Management Policies document and the Abbots Langley Conservation Area Appraisal (2014).
- 7.4.21 The NPPF states at Paragraph 208 that where a development will lead to less than substantial harm or total loss of a designated heritage asset, consent should be refused unless it can be demonstrated that the less than substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The application proposal would come with some associated public benefits including the redevelopment of a redundant site and the provision of housing, albeit only a net gain of one market dwelling. There would also be some minor economic benefits from the construction of the development. It is not considered that the proposed development would achieve substantial public benefits that outweigh that harm to the designated heritage asset.

7.5 Impact on Neighbours and future occupants

- 7.5.1 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.
- 7.5.2 It is not considered that the residential amenity of existing adjoining neighbours would be unduly affected by the proposed development in terms of overlooking, loss of light or overbearing impact. The closest adjoining neighbours are on Parsonage Close to the west some 25m from the application site. It is acknowledged that the works may cause some degree of construction disturbance however it is considered that this could be mitigated by suitable conditions relating to construction management.
- 7.5.3 In terms of the proposed flatted development, it is considered that this would be of an acceptable arrangement in terms of its layout and stacking so as not to cause an unacceptable impact upon the residential amenities of future occupiers. It is not considered that these occupiers would be harmfully overlooked. It is noted that there would be a spacing of 17m between the face of the three-storey flatted development and the dwelling at Plot 1. It is considered that the proposed flatted development would not harmfully overlook this neighbour given that there would be additional evergreen screening and tall close boarded fencing to the flank and rear of Plot 1. This would mitigate any overlooking into the private area of the amenity garden of this dwelling.
- 7.5.4 The proposed dwellings within the southern portion of the site would be arranged in a linear manner therefore would not intrude the 45-degree splay line with one another thus not resulting an overbearing impact or loss of light. The proposed dwellings are also not considered to harmfully overlook one another or any other surrounding neighbour. Any permission can be effectively controlled by the inclusion of conditions for obscure glazing to flank windows to the proposed dwellings.
- 7.5.5 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Highways & Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 Appendix 5 of the Development Management Policies DPD sets out the following parking standards:
- 1-bedroom dwellings - 1.75 spaces per dwelling (1 assigned space)
 - 2-bedroom dwellings - 2 spaces per dwelling (1 assigned space)
 - 3-bedroom dwellings - 2.25 spaces per dwelling (2 assigned space)
 - 4 or more-bedroom dwellings - 3 spaces per dwelling (3 assigned spaces within curtilage)
- 7.6.3 The application proposes 50 total car parking spaces, which includes 2 accessible visitor bays. The proposed development consists of 11 one-bedroom dwellings, 10 two-bedroom dwellings and 6 three-bedroom dwellings. This would result in a parking demand for 52.75 spaces (33 assigned spaces). The parking spaces meet the adopted standard size and are shown on the submitted parking plan.

- 7.6.4 The proposed development would represent a shortfall of 2.75 total spaces. Appendix 5 states that a zonal reduction cannot be applied to C3 residential use. Notwithstanding, weight can be given to the good location of the application site, close to Abbots Langley High Street, an approximate three minute (200m) walk from shops, services and public transport links such as bus stops. It is considered, given the site locational circumstances, that the minor shortfall can be accepted, and the development is acceptable on parking grounds.
- 7.6.5 Hertfordshire County Council as Highway Authority were consulted on the application and raise no objection to the impact on the safety and operation of the surrounding highway subject to the inclusion of planning conditions and informatives and the applicant entering into a Section 278 Agreement to cover the technical approval of the design, construction and implementation of the necessary highway and access works.
- 7.6.6 The proposed development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).
- 7.7 Trees & Landscape
- 7.7.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.7.2 The application site is within the Abbots Langley Conservation Area. There are no individual or group TPOs within the site. The application was accompanied by a Tree Survey & Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Landscaping Scheme.
- 7.7.3 The Landscape Officer was consulted on the proposed development and raised no objection. The Landscape Officer notes that several small, predominantly poor quality and self-set trees would need to be removed within the core of the site, however detailed plans have been submitted which indicate extensive relandscaping of the site, including replacement tree planting. Officers note that the Arboricultural report states that of 102 trees within the site that 54 are proposed to be removed. The Landscape Layout plan (DR-0001) indicates a total of 56 new trees to be planted across the site. The Landscape Officer states that compliance conditions should be applied requiring the applicant to follow the tree protection method statement submitted and implement the landscaping scheme as per the submitted plans. The proposed tree protection, including protective fencing within the application site, close to the perimeter, would protect trees around and outside of the immediate site perimeter.
- 7.7.4 Any recommendation for approval would be subject to a condition requiring the development to be carried out in accordance with the proposed tree protection measures and landscaping scheme.
- 7.7.5 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).
- 7.8 Drainage & Flooding
- 7.8.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy (adopted October 2011) also

acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

- 7.8.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.8.3 Hertfordshire County Council Flood Risk Management Team (Lead Local Flood Authority) were consulted on the application and raised an objection to the application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy. The LLFA states that the supporting information relating to Infiltration testing has not been provided to support the use of soakaways on site; drainage calculations have not been provided for the appropriate return period events; a drainage layout has not been provided; insufficient evidence has been provided to demonstrate that the four pillars of SuDS have been met; and that the development does not comply with NPPF, PPG and Policies DM8 and DM9 of the Development Management Policies DPD.
- 7.8.4 The proposed development therefore, in the absence of sufficient information to demonstrate otherwise, is unacceptable in terms of its flooding and drainage impact and would therefore be contrary to Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013)
- 7.8.5 An updated Drainage Report and a response to the LLFA's comments was submitted during the latter stages of the application following receipt of comments from the LLFA. This report included further information and appendices which may address the reasons for the LLFA objecting. The LLFA have been re-consulted on this information.

7.9 Rear Garden Amenity Space

- 7.9.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:
- 1 bed dwelling – 42 square metres
 - 2 bed dwelling – 63 square metres
 - 3 bed dwelling – 84 square metres
- 7.9.2 The proposed dwellings would each have private amenity gardens which would exceed the above standards in size and provide a good useable area of private amenity space. All of the proposed flats would contain an outdoor private patio or balcony area of between 8-12sqm. While these would fall short of the above standards in terms of size, they would provide a good useable area of private amenity space for the flats. There would also be grass amenity space, of approximately 400sqm, surrounding the flatted development for further outdoor amenity use. It is considered that the proposed development is acceptable in this regard. Furthermore, weight can also be given to good local access to public open space such as Manor House an approximate nine minute (0.6km) walk away.

7.10 Refuse & Recycling

- 7.10.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated

into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.10.2 Hertfordshire County Highways raised no objection to the layout of the site being accessible for waste vehicles to enter and exit. The proposed dwellings each have their own private bin stores sited within the rear gardens while the flats have a communal ground floor bin area.

7.10.3 The proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.11 Energy & Sustainability

7.11.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.11.2 The application is accompanied by an Energy Strategy, prepared by Van Zyl & de Villiers Ltd Consulting Engineers. The report confirms that the proposed development would incorporate a range of energy saving measures which would result in a 13.8% reduction in CO2 over the 2013 Building Regulations Part L.

7.12 CIL

7.12.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area B' within which there is a charge of £120 (plus indexation) per sq. metre of residential development.

7.13 Biodiversity

7.13.1 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.

7.13.2 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.

7.13.3 The application was accompanied by an Ecological Appraisal, by ELMAW Consulting, dated June 2023. The report includes a bat survey to the building and confirms that it does not contain any evidence that it supports bats. The report notes that the loss or damage to existing grassland, shrubs and hedges is acceptable given that it is of negligible ecological

value and is not considered to significantly impact on important or protected species and they do not present a significant redevelopment constraint for the application site.

- 7.13.4 The report recommends that a precautionary approach is taken to site clearance including checking trees for nesting birds and hand searching shrubs for hedgehogs. The proposed loss of habitat through the loss of trees and hedges is considered to be appropriately mitigated through the proposed planting and landscaping which will be secured by condition.
- 7.13.5 In summary, subject to condition to secure appropriate mitigation, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).
- 7.14 Titled Balance
- 7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore the requirements of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless i) the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.14.2 In respect of part (d)(i), the development is located within the Abbots Langley Conservation Area and within the setting of a Grade I Listed Building therefore is within an area of particular importance. As set out within the relevant section of this report, there is a clear reason for refusing the proposed development due to its less than substantial harm upon heritage assets. It is not considered that the proposed development would achieve substantial public benefits that outweigh that harm to the designated heritage asset.
- 7.14.3 Considering the proposal in respect of part (d)(ii), the development would be harmful on the grounds of impact to heritage assets, flooding and drainage, and, in the absence of a Section 106 agreement to secure an off-site affordable housing contribution, would not make any contribution to the provision of affordable housing in Three Rivers which all conflict with the NPPF in respect of promoting sustainable development.
- 7.14.4 It is recognised that the proposed development would bring about economic, social and environmental benefits which aim to achieve sustainable development, as per Paragraph 8 of the NPPF. It is recognised that the development would have a social benefit of contributing to the shortfall in housing however it would only provide a net increase of one additional market dwelling. While the site is being redeveloped, there would be a loss of C2 accommodation prior to the provision of 27 C3 residential dwellings therefore the proposal represents a net gain of one dwelling. The works to redevelop the site is acknowledged to provide some economic benefit. The applicant submits that additional social benefits, that are not noted above, include the redevelopment of a brownfield site and improvement to pedestrian links and additional environmental benefits include the retention of a large number of trees, and increase in biodiversity.
- 7.14.5 The Council do not object to the redevelopment of the site, and the social and economic benefits this would bring about, however deem the proposed design to result in less than substantial harm to heritage assets. Given that the proposed development is not being refused on the principle of redeveloping the site, this is considered to attract limited weight as a social and economic benefit in the planning balance that would outweigh the identified harm. The other contended social and environmental benefits are considered to be of limited weight as they would be associated with any prospective development of the site.

- 7.14.6 In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF the adverse impacts significantly and demonstrably outweigh the benefits of the development.

8 Recommendation

Recommendation 1:

That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA), and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

- R1 The proposed development, by virtue of its scale, design, and materials, would fail to preserve or enhance the character and appearance of the Conservation Area, and would result in less than substantial harm to the Abbots Langley Conservation Area. Public benefits that would sufficiently outweigh the less than substantial harm to heritage assets have not been demonstrated. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).
- R2 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).

Recommendation 2:

That subject to the Lead Local Flood Authority (LLFA) maintaining their objection to the scheme, and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

- R1 The proposed development, by virtue of its scale, design, and materials, would fail to preserve or enhance the character and appearance of the Conservation Area, and would result in less than substantial harm to the Abbots Langley Conservation Area. Public benefits that would sufficiently outweigh the less than substantial harm to heritage assets have not been demonstrated. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).
- R2 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).
- R3 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore, necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to

Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

Informative

- 11 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the district.

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PLANNING COMMITTEE - (Thursday 18th January 2024)

23/1766/FUL - Demolition of existing garage and construction of single storey side extension; extension of existing roof to facilitate first floor extension; alterations to site frontage and new access to lower ground floor at 38B Abbots Road, Abbots Langley, Hertfordshire, WD5 0BG

Parish: Abbots Langley Parish Council Ward: Abbots Langley and Bedmond
Expiry of Statutory Period: 21.12.2023 (Extension agreed to 26.01.2024) Case Officer: Lilly Varnham

Recommendation: That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE GRANTED.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

To view all documents forming part of this application please go to the following website: [23/1766/FUL | Demolition of existing garage and construction of single storey side extension; extension of existing roof to facilitate first floor extension; alterations to site frontage and new access to lower ground floor. | 38B Abbots Road Abbots Langley Hertfordshire WD5 0BG \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1766/FUL)

1 Relevant Planning History

- 1.1 W/1713/59 - Outline Application for Bungalow.
- 1.2 W/620/60 - House or bungalow.
- 1.3 W/1769/61 - House, garage.
- 1.4 8/217/74 - Detached bungalow and garage – Permitted.
- 1.5 8/527/75 - Split level dwelling – Refused.
- 1.6 8/44/76 - Two bedroomed bungalow – Permitted.

2 Description of Application Site

- 2.1 The application site contains a bungalow with accommodation in its roof space when viewed from the streetscene on Abbots Road, however, given the change in land levels which drop from the road to the rear boundary of the site the dwelling appears as a two-storey dwelling with loft accommodation from its rear elevation. The dwelling has a dark tiled pitched roof form, with an exterior finish consisting of a mixed light brick.
- 2.2 The dwelling has existing (south west) side pedestrian access in the form of a concrete ramp in response to the change in levels on the site. To the (north east) side of the dwelling is an existing single storey detached garage. The frontage benefits from two areas of hardstanding which provide off street parking provision for two vehicles. Between the areas of hardstanding is a path providing access to the main entrance of the dwelling and an area of soft landscaping. To the rear is an amenity garden, predominantly laid as lawn with some areas of hardstanding and a small, detached shed (outbuilding). There is an existing first floor balcony on the rear elevation.

- 2.3 The wider context of Abbots Road consists of a number of detached bungalows and two-storey dwellings of varying architectural style and design, many of which appear to have been extended or altered.
- 2.4 The neighbour to the east of the application dwelling is No. 38 C Abbots Road, a two storey detached dwelling which is set at a higher land level to the application dwelling. This neighbour is set back further within its plot than the application dwelling and therefore projects beyond the application dwelling's rear elevation. From looking at planning history this neighbour does not appear to have benefitted from extensions but note that the flank elevation facing the application site has a number of windows that would appear to serve habitable rooms.
- 2.5 To the west are two existing garages, separate from the application site, however, it is not clear which property these garages belong too. Also to the south-west are Nos. 38 and 38A Abbots Road (a pair of two storey semi detached dwellings on the corner plot) with rear gardens separated from the application site by the garaged referenced above. No. 36 Abbots Road is a two storey detached house and the rear garden of No. 36 adjoins the flank boundary with the application site.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for demolition of existing garage and construction of single storey side extension; extension of existing roof to facilitate first floor extension; alterations to site frontage and new access to lower ground floor.
- 3.2 The proposed extension of the existing roof would infill the existing space to the southwest side of the dwelling adjacent to the boundary with No. 36, 38 and 38A Abbots Road. The development would extend in line with the existing flank wall and would be set up to the ridge height of the existing dwelling and would infill behind the existing ground floor projection and above the existing lower ground floor section. The section at ground floor level (at the same level as the highway) would have a total depth of approximately 2.7m, set back from the main rear wall by approximately 0.6m. At first floor level the proposed development would infill the existing roof space to the rear and would comprise of a pitched roof form to match the existing.
- 3.3 The proposed single storey side extension to the north-east adjacent to the neighbour at No. 38C Abbots Road would replace the existing single storey detached garage. This section would result in a ground and lower ground floor extension infilling the space to this side of the dwelling. When viewed from the streetscene this element would adjoin the flank elevation of the host dwelling, projecting from this by a total width of approximately 3.2m and would be set up to the shared boundary with the neighbouring property. The extension to this side of the dwelling would project forward of the front elevation by approximately 0.3m and would have a total depth of some 7.1m at ground floor level and some 5m at the lower ground floor level. At ground floor the extension would be set back from the rear elevation by some 1.9m, and at the lower ground floor would be flush with the rear elevation of the host dwelling. From the street the extension would appear as a flat roofed single storey side extension, and the lower ground floor would be served by a mono pitched roof. From the natural ground level to the front of the dwelling the extension would have a total height of approximately 2.9m, and the mono pitch to the rear measured from the ground level within the rear garden has a total height of approximately 3.5m, sloping to an eaves height of approximately 2.5m.
- 3.4 The proposal also includes alterations within the site frontage, including the removal of the existing soft landscaping to create additional hardstanding for parking. The amended block plan indicates that the new hardstanding would be constructed of a permeable block paving. The proposal also includes the creation of a new access to the existing lower ground floor level, it is understood that this access is required as a means of "secondary escape" from the room that it serves. The new access would be visible from the site frontage and would

be sunk down to the lower ground floor served by a metal balustrade and steps. The balustrade would have a total height of approximately 1.17m measured from the ground level of the highway.

- 3.5 Within the proposed ground floor of the single storey side extension adjacent to No. 38C a new door and a window are proposed, with a rooflight sited within the flat roofslope. Within the rear elevation of the ground floor a three-casement window is proposed, and at lower ground floor level the rear elevation is served by a set of patio doors and a rooflight within the mono pitched roofslope. The extensions to the other side of the dwelling adjacent to the boundary with 38 and 38A Abbots Road at ground floor level the rear elevation would be served by a two-casement window, with a rooflight sited within the rear roofslope. No flank fenestrations are proposed on either side of the dwelling.
- 3.6 The proposed development would be finished in materials to match the existing dwelling including matching brickwork and tiles.
- 3.7 Amended plans were requested and received during the course of the application to omit the first-floor level (resultant roof space) to the side of the dwelling adjacent to the neighbour at No. 38C Abbots Road, and to omit the raised rear patio also sited on this boundary.
- 3.8 Further amendments were sought and received to clarify the new access to the lower ground floor; providing a section and updating the block plan to include the alterations to the site frontage including intended materials.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: Members have concerns regarding the overbearing nature of this development on neighbouring properties and would ask planning officer to consider neighbours' objection regarding proximity to the boundary being less than 1.2m.
- 4.1.2 National Grid: [No Comments Received]

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 6 No of responses received: 1
- 4.2.2 Site Notice Displayed: 19/12/2023, Expires: 12/01/2024.
- 4.2.3 Press notice: [Not Required]
- 4.2.4 Summary of Responses:
- Support principle of neighbours right to develop in accordance with the development guidelines of the Local Planning Office.
 - Want to inquire about the guidance of the local plan and what is permissible regarding:
 - Double storey extensions that extend to the boundary specifically to the side bordering 38C Abbots Road.
 - The impact on any future application for extending 38C Abbots Road regarding the 45 degree rule of line of sight from the rear corner of 38B
 - 38C has a lounge and bedroom windows facing the boundary with 38b. What will the impact be on the line of sight of these windows?

5 Reason for Delay

- 5.1 Delay caused by committee cycle. Extension of Time agreed.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, 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, DM6, DM8 DM13 and Appendices 2 and 5.

Other

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 Design and Impact on Character and Appearance of the host dwelling and wider streetscene

- 7.1.1 Policy CP1 of the Core Strategy 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' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area.
- 7.1.2 Appendix 2 of the DMP LDD sets out with reference to side extensions that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality two storey side extension may be positioned on the flank boundary provided that the first-floor element is set in by a minimum of 1.2m. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In high density areas an absolute minimum of 1m will be considered.
- 7.1.3 The proposed extension of the existing roof to the southwest side elevation of the dwelling would be set off the flank boundary by approximately 1m extending in line with the flank wall of the existing ground floor projection. The development would infill the existing space to the rear/side dwelling and would comprise of a pitched roof set up to the ridge height of the host dwelling. Whilst the spacing to the boundary would fail to adhere to the guidelines at Appendix 2 of the DMP LDD it is acknowledged in this case that development would not be brought closer to the flank boundary and the nearest dwellings are set a considerable distance from the flank boundary. From the front, the proposal would have the appearance of increasing the height of a lower section of roof to match the height of the remainder of the roof. In light of existing site circumstances, it is not considered that this addition would result in the creation of a terracing effect. The proposed development is considered to be largely subservient to the host dwelling and whilst set up to the ridge height of the host dwelling would not result in an overly prominent or incongruous form of development when viewed from the streetscene, particularly given the change in land levels the extension would be largely screened from view of the streetscene given its infill nature to the rear.
- 7.1.4 The proposed development to the north east side elevation of the dwelling would be set up to the boundary with the neighbouring dwelling No.38C Abbots Road (un-extended neighbour). This addition to the side of the dwelling would replace the existing detached garage, and whilst set up to the boundary it is acknowledged that the existing garage is currently positioned on this boundary. The proposed development would remain single storey in nature with a flat roof form at ground floor level, with the lower ground floor not clearly visible from the street. The proposed development is considered to be largely subordinate to the host dwelling and as amended is not considered to appear incongruous or overly prominent within the context of the host dwelling or wider streetscene such to justify the refusal of planning permission.
- 7.1.5 In addition, the proposed development to both sides of the dwelling would be constructed in materials to match the existing dwelling including matching brickwork and tiles which would further retain its character within the streetscene.
- 7.1.6 The proposal also includes alterations to the dwelling's frontage, including the removal of the existing area of soft landscaping to create a carriage driveway utilising the two existing accesses/crossovers which would remain unchanged. The loss of the soft landscaping is considered to be regrettable, however, given the variation that exists within the streetscene and the large areas of hardstanding along the frontages on Abbots Road it is not considered

in this case that these alterations would result in demonstrable harm to the host dwelling or wider streetscene such to justify the refusal of planning permission.

- 7.1.7 A new access/entrance to the dwelling is also proposed, to provide direct access from the site frontage to the existing lower ground floor level of the dwelling. This would be served by metal balustrading and steps, whilst this addition is not considered to be a prominent feature of the streetscene on Abbots Road, given the limited scale and nature of this element, and that it would be set back from the highway it is not considered to result in demonstrable harm to the host dwelling or wider streetscene such to justify refusal of planning permission. It is also not considered that the steps would be readily visible from the streetscene given that these would be at lower land level to the natural land level of the street. The submitted floor plans do not indicate any subdivision of this dwelling and as such it would not be considered reasonable to attach a condition restricting the use of the building or the secondary access proposed.
- 7.1.1 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The proposed extension of the existing roof to the south west side elevation adjacent to the boundary with No. 36, 38 and No. 38A Abbots Road would extend in line with the flank wall of the existing side projection, infill the space behind this and above the existing lower ground floor level. This addition would be sited closest to the boundary with neighbours No. 38 and No. 38A Abbots Road but would remain set off the boundary by approximately 1m. Given that this addition is not proposing to introduce additional built form closer to the boundary with these neighbour dwellings than the existing situation and that these neighbouring dwellings are set some 37m from the application site it is not considered that the proposed development would result in any harm to the residential amenity of the occupiers of these neighbouring dwellings. No flank fenestrations are proposed, and the fenestrations within the rear elevation are not considered to result in additional overlooking of any neighbour beyond that of the existing situation. Given the positioning of the proposed rooflight within the rear roofslope of the extension it is not considered to result in any overlooking of any neighbour.
- 7.2.3 The proposed single storey side extension to the north east side elevation of the dwelling would be set up to the boundary with the neighbour at No. 38C. As set out in a previous section of this report, this neighbour is set at a lower land level to the application dwelling and is set back further within its plot. Whilst this neighbour does not appear to benefit from existing extensions it is acknowledged that the flank elevation facing the application dwelling has a number of windows that serve habitable rooms at both ground and first floor. The proposed development to this side of the dwelling would replace the existing detached garage and would extend the depth of the dwelling to infill the space at ground floor and the lower ground floor level where levels decrease. Given that the development to this side of the dwelling would remain single storey with a flat roof form it is not considered that the development would result in an overbearing form of development or harmful loss of light to the residential amenity of this neighbouring dwelling as amended. The lower ground floor level is not considered to result in harm to the residential amenity of the occupiers of this neighbouring dwelling given that the levels decrease within the rear garden of the

application site and that this addition would not project beyond the main rear elevation of the application dwelling. Whilst it would result in additional built form on the boundary, it is not considered to be overbearing as experienced by this neighbour.

- 7.2.4 No flank windows are proposed, and the fenestrations and rooflight within the rear elevation of the proposed development are not considered to result in additional overlooking of this neighbour beyond that of the existing fenestrations within the rear elevation. The fenestrations within the front elevation including the new door and window would predominantly overlook the application sites frontage, and as such are not considered to give rise to additional overlooking of any neighbour.
- 7.2.5 The alterations to the site frontage, including the removal of the area of soft landscaping, and creation of a secondary access to the lower ground floor level served by steps and metal balustrading are not considered to result in demonstrable harm to the residential amenity of the occupiers of any neighbouring dwelling.
- 7.2.6 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

7.3 Rear Garden Amenity Space Provision

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 The application dwelling currently has four bedrooms, the proposed development would not increase the number of bedrooms within the dwelling and there would therefore be no additional requirement for rear amenity space, nor would there be a reduction in useable amenity space. Notwithstanding this, the application site would retain approximately 199sqm which is considered to be sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.4.2 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 LDD. 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.
- 7.4.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is not located within the Conservation Area. There are some trees along the flank boundary with No. 38 and 38A Abbots Road, however, these would appear to be sited outside of the application site and do not appear to be protected by any Tree Preservation Order. It is therefore not considered that any trees would be affected as a result of the proposed development. The proposal is therefore considered acceptable in this regard.
- 7.6 Highways, Access and Parking
- 7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.7 Policy DM8 is also relevant and sets out that development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.7.1 The application dwelling currently has four bedrooms, 1 at the lower ground floor level, 2 at ground floor and 1 at first floor level (within the roof space). Appendix 5 of the DMP LDD sets out that 4 or more-bedroom dwellings would require 3 assigned spaces within the dwelling's curtilage. The proposed development would not result in an increase to the number of bedrooms within the dwelling and as such there would be no additional requirement for off street parking. Notwithstanding this, it is noted that the dwelling currently benefits from two off street parking spaces, and it is noted that alterations to the frontage include the removal of the soft landscaping to allow for an additional car. It is however not considered that there would be sufficient spacing for a third vehicle to be parked on the driveway clear of the public footway, and the submitted block plan implies that there would be some slight overhanging. In any event, given that the number of bedrooms remains unchanged there would be no additional requirement for off street parking provision. As such, the proposal is considered to be acceptable in this regard.
- 7.7.2 The proposal also includes alterations to the site frontage, including the removal of an area of soft landscaping and its replacement with additional hardstanding to create a carriage driveway served by the two existing vehicular crossovers to the dwelling. The additional hardstanding would be finished in a permeable block paving. As such the appropriate provision for run off/drainage is considered to have been provided within the site in accordance with Policy DM8 of the Development Management Policies LDD.

8 Recommendation

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE GRANTED, subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following

approved plans: 2342-SK-100 D, 2342-SK-101 B

Reason: For the avoidance of doubt, and in the proper interests of planning and to safeguard the character and appearance of the area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

With regard to implementing this permission, the applicant is advised as follows:

- 11 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 £145 per request (or £43 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 01438 879990 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 (cil@threerivers.gov.uk). 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL)

owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 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 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.



Figure 1 View from 38C Frontage



Figure 2 Existing Streetscene



Figure 3 Existing Spacing to Side Elevation adjacent to 38 and 38A Abbots Road



Figure 4 Relationship to 38C from Rear Garden of application site



Figure 5 Existing Rear Elevation



Figure 6 Spacing to Side adjacent to 38C



Figure 7 Relationship to 38C