

# PLANNING COMMITTEE

## NOTICE AND AGENDA

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

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)  
Matthew Bedford  
Ruth Clark  
Andrea Fraser  
Philip Hearn  
Khalid Hussain

Steve Drury (Vice-Chair)  
Stephen King  
Chris Lloyd  
Debbie Morris  
David Raw

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

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

(Pages 5  
- 8)

To agree the minutes of the meeting held on 14 March 2024 as a true and accurate record and for the Chair to sign.

**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. 23/1897/FUL - WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, WATFORD, HERTFORDSHIRE, WD25 7LP**

(Pages 9  
- 122)

Variation of Conditions 2, 4, 10, 19 and 32 pursuant to planning permission 22/0491/FUL [The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian

footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling] to vary the approved plans and drawings (condition 2); to vary the triggers for the timing of the delivery of highway improvements (conditions 4, 10 and 32) and to amend the wording of condition 19 (noise).

Recommendation: The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2024.

Provided the Secretary of State does not call in the application for their own determination, the APPLICATION BE DELEGATED TO THE HEAD OF REGULATORY SERVICES TO VARY CONDITIONS 2, 4, 10, 19 AND 32 AND GRANT PLANNING PERMISSION 23/1897/FUL.

- 6. 23/1916/FUL – OPEN SPACE ADJOINING COLLEGE ROAD AND ENTRANCE TO LEAVESDEN COUNTRY PARK, ABBOTS LANGLEY, HERTFORDSHIRE** (Pages 123 - 140)

Widening of entrance to Leavesden Country Park including alterations to existing wall and new brick piers and railings, installation of vehicular barrier; installation of disabled parking bays, pedestrian island, replacement flagpole; and associated landscaping works.

Recommendation: That Planning Permission be granted.

- 7. 24/0102/FUL - 55 PENROSE AVENUE, CARPENDERS PARK, HERTFORDSHIRE, WD19 5AB** (Pages 141 - 180)

Subdivision of the site and construction of a single storey detached dwelling with associated bicycle and bin storage, access, parking, and landscaping works; boundary treatments and new access onto The Courtway.

Recommendation: That Planning permission be granted subject to the completion of a Section 106 agreement and conditions.

- 8. OTHER BUSINESS - if approved under item 3 above**

- 9. EXCLUSION OF PRESS AND PUBLIC**

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 under paragraph 1 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 necessary to specify the class of exempt or confidential information in the additional items.)

**General Enquiries: Please contact the Committee Team at**  
[committeeteam@threerivers.gov.uk](mailto:committeeteam@threerivers.gov.uk)

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## THREE RIVERS DISTRICT COUNCIL

**At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 14 March 2024 from 7.30 - 8.08 pm**

**Present:** Councillors Councillor Sara Bedford (Chair), Councillor Steve Drury (Vice Chair), Matthew Bedford, Ruth Clark, Philip Hearn, Khalid Hussain, Chris Lloyd and Debbie Morris

### **Others in Attendance:**

Councillor Jon Tankard (Abbots Langley Parish Council)  
Councillor Narinder Sian

### **Officers in Attendance:**

Matthew Barnes, Planning Solicitor  
Kimberley Rowley, Head of Regulatory Services  
Matthew Roberts, Development Management Team Leader  
Lauren Edwards, Senior Planning Officer  
Shilpa Manek, Senior Committee Officer

### **External in Attendance:**

Ms Elizabeth Devonshire-Oates (Resident)

### **PC54/23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Andrea Fraser and Stephen King.

### **PC55/23 MINUTES**

**RESOLVED:** that the minutes of the meeting held on 22 February 2024 of the Planning Committee be approved as a correct record and signed by the Chair.

### **PC56/23 DECLARATIONS OF INTEREST**

Councillor Steve Drury declared a non-pecuniary interest in respect to Item 7, 24/0209/FUL, Shaftesbury Court, Malvern Way, Croxley Green, Hertfordshire as his mother-in-law is a resident of Shaftesbury Court. Councillor Drury would leave the room during this item.

Councillor Philip Hearn declared a pecuniary interest in respect of Item 5, 22/1764/FUL, World of Water, Hempstead Road, Watford, Hertfordshire, WD4 8QG as he had an interest in a competitor of the applicant. Councillor Hearn would leave the room during this item.

### **PC57/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

### **PC58/23 22/1764/FUL - WORLD OF WATER, HEMPSTEAD ROAD, WATFORD, HERTFORDSHIRE, WD4 8QG**

The application was for the demolition of an existing building and the erection of retail food store (Use Class E(a)), with associated access, parking and amenities.

Councillor Philip Hearn left the Chamber.

The Officer provided an update. Members who sat on the November Planning Committee were aware that this application was deferred. At the February Planning Committee Members resolved to defer the application to enable a site visit with the applicant's transport consultant. This site visit occurred on Tuesday 5th March 2024 at 17:00, during the PM peak.

The summary of reasons for deferral and the actions which had occurred since were listed in the report.

Councillor Matthew Bedford commented that despite the highway reports and the assurance from the applicant, there were still severe misgivings about the access and right turn into the and out of the site, crossing the north bound A41, which was a very busy road. Councillor Mathew Bedford proposed a minor amendment that if the planning condition could ensure that delivery vehicles delivering to the site should only do so by turning left and also exit by turning left.

The Committee were addressed by Parish Councillor Jon Tankard, who shared the concerns and agreed with the amendment proposed. This would work but he was still very sceptical, but at least it would not cause hold ups coming off the roundabout. The Parish Council had concerns about the working of the access arrangements, but this would at the very least prevent lorries crossing the A41 road.

After a lengthy discussion, that included the following points:

- Clarification was requested from Members that no highway objections had been raised even though there were major concerns. It was confirmed that no objections had been received from Hertfordshire County Council.
- The Council had commissioned its own independent highways survey, on the Committees request and only minor recommendations had been raised and these had all been taken on board.
- The road safety audit had gone through twice at stage one and further stages would include a further road safety audit and some post construction monitoring.
- The Planning Officer confirmed that it was a reasonable amendment to add about only turning left when entering and exiting the site (for delivery vehicles).
- It was suggested that the proposed amendment be added to the Construction Management Plan as well as the Delivery Management Plan.
- Could the HCC Stage 4 post construction road safety audit be extended to more than 12 months data collection. It was explained that stage 4 was rarely utilised and when it was, it was within 12 months. This would form part of the S278 legal agreement so it would be difficult to impose different elements to this. Officers would in any event have discussion with the HCC Officers.

Councillor Drury proposed to accept the Officers recommendation, to approve the application, subject to amendments to Condition C3 (Construction Management Plan) and Condition 21 (Delivery Management Plan) to ensure that during construction and post occupation that:

A) large/heavy goods vehicles can only enter the site by turning left from A41.

B) large/heavy goods vehicles can only leave the site by turning left onto the A41.

Officers would speak with HCC regarding Road Safety Audit as part of Section 278 Agreement.

This was seconded by Councillor Debbie Morris.

A vote was taken and 2 voted For the motion and 5 Abstained from voting.

**RESOLVED:** That subject to the completion of a Section 106 Agreement in respect of a monitoring and evaluation fee of £6k covering a 5-year period relating to the travel plan and a contribution of £16.8k towards highway/cycleway/sustainable transport improvements and subject to conditions including amendments to Condition C3 (Construction Management Plan) and Condition 21 (Delivery Management Plan) to ensure that during construction and post occupation that:

A) large/heavy goods vehicles can only enter the site by turning left from A41.

B) large/heavy goods vehicles can only leave the site by turning left onto the A41.

That permission be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION.

Officers to speak with HCC regarding Road Safety Audit as part of Section 278 Agreement.

**PC59/23      24/0080/FUL – WEST HERTFORDSHIRE THERAPY UNIT, JACKETTS FIELD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0PA**

This application seeks full planning permission for the replacement of 6no. roof lanterns with 6no. timber roof structures and installation of waterproofing system with associated works. The existing glazing to the roof structures would be replaced with solid roofing material with the lantern structures retained. The remainder of the proposed works consist of general maintenance works to the roof of the building.

The application is being considered by the Committee as a District Councillor that lives within the neighbour consultation area.

The application site is located on Jacketts Field, Abbots Langley. The site contains a medical building, parking area and grass amenity land. The existing building is single storey in height and has a facing brick exterior. The building contains six roof lanterns that protrude approximately 0.5m above the roof.

Councillor Matthew Bedford proposed the Officers recommendation to approve the application. This was seconded by Councillor Ruth Clark and put to a vote and carried unanimously.

**RESOLVED:** that the planning application be approved as per Officers recommendation.

**PC60/23      24/0209/FUL - SHAFTESBURY COURT, MALVERN WAY, CROXLEY GREEN, HERTFORDSHIRE.**

The application was for the extension to existing hardstanding to create additional car parking including associated pathway, bollards and landscaping at Shaftesbury Court, Malvern Way, Croxley Green, Hertfordshire.

The application was called in by 3 Members of the Planning Committee to consider the impact of the existing occupiers and the visual amenity given the nearby footpath.

Councillor Steve Drury left the Chamber.

An update was presented by the Officer. It was reported that since publication of the report, four further comments had been received, three in support and one further objection, not raising any new material considerations. No objections had been raised by Croxley Green Parish Council. No concerns were received from the Hertfordshire Highways, who had been consulted in an advisory capacity.

This application proposes to provide two parking spaces in replacement of an area of existing lawn to the south-east of the building of Shaftesbury Court. The spaces would be physically laid out with painted white lines. The existing access paths would be retained, and shrubs planted to 3 sides of the spaces to provide separation between the spaces and adjacent paths. The existing grass verge to the west (other side of the access road from the parking spaces) would also be reduced in width in order to allow for the access and egress of vehicles into the new spaces. New concrete bollards would be installed along the edge of the grass verge.

Whilst not within the red line of the application site, the plans suggest that a zebra crossing style pedestrian walkway would also be marked on the existing private access together with some safety signage.

The Committee were addressed by a resident, representing the residents of Shaftesbury Court, objecting to the application. The residents' main concerns included the hazard caused for young children as an adjacent alleyway between the Church car park and Malvern Way was used by parents and young children, which was a blind spot and an accident waiting to happen. The residents felt that there were other options causing minimal disruption.

The Committee discussed the application, and the following points were raised:

- That there was a path that came off the footpath that was used by parents and commuters.
- Members were reminded by the Officer that this was a standalone application just for the parking.
- Did Officers know how many residents had cars?
- Would the footpath be raised or just segregated?
- Officers confirmed that it would be a shared surface and pointed out the public right of way on the submitted plans. There would be physical demarcation on the ground to encourage users to cross the road and use the path on the side of the building and not the road.
- The crossing was part of the scheme.
- If additional planting or bollards were added this would reduce the visibility of anyone reversing.
- That it was significant that no residents supported the application.
- That as part of the application, the scheme would be adding two extra parking spaces and would significantly improve the markings of the permissive path, clearly mark the crossing points and the pedestrian route. It seemed like this would be an improvement.

Councillor Philip Hearn proposed the Officers recommendation to approve the application, and this was seconded by Councillor Ruth Clark and put to a vote.

Six Members voted For the application to be approved and one abstained from voting.

**RESOLVED:** that the planning application be approved as per the Officer recommendation.

**CHAIRMAN**



## PLANNING COMMITTEE – 18 April 2024

**23/1897/FUL - Variation of Conditions 2, 4, 10, 19 and 32 pursuant to planning permission 22/0491/FUL [The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling] to vary the approved plans and drawings (condition 2); to vary the triggers for the timing of the delivery of highway improvements (conditions 4, 10 and 32) and to amend the wording of condition 19 (noise) at Warner Bros. Studios Leavesden, Warner Drive, Watford, Hertfordshire, WD25 7LP**

Parish: Abbots Langley

Ward: Leavesden & Gade Valley<sup>1</sup>

Expiry of Statutory Period: 26.04.2024 (Agreed Extension)

Case Officer: Claire Westwood

**Recommendation: The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2024.**

**Provided the Secretary of State does not call in the application for their own determination, the APPLICATION BE DELEGATED TO THE HEAD OF REGULATORY SERVICES TO VARY CONDITIONS 2, 4, 10, 19 AND 32 AND GRANT PLANNING PERMISSION 23/1897/FUL.**

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee due to “the high level of public interest and possible environmental issues”.

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

[23/1897/FUL | Variation of Conditions 2, 4, 10, 19 and 32 pursuant to planning permission 22/0491/FUL \[The provision of new sound stages, workshops, production and post-production offices, Studio support facilities \(including new welfare and café building\) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge \(Island Site\); the use of land to the west of the Studios for film production and associated activities \(Backlot 2\); ecological improvements to existing field \(Lower Field\) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling\] to vary the approved plans and drawings \(condition 2\); to vary the triggers for the timing of the delivery of highway improvements \(conditions 4, 10 and 32\) and to amend the wording of condition 19 \(noise\). | Warner Bros. Studios Leavesden Warner Drive Watford Hertfordshire WD25 7LP \(threeivers.gov.uk\)](#)

## 1 Planning History

### 1.1 Background

- 1.1.1 The Leavesden Aerodrome site has a complex planning history. The site, which originally included land now developed to the east, has previously been owned by the Ministry of Defence where it was an important centre for the production of Mosquito and Halifax aircraft during World War II; and by Rolls Royce where it was used for manufacture of helicopter

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<sup>1</sup> The site address and majority of the application site are within Leavesden ward, however, Backlot 2 and the Lower Field fall within Gade Valley ward.

engines until 1993. At its peak, the site employed over 3,000 people, but this had been reduced to approximately 1,800 by 1991. The airfield remained open for flying until March 1994, being used by a private flying club; the Leavesden Flight Centre. At its peak in 1990, there were some 60,000 aircraft movements at the site.

- 1.1.2 In 1995 the site was purchased by Third Millennium Group and part of the site was used as a film production studio. In 1999, the site was purchased by MEPC who leased the studios to Warner Bros. until they in turn acquired the freehold in October 2010.

## 1.2 Planning Brief

- 1.2.1 A Planning Brief was prepared by Three Rivers District Council and Watford Borough Council and approved for the site in 1993. This set out principles to guide the future development of the overall Leavesden Aerodrome site (totalling 119 hectares). The basic concept was to constrain development to the eastern part of the site and release the remainder of the site to form an attractive and accessible Green Belt wedge between Abbots Langley and Watford.

## 1.3 Relevant Planning History

- 1.3.1 10/0080/FUL - Continued use of land and buildings for film production and associated activities including retention and refurbishment of existing studios to accommodate stages, backlot, workshops, offices, production facilities, canteen /commissary and ancillary studio facilities and services, replacement and extended workshops, stage and offices. Two new stages (approx. 13,000 sqm floorspace) for the storage and public exhibition of film sets and artefacts (including cafe and gift shop), new accesses from Aerodrome Way, revised internal road layout and parking, extended backlot, landscaping and associated works. Approved with a S106 Agreement.
- 1.3.2 10/2425/FUL - Erection of an electricity sub-station (in connection with the development of Leavesden Studios under reference 10/0080/FUL). Approved 26 January 2011.
- 1.3.3 11/0376/RSP - Part retrospective: Amendments to planning permission 10/0080/FUL to include: Reduction and modifications to K Stage, modifications to J Stage and revised layout of external display areas; revised layout of security gatehouses, internal road layout (temporary consent sought for internal road link) and cycle storage; minor realignment of spur access from northern roundabout; revised landscaping including re-profiling and realignment of bunds; new paved area for picnic use and security hut; revised materials for car park; and associated works. (No alteration to operation of visitor centre, visitor numbers, no. of parking spaces or traffic generation as per the section 106 agreement dated 15 June 2010). Approved 19 May 2011 with a deed of variation to the Section 106 Agreement.
- 1.3.4 11/0590/RSP – Part retrospective: Revised layout for the northern part of Leavesden Studios (previously approved under application 10/0080/FUL), including demolition and replacement of the Mill building to be built in two phases, the relocation and construction of the approved multi-purpose workshop building, revised parking layout, hard and soft landscaping including omission of bunding and associated ancillary works. Approved 20 June 2011.
- 1.3.5 11/1607/ADV - A total of 9 individual advertisement signs, including directional signage, at Warner Bros. Studios Leavesden and the associated Studio Tour (including externally illuminated entrance signs, fascia signs and poster advertisements). Approved 21 September 2011.
- 1.3.6 12/0344/FUL - Variation of Condition 2 of planning permission 10/0080/FUL to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.

- 1.3.7 12/0345/FUL - Variation of Condition 2 of planning permission 11/0376/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.8 12/0346/FUL - Variation of Condition 2 of planning permission 11/0590/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012.
- 1.3.9 12/1150/FUL - Amendments to flight shed at Warner Bros. Studios comprising minor modifications to the existing fabric of the building, replacement cladding to the west elevation and removal of the 'beehive' ventilation units (cross boundary application). Approved 31 July 2012.
- 1.3.10 12/2169/FUL - Construction of a new permanent workshop building with associated parking, demolition of existing workshop/store, relocation of an existing refuse and recycling facility and associated ancillary works. Approved 15 January 2013.
- 1.3.11 12/2324/FUL - Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to allow earlier openings (from 0900 hours) on Saturdays, school holidays and on 15 'floating days' and up to 5,540 visitors on these days. Approved 1 March 2013 for a temporary period of 2 years.
- 1.3.12 13/0110/RSP - Part retrospective: Temporary consent (6 months) for construction/retention of exterior filming tank and associated storage of spoil. Approved 28 March 2013.
- 1.3.13 13/1173/FUL - Variation of Conditions 2 and 3 of planning permission 12/2169/FUL for a new permanent workshop building to allow: Substitution of plans to reflect minor amendments to building design and improvements to internal Studio roundabout and retention of existing store building for a minimum of two years from first occupation of the workshop due to significant existing production commitments. Approved 23 September 2013.
- 1.3.14 13/1352/RSP - Part Retrospective: Exterior filming tank with associated hard-standing, drainage works and access road and spoil storage. Approved 12 September 2013.
- 1.3.15 13/1924/FUL - Extension of 'J' stage of the Warner Bros. Studio Tour including accommodation for a new feature set, educational support facilities, revised parking layout including the provision of an additional 226 car parking spaces, extension of the internal link road, an external picnic area, a toilet block, revised landscape proposals and resiting of the cycle storage and refuse area. Approved 13 January 2014.
- 1.3.16 13/2066/FUL - Full planning permission for the construction of a new permanent sound stage with associated parking and hard landscape work and temporary (18 months) construction access on to South Way. Approved December 2013.
- 1.3.17 13/2239/FUL - Full planning permission for the construction of a new permanent sound stage (Stage N), studio support space, associated parking and hard landscape works, external lighting, use of temporary construction access on to South Way for a period of 18 months and associated ancillary works. Approved 24 February 2014.
- 1.3.18 14/1232/FUL - Deed of Variation: Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to enable hospitality events to take place and studio tours to commence up to 21:00 hours on such days. Approved 25 September 2014 (for 8 events within limited period of 1 year).
- 1.3.19 14/1752/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to insert additional clauses relating to visitor numbers; to vary clauses to increase daily visitor numbers from

5,000 to 5,728 and from 5,540 to 6,383 on Saturdays, school holidays and floating days; to vary clauses to increase number of floating days from 15 to 20; to vary clauses to permit floating days within 10 days of any school holiday; and updates to definitions. Approved 5 December 2014.

- 1.3.20 14/1831/FUL - Variation of Condition 2 (Plans) of planning permission 12/0344/FUL to amend the existing parking layout to increase staff parking provision by 71 spaces and provide additional landscape planting. Approved 5 December 2014.
- 1.3.21 15/0744/FUL - Application for the operation of Hospitality Events at the Warner Bros. Studio Tour London until 23.00 hours on any given day and until 00.00 hours (midnight) on 24 occasions during a calendar year ('special' Hospitality Events). Approved 16 July 2015.
- 1.3.22 15/1852/FUL - Hybrid Application to include detailed approval of new sound stages, workshops, post production facility and extension to the Studio Tour car park together with outline approval (matters reserved: appearance and landscaping) of extension to the Studio Tour, workshops, production support building, Studio parking deck, Studio cafe extension, Studio support facilities and associated works as well as continued use of land and buildings for film production and associated activities (including use of Stages J & K for the storage and public exhibition of film sets and artefacts (Studio Tour) and hospitality events). Approved 25 January 2016.
- 1.3.23 16/2430/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 15/1852/FUL) at Warner Bros. Studios Leavesden to vary the studio tour hours of opening to allow the first tour to start at 09:00 on Sundays for a temporary period of one year. Approved 7 February 2017.
- 1.3.24 16/2554/FUL - Studio parking deck to provide 2,150 additional parking spaces, bicycle store, security office, post room facilities and rearrangement of internal vehicular circulation. Approved 27 February 2017.
- 1.3.25 16/2611/AOD - Approval of Details: Details pursuant to hybrid planning permission 15/1852/FUL comprising construction of a new permanent workshop building with associated hardstanding, drainage and landscape (Development Area 7). Approved 2 March 2017.
- 1.3.26 17/0286/NMA - Non-Material amendment to planning permission 15/1852/FUL: Alteration to external finish of the rear elevation of P-Stage. Approved 22 February 2017.
- 1.3.27 17/0591/ADV - Advertisement Consent: Three internally illuminated fascia signs and six internally illuminated signs to Studio parking deck. Approved 28 April 2017.
- 1.3.28 17/0683/NMA - Non-Material Amendment to planning permission 15/1852/FUL - Alterations to hardstanding (Development Area 1 - L Stage Workshop). Approved 19 April 2017.
- 1.3.29 17/1790/NMA - Non-Material Amendment to planning permission 16/2554/FUL: Additional ramp to southern elevation; Electrical room provision; and amendments to Warner Drive. Approved 4 September 2017.
- 1.3.30 17/2240/FUL - Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis. Approved 10 January 2018.
- 1.3.31 17/2570/NMA - Non-Material amendment to planning permission 16/2554/FUL: Alterations to external materials and alterations to post room. Approved 3 January 2018.
- 1.3.32 18/0019/ADV - Advertisement Consent: Erection of internally illuminated signage. Approved 2 February 2018.

- 1.3.33 18/2343/NMA - Non-Material Amendment to planning permission 17/2240/FUL: Replacement of hedgerow species and removal of six trees. Approved 10 December 2018.
- 1.3.34 18/2545/ADV - Advertisement Consent: 7 x externally illuminated advertising posters, 1 x externally illuminated Warner Bros. shield and fibre glass lettering. Approved 6 February 2019.
- 1.3.35 19/1445/FUL - Extension to the Studio café and landscape improvements. Approved 20 August 2019.
- 1.3.36 19/1944/FUL - Development of T, U and V stages along with new office building and landscape improvements. Approved 3 April 2020.
- 1.3.37 19/2369/FUL - Extension to the backlot café. Approved 21 January 2020.
- 1.3.38 20/2645/FUL - Erection of a 2.4m high fence, to the south (A41) and west (Gypsy Lane) boundaries including gates to the west (Gypsy Lane) and east (Backlot) boundaries and the erection of 3 no. 6m high CCTV poles adjacent to the northern and eastern boundaries. Approved 20 January 2021.
- 1.3.39 20/2667/FUL - Temporary change of use of land for the purposes of external film production for a period of 2 years. Approved 26 February 2021.
- 1.3.40 21/0852/NMA - Non-Material amendment to planning permission 20/2645/FUL: Amendment to Conditions 2 and 5 to allow alterations to landscaping and planting scheme and environmental management plan. Approved 12 April 2021.
- 1.3.41 22/0491/FUL – The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling. Approved 24 February 2023.
- 1.3.42 22/0509/FUL - Construction of storage building. Approved 9 May 2022.
- 1.3.43 22/1629/FUL - Installation of 9 illuminated wands at the visitor entrance to the Warner Bros. Studio Tour London, The Making of Harry Potter. Approved 4 October 2022.
- 1.3.44 23/1021/NAC - The provision of two temporary site construction access points and associated works on the Northbound and Southbound sections of Gadeside (North of the A41), in order to facilitate development approved under planning application ref. 22/00322/FULM. Watford Borough Council - application ref 23/00530/FUL. No objection 6 July 2023.
- 1.3.45 23/1320/NMA - Non material amendment to planning permission 22/0491/FUL: Internal and external amendments to Building 75, including alterations to the internal mezzanine, external window layout, and to the locations of the roller shutter access doors; The addition of Meet Me Room 2 (MMR2) in the northern corner of the central site; Minor internal footprint extension and façade alteration to the welfare/amenity Building 56 (to incorporate a Mezzanine level within the approved building footprint); The addition of a Waste Management Area adjacent to the sprinkler tanks on the southern edge of basecamp 1; Amendments to Buildings 73 & 74; Minor changes to the layout and positioning of the Sound Stages and associated offices (Buildings 52, 53, 58, 59, 60, 61, 62, 63, & 64), including the moving of the AHU facilities from the roofs of buildings 58 and 59, to adjacent at ground level, and the repositioning of several of the outbuildings; Addition of a small transformer station between buildings 63 and 64; Amendments to the layout of the internal (non-

adopted) roads and foot/cycleways across the site; Amendments to Island Site road layout, including changes to roundabout to retain tree T37 and inclusion of a 1.8m high acoustic fence on the south-eastern boundary; and Various associated site wide landscaping amendments. Approved 4 September 2023.

1.3.46 23/1953/FUL - Extension of the existing Post Room and associated ancillary works. Approved 5 January 2024.

1.3.47 24/0178/FUL - Extension of the existing Backlot Cafe kitchen and associated ancillary works. Approved 4 March 2024.

## **2 Site Description**

### Wider Studio Site - Background

2.1 Leavesden Studios has been used for film making since the mid-1990s and from 2000 by Warner Bros. for the creation of the Harry Potter series of films, and more recently The Batman, Wonder Woman 1984, the Fantastic Beasts film series and HBO's Game of Thrones prequel House of the Dragon. The Studio (WBSL) comprises the main part of the original Leavesden Aerodrome dating back to the 1930s and operated from 1967 to 1994 when the site was occupied by Rolls Royce for aero engine manufacture.

2.2 The Studio, including the application site, is owned by Warner Bros. and has been redeveloped through the implementation of various planning consents outlined in section 1 of this report. These consents have essentially allowed:

- 1) The continued use of the land and buildings for film production and associated activities including the retention and refurbishment of existing studio buildings.
- 2) Erection of a replacement 'Mill' building and new workshop building to the northern part of the site.
- 3) Erection of two new stages (J and K) for the storage and public exhibition of film sets and artefacts, including cafe and gift shop, located between the main studio complex and Aerodrome Way. These new stages house the 'Warner Bros. Studio Tour London: The Making of Harry Potter', and have since been extended.
- 4) Revised internal road layout and parking, new gatehouses, extended backlot, landscaping including new bunding and associated works.
- 5) Consent for an external water tank used to film water based scenes.
- 6) Construction of additional workshops, two new sound stages and production offices (M, N and O).
- 7) Studio Tour and Studio parking.
- 8) Studio Tour hospitality events.

2.3 Permission was granted under application 15/1852/FUL for further development at the wider Leavesden Studio site (the Studios site) for the following elements:

#### *Detailed elements:*

- 1) L Stage Workshop located adjacent to existing L Stage to the south of the Studios site to replace existing temporary workshop structures at the backlot.
- 2) P Stage located on the northern part of the Studios site, opposite N & O and M Stages to be a new permanent sound stage.
- 3) Q and R Stages and ancillary production offices within a new permanent sound stage with three storey offices attached to the northern elevation to the west of C Stage.
- 4) Post production facility to the south of the main Studio buildings to include re-recording stages, cutting rooms and a preview theatre.

#### *Outline elements:*

- 5) Studio Tour Extension - new stage to extend from the southern elevations of J & K Stages onto part of the existing visitor car park including additional single storey staff accommodation located around K Stage, with a maximum height of 10m.
  - 6) Workshop on an existing hardstanding area to the north of the site, known as Car Park 5 (CP5).
  - 7) Studio Café Extension to meet enhanced catering needs.
  - 8) Production Support Building adjacent to the backlot and proposed Q & R Stages, to be used for a range of support activities including workshop, wardrobe, make-up and special effects.
  - 9) Island Site development - accommodation for a range of Studio support facilities such as workshops and production services together with supporting office accommodation with access via a new arm on the existing Aerodrome Way/High Road/Ashfields Way signalised junction.
- 2.4 Some Reserved Matters applications pursuant to the outline elements have been approved as detailed in the full planning history above.
  - 2.5 Permission has been given under application 17/2240/FUL for 'Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis'.
  - 2.6 Planning permission 19/1944/FUL granted consent for 'Development of T, U and V stages along with new office building and landscape improvements', with some slight variations to that approved pursuant to the Hybrid Planning Permission.
  - 2.7 Planning permission 20/2667/FUL granted consent for 'Temporary change of use of land for the purposes of external film production for a period of 2 years' in February 2021.
  - 2.8 Planning permission 22/0491/FUL granted consent for 'The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling' in February 2023.

Site Location

- 2.9 The 51.78 hectare application site lies to the north of Watford just within the M25 and north of Hunton Bridge M25 spur roundabout. The residential area of Leavesden is to the east, with Abbots Langley to the north and Watford to the south. To the west of the site are open fields with some residential roads and individual properties.
- 2.10 The majority of the site lies within Three Rivers District Council's (TRDC) administrative area, however, a proportion (approximately 10%) encompassing part of L Stage and approximately two-thirds of the Island Site fall within Watford Borough Council (WBC) area.

Site Accessibility

- 2.11 The site benefits from good rail links with the West Coast Main Line from London Euston, with services departing from London Euston for Watford Junction (approximately 3km from the site) every 10-15 minutes. Kings Langley Station is approximately 2.5km to the north of the site.
- 2.12 Public bus services run past the site frontage along Aerodrome Way providing direct access to and from Watford as well as other neighbouring residential areas. Other services can be

accessed via South Way or Leavesden High Road, a short walk from the site. There is also a dedicated bus service between WBSL and Watford Junction.

- 2.13 The site is well located in terms of road connections, with connections to junctions 19 and 20 of the M25 and junctions 5 and 6 of the M1 motorway. The A41 provides access to London and Hemel Hempstead. The A405 provides access to St Albans. The site is accessed by two roundabouts on Aerodrome Way. Warner Drive provides access to the Studio from the northern roundabout and Studio Tour Drive provides access to the Studio Tour from the southern roundabout.
- 2.14 All pedestrian routes to/from the site consist of lit pavements, with signal controlled crossings at the Aerodrome Way junctions with Hercules Way, Ashfields and Hill Farm Avenue. Within the site, approximately 30m west of the back lot, a public footpath runs south from Hunton Bridge, along Gypsy Lane to the Hunton Bridge interchange. The footpath runs between two fields owned by WBSL.

### Site Designations

- 2.15 Leavesden Studios was identified in the Local Plan 1996-2011 as a Major Developed Site in the Green Belt. However, the Site Allocations document Site Ref: GB(1) adopted in November 2014 removed the Green Belt designation from the then built areas of the Leavesden Studios site. This area of the Studio site (including the Island Site) is allocated specifically for 'Leavesden Studios Operations' and associated uses (Site GB(2)). The wider area to the south-west of the built areas shown as 'Backlot' on GB(2) is referred to at 11.5 of the Site Allocations LDD as being 'retained in the Green Belt as an integral part of the Studio's operation compatible with that ['nationally significant'] status.'
- 2.16 Accordingly, whilst the majority of the existing complex of WBSL buildings, as well as the part of the Island Site within TRDC fall outside of the Green Belt, the existing Backlot, stages Q, S, T, U, V and L and fields including the application site to the west are located in the Green Belt. Whilst the section of the Island Site falling within WBC had its Green Belt designation removed following the adoption of their local plan in October 2022.
- 2.17 Tree Preservation Order (TPO) 310 protects trees in the vicinity of L Stage to the south of the site. TPOs 315 and 107 (WBC) protect trees within the Lower Field and Island Site respectively.
- 2.18 There are 3 Local Wildlife Sites within the locality, one wholly within the application site. The Grade II\* Listed Hunton Park and Grade II Listed Dairy at Hunton Park are located to the north of the site. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north-west of the site.

## **3 Description of Proposed Development**

- 3.1 Planning permission 22/0491/FUL granted consent in February 2023 for; 'The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling'.
- 3.2 At that time duplicate applications were submitted to TRDC and WBC as a small part of the site falls within WBC area.
- 3.3 The officers' committee report for 22/0491/FUL described the proposed development as set out at section 3.7 – 3.13 below.



- 3.4 During the consideration of application 22/0491/FUL amendments were made to the scheme and these are set out at section 3.14 below.
- 3.5 The current application 23/1897/FUL is described from section 3.15 below.
- 3.6 22/0491/FUL – DEVELOPMENT DESCRIPTION**
- 3.7 The proposed development on the application site is split between 5 main areas as listed/described below:
- 1) Central Site
  - 2) Island Site
  - 3) Western Site (including Backlot 2 and Lower Field)
  - 4) Triangle Site
  - 5) Northern Access
- 3.8 **CENTRAL SITE:**
- 3.8.1 **SOUND STAGES**
- 3.8.1.1 Eleven new permanent sound stages are proposed. The proposed stages are labelled as Stages 2A – 2K on the ‘Proposed Site Plan (Overall)’ and the ‘Proposed Site Plan (Enlarged) (also referred to as Buildings 58 – 64).’ A range of sizes are proposed, from 1,858sqm to 3,437sqm with a total new soundstage floorspace of approximately 28,614sqm.
- 3.8.1.2 The height of the stages will vary from 18m on the outer edge closest to Gadeside, up to 21.5m within the centre of the site. It is proposed that the stages will reflect the same scale, architectural language, colour and profile of the existing stages.
- 3.8.2 **ANCILLARY PRODUCTION OFFICES**
- 3.8.2.1 Four ancillary production office buildings are proposed, each three-storeys in height (labelled Buildings 29, 30, 52 and 53 on the ‘Proposed Site Plan (Overall)’. These would be constructed to the north-western elevation of Stages 2A – 2D (Offices 1 and 2, Buildings 29 and 30), facing the existing backlot, and to the south-eastern elevation of Stages 2H – 2K (Offices 3 and 4, Buildings 52 and 53), providing an active frontage to Gadeside.
- 3.8.2.2 The buildings will each have a floorspace of approximately 2,260sqm, with a total floorspace of 9,040sqm. They would have a height of 12m and would reflect the appearance of existing office buildings on the site. The offices will provide day-to-day support for the film studio activities.
- 3.8.3 **WORKSHOPS AND L STAGE WORKSHOP CONVERSION**
- 3.8.3.1 Three new workshops are proposed (labelled Buildings 72, 73 and 74 on the ‘Proposed Site Plan (Overall)’. In addition it is proposed to add a mezzanine level to the existing L Stage to convert this into workshop space.
- 3.8.3.2 The new buildings will be 14.5m in height at eaves level and will be sited close to the associated Stages. ‘Base Camps’ will provide external areas adjacent to the Stages and Workshops for production catering or other temporary support activities.
- 3.8.3.3 The workshops will support the filming activities, providing space for set construction, costume and prop storage etc. Their external appearance/colour will reflect that of the existing workshops on site.
- 3.8.4 **STUDIO AMENITY SPACE**

3.8.4.1 A new amenity building (labelled Building 56 on the 'Proposed Site Plan (Overall)' is proposed to serve the development, comprising of a 660sqm single storey amenity space with an external landscaped terrace. The building will face south-east towards the open woodland and internal green spaces, with the external design/materials palette again reflecting of existing buildings on site.

### 3.8.5 STUDIO SOUTH GATE ENTRANCE WITH SECURITY FACILITIES

3.8.5.1 A new access will be created to serve the new Studio development to the south of the site, connecting to Gadeside and serving as an entry point to the Studio. This entrance will be served by a dedicated security building (labelled Building 77 on the 'Proposed Site Plan (Overall)', acting as the arrival tower for visitors coming from the Island Site parking structure via the footbridge (described below). It will include a security hub, WC facilities and secure bicycle and golf buggy parking and charging.

## 3.9 ISLAND SITE:

### 3.9.1 STUDIO PARKING DECK

3.9.1.1 The Studio Parking Deck will comprise a total of 2,500 parking spaces over ground, first, second, third floors and roof deck, providing parking for studio and production staff. The parameters for a building on this site were set by the 2015 planning permission and these are broadly followed in the proposed scheme and include a lower building height to the eastern side in recognition of the scale of the residential development beyond the site.

3.9.1.2 The parking deck will be up to a maximum height of 15m adjacent to Gadeside, with the lower level (11m) towards Ashfields to the east in accordance with the 2015 parameters. Localised pop ups include the staircases and lift core.

3.9.1.3 The parking deck has been designed to look more like a building rather than a typical open sided multi-level car park and will be a modular steel structure with concrete floors. The structure will include a greater proportion of solid walls and horizontal banding to add interest whilst also screening cars from view. A detailed landscape strategy has been submitted with the application and includes extensive landscape planting around the Island Site, particularly the eastern boundary, and includes a planted earth mound to act as both a visual and acoustic barrier.

3.9.1.4 The parking deck will be accessed from Gadeside via the proposed South Gate roundabout (described below), with vehicle barriers controlling entry.

### 3.9.2 STUDIO SUPPORT LIGHTING FACILITY (SET LIGHTING)

3.9.2.1 The support facility (Building 75 on the Site Plan) on the Island Site will be used for set lighting, with accommodation totalling 4,856sqm provided over two floors. The building will have a maximum height of 11m, reflecting the lower height of Studio Parking Deck. As with the parking deck, extensive landscaping is proposed around the perimeter.

## 3.10 WESTERN SITE:

### 3.10.1 BACKLOT 2

3.10.1.1 Backlot 2 (labelled 'Replacement Backlot and Support Facilities' on the Site Plan) is to the immediate west of the main Studio site and currently benefits from temporary planning permission (ref. 20/2667/FUL) to allow external film production. The current application proposes that the use of Backlot 2 for filming is made permanent. The backlot enables temporary sets to be constructed near to the permanent film production support functions.

3.10.1.2 Landscape mitigation measures are proposed and include earth bunds to be constructed behind the existing security fence. These would be a minimum height of 3m and designed

so that the existing hedgerows/trees are unaffected. In addition to 1,500 trees previously planted along the boundary with Gypsy Lane, new native woodland will be planted along the outer edge and on top of the earth mound. New woodland planting is also proposed in areas where little or no planting currently exists.

3.10.1.3 An Operational Management Plan (OMP) for Backlot 2 has been submitted alongside the application and includes restrictions such as in relation to the height of temporary structures and protocols for night filming to ensure that the impacts of any activity on Backlot 2 are appropriately managed/mitigated.

3.10.1.4 In summary, the submitted OMP (March 2022) includes the following measures:

- Access/egress will be via main WBSL site only.
- General parking will be on main WBSL site.
- Dates and times of any night shoots will require notification to TRDC Planning and Environmental Health at least 5 working days in advance.
- A member of WBSL management team will be present at all night shoots.
- Lighting will be directed away from off-site public boundaries and the road network.
- Where possible lighting will be directed away from vegetation.
- All operational/temporary lighting will be switched off and lowered when not in use.
- Notification and prior approval from TRDC will be required 10 working days in advance of special effects events.
- Neighbour notification will take place in accordance with WBSL's standard procedures.
- Any changes in ground levels on Backlot 2 that exceed +/- 3m will require 10 working days advanced notification and prior approval from TRDC.
- Temporary structures shall not exceed 15m except where advance notification has been given to and prior approval granted by TRDC.
- No structure or storage facility is to be located within 20m of any highway or public right of way.
- Where practicably possible, outer faces of structures will be camouflaged or painted to reduce visual impact.

### 3.10.2 LOWER FIELD

3.10.2.1 It is proposed to create a 12 acre area within the Lower Field that is accessible for public use via Gypsy Lane and Old Mill Road. Planting will include: 40 new trees including an orchard and semi-mature oak trees, 4,857sqm of new woodland planting, 429sqm of coppice planting and 1,565sqm of native scrub planting. A naturalised floodwater basin will also be created enabling a wetland habitat whilst providing for surface water attenuation.

### 3.11 TRIANGLE SITE:

#### 3.11.1 SOUTHERN ACCESS ROUNDABOUT

3.11.1.1 The proposed southern access roundabout would serve the Studio Parking Deck and main Studio site. Access will be provided via Gadeside, keeping traffic away from adjacent residential areas. The roundabout will intercept traffic arriving from the M25 and A41, and similarly, departing traffic will have easy access to the A41 and M25 beyond.

#### 3.11.2 PEDESTRIAN BRIDGE ACCESS

3.11.2.1 The proposal includes a direct link between the Island Site Parking Deck and main Studio site through the provision of a pedestrian bridge to enable safe/direct access. This will have an overall span of approximately 100m with a cross-section height of 2.8m and 5.5m road clearance.

3.11.2.2 The construction of the bridge will follow a modular steel truss design concept, rectangular in section. It will be supported by two tapered 4-point piers. The bridge will be fully enclosed with glazed sides. Vertical aluminium fins (to match those on the decked car park) will support the fenestration and will be bronze in colour. The roof and floor will be silver-grey.

### 3.12 **NORTHERN ACCESS:**

3.12.1 The Studio North Gate proposals to Warner Drive/Aerodrome Way roundabout include widening the access road to assist with traffic flow into the site.

### 3.13 **LANDSCAPE STRATEGY:**

3.13.1 A comprehensive landscape strategy (as described in part above) forms part of the application proposals and seeks to achieve a significant increase in biodiversity net gain across the site. In summary:

- 186 new trees to be planted including an orchard and semi-mature Oak trees;
- 19,519sqm of new woodland planting;
- 487sqm of native hedgerow;
- 429sqm of coppice planting;
- 1,565sqm of native scrub planting;
- 425 linear metres of formal hedgerows;
- 3,458sqm of ornamental shrub planting.

### 3.14 **AMENDMENTS:**

3.14.1 In response to concerns raised from residents in relation to planting on the Island Site and Backlot 2 (Western Site), amended landscape drawings have been submitted. Additional bunding and planting depth have been added to the eastern boundary of the Island Site closest to Ashfields. The sizes of the field maple and hornbeam on the boundary of Backlot 2 (Western Site) and Gypsy Lane have also been increased to create a more immediate screening impact. The field maple were previously 8-10cm girth (2.5-3m high) and are now shown as 16-18cm girth (4-4.5m high); the hornbeam were previously 6-8cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high).

3.14.2 Following the submission of the above amended plans, comments at the Interim Planning Committee meeting raised further concerns regarding planting and screening, particularly in relation to Backlot 2, the Island Site and Gadeside. In response, and in addition to the amendments referenced at 3.10.1, the following amendments are proposed:

- WBSL have confirmed that the entire field (8.3 hectares) will be protected, and kept, managed and maintained as publicly accessible green space for ecological/environmental benefits.
- Addition of evergreen species Holly, Privet and Scots Pine to the native structure woodland planting mix.
- Of the standard trees within the woodland planting mix, the sizes of the Wild Cherry and the Oak were previously 8-10cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high); the Rowan was previously 6-8cm girth (2.5-3m high) and is now proposed to be 14-16cm girth (4.25-6m high).
- Of the feathered species within the woodland planting mix, the height of the Field Maple and Silver Birch were previously 1.25-1.5m high and are now proposed to be 1.75-2m high; the Cherry was 1.25-1.5m high and is now proposed to be 2-2.5m high.

- Western Red Cedar (evergreen) in addition to the other size and species changes has been added to help further infill the area north of Watford Road roundabout (south western boundary of Backlot 2).
- From the initial planting, on average the proposed planting will grow by approximately 1.2m at 5 years, 2.7m at 10 years and 4.2m by 15 years.

- 3.14.3 The proposed roof-mounted Solar PV array has been increased from 10,000m<sup>2</sup> to 13,213m<sup>2</sup>.
- 3.14.4 The Ecological Impact Assessment was updated in July 2022; a Biodiversity Net Gain (BNG) report and Biodiversity Metric have also been submitted with the application.
- 3.14.5 The application is also accompanied by an Environmental Statement and an Addendum Environmental Statement prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and in respect of which consultation was undertaken as set out in section 4 below.

### **3.15 CURRENT APPLICATION 23/1897/FUL:**

- 3.15.1 The covering letter sets out that following the grant of 22/0491/FUL and subsequent Non-Material Amendment 23/1320/NMA, further detailed design development and the continued pressing demand for film/production space, has determined that further amendments are required in order to meet the operational needs.
- 3.15.2 It is proposed to secure these amendments by varying the approved plans set out in condition 2 of 22/0491/FUL; varying the triggers for the delivery of conditions 4, 10 and 32; as well as a minor amendment to condition 19. Additional details have also been provided with the current application to address the requirement of some of the conditions previously attached to 22/0491/FUL.

### **3.15.3 PROPOSED AMENDMENTS TO CONDITION 2 (PLANS):**

- 3.15.4 Amendments to the design, layout and elevations of building 72, including the loss of the top floor and an overall reduction in height of 3.9 metres to 10.5 metres (previously 14.4 metres), with a resultant increase in total area to the ground floor and mezzanine levels by creation of a 'L' shaped plan form.
- 3.15.5 Road layout amendments to the proposed new southern entrance, including the addition of new security buildings around the vehicular access (building 41), and various new landscaped bunds.
- 3.15.6 Amendments to the design and elevations, including height and width of building 77 (0.65m increase in height and 34sqm increase in area).
- 3.15.7 Alterations to the approved security fencing by building 77, and the alteration of the landscape planting in this location.
- 3.15.8 Amendments to the design, layout and elevations of building 80 (Multi Storey Car Park), (0.4m increase in height) including the provision of lighting columns for highway safety, and the addition of new 'cores' to facilitate improved vehicular access / egress.
- 3.15.9 Alteration of the location / orientation of temporary buildings 50 and 51 (temporary marquees erected under the 'temporary structures' condition attached to the 2010 and 2015 consents).
- 3.15.10 Alteration of the layout and positioning of buildings 60, 61 and 62 (Stages 2E, 2F and 2G) in order to better suit studio operations.

- 3.15.11 Amendments to the landscaped earth bunds along Gadeside in order to screen buildings 63 and 64 more effectively. The bunds alignment has been altered so as to avoid the underlying gas main. The existing security fence now sits behind the bund. No change in height to the bunds is proposed.
- 3.15.12 Amendments to car parking arrangements at key locations across the site, including the removal of the Large Goods Vehicle (LGV) parking adjacent to building 80 on the Island Site and the replacement of a portion of the buggy parking with car parking around building 56 (amenity).
- 3.15.13 Provision of a temporary, security gated foot/cycle access for WBSL Staff in the north of the site. This is in response to comments from Hertfordshire Highways in relation to securing foot/cycle access ahead of the completion of the S278 works.
- 3.15.14 Revision of the proposed ground levels in Backlot 2 and the Lower Field in order to retain the 'as existing' levels.
- 3.15.15 Further amendments to the layout of the internal (non-adopted) roads and foot/cycleways across the site, including alterations to the road layout at the entrance to Backlot 2.
- 3.15.16 Reprofiting of the levels and bund in Base Camp 4, adjacent to building 73.
- 3.15.17 Additional tree planting across the site, including along the key access road running into the site from the revised southern entrance.
- 3.15.18 Various other associated site wide landscape amendments.
- 3.15.19 **PROPOSED VARIATION OF TRIGGERS FOR THE DELIVERY OF CONDITIONS 4 (VEHICULAR ACCESS COMPLETION), 10 (HIGHWAY IMPROVEMENTS – LOCAL CYCLE NETWORK) & 32 (DECKED CAR PARK PROVISION):**
- 3.15.20 The submitted Supporting Statement sets out that there is an existing backlog of production space in the UK. In order to alleviate some of this demand, Warner Bros. Discovery are seeking to expediate the delivery of 4 of the 11 Sound Stages approved via 22/0491/FUL.
- 3.15.21 This would involve the delivery of Buildings 58 and 59 (Stages 2A, 2B, 2C and 2D) for direct use for filming, as well as production offices Buildings 29 and 30, and workshop Building 73 (to support the filming use) ahead of the rest of the built development on site. This equates to the early provision of some 22,558sqm of built development on site.
- 3.15.22 The Supporting Statement sets out that the main factor delaying the natural delivery of all of the Sound Stages on site is the timing associated with the Section 278 Agreement process and the subsequent delivery of highways commitments established through both the S278 Agreement and the S106 Agreement. As such, in order to enable the early delivery and occupation of these stages, certain planning conditions are proposed to be varied to provide alternative triggers for the delivery of some of the off-site highways works. The variations request the alteration of the conditions so that they are triggered when more than 22,558sqm of new buildings are occupied or within 2 years.
- 3.15.23 The Transport Assessment has been updated to support the current application.
- 3.15.24 The application originally proposed a variation to the trigger for the delivery of condition 13 (M25 J21a Improvements), however, as discussions with National Highways are ongoing the current application has been amended to omit any changes to condition 13 (M25 J21a Improvements) at this time.

3.15.25 **PROPOSED AMENDMENT TO CONDITION 19 (NOISE):**

3.15.26 It is proposed to vary the wording of condition 19 in order to bring the requirements of the condition in line with those set out in the previously approved Noise Assessment.

3.15.27 **PROVISION OF ADDITIONAL INFORMATION TO SATISFY CONDITIONS:**

3.15.28 Additional information has been submitted with the current application to address previously applied planning conditions attached to 22/0491/FUL. The conditions for which additional information has been provided upfront are:

- Condition 3 (Highways Details);
- Condition 6 (EV Charging);
- Condition 7 (Cycle Parking);
- Condition 8 (CMP);
- Condition 9 (Source of Illumination);
- Condition 20 – in part (Remediation Strategy);
- Condition 21 (Verification Report);
- Condition 22 – in part (Long Term Monitoring);
- Condition 24 (Infiltration of Surface Water to Ground);
- Condition 26 (Decommissioning of Investigative Boreholes); and
- Condition 27 (Infiltration).

## 4 Consultation

### 4.1 Summary of Consultation Responses

Abbots Langley Parish Council	9.1.1	No objection
Active Travel England	9.1.2	No objection
Affinity Water	9.1.3	No objection
British Pipeline Agency	9.1.4	No objection
Environment Agency	9.1.5	No objection
Hertfordshire Constabulary	9.1.7	No objection
Hertfordshire County Council – Footpath Section	9.1.8	No response received
Hertfordshire County Council – Growth & Infrastructure Unit	9.1.9	No objection
Hertfordshire County Council – Highway Authority	9.1.10	No objection
Hertfordshire County Council – Lead Local Flood Authority	9.1.11	No objection
Hertfordshire County Council – Waste & Minerals Team	9.1.12	No response received
Herts. Archaeology	9.1.13	No response received
Hertfordshire Ecology	9.1.14	No objection
Hertfordshire Fire and Rescue Service	9.1.15	No response received
London Underground Infrastructure Protection	9.1.16	No response received
National Grid	9.1.17	No response received
National Highways	9.1.18	No objection
National Planning Casework Unit	9.1.19	No response received
Natural England	9.1.20	No response received
Network Rail	9.1.21	No response received
Thames Water	9.1.23	No response received
Three Rivers District Council – Heritage Officer	9.1.24	No objection
Three Rivers District Council – Development Plans	9.1.25	No response received

Three Rivers District Council – Environmental Health (Residential)	9.1.26	No objection
Three Rivers District Council – Environmental Protection	9.1.27	No response received
Three Rivers District Council – Landscape Officer	9.1.28	No response received
Transport for London	9.1.29	No objection
Watford Borough Council	9.1.30	No response received
Watford Borough Council – Environmental Health (Commercial)	9.1.31	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: 769

4.2.2 Site Notice: 7 x Site Notices displayed around site perimeter on 23/11/2023, expired 23/12/2023.

4.2.3 Press Notice: Published 24/11/2023, expired 24/12/2023.

#### 4.2.4 Responses:

4.2.5 No of responses received: 6 objections.

#### 4.2.6 Summary of Responses:

Development 'creep'; Out of character; On Green Belt land; Impact on neighbours; Impact on quality of living; Taxis parking on local roads cause obstruction; Previous objections remain; Previous objections ignored; Car park looks like offices; Object to connecting walkway; Will look like in an industrial not housing area; Increased traffic and implications; Existing traffic problems will be exacerbated; Documents are out of date; Contrary to Human Rights Act which states that entitled to peaceful enjoyment of your possessions.

### 5 **Reason for Delay**

5.1 No delay. Agreed Extension of Time.

### 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 to have special regard 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 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.

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 are also relevant considerations.

## 6.2 Policy/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 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”.

The NPPF promotes 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 Belt policy, provide clear reasons for refusal or any adverse impacts of a development would 'significantly and demonstrably' outweigh its benefits. Relevant chapters of the Framework include: 2 Achieving sustainable development; 6 Building a strong, competitive economy; 9 Promoting sustainable transport; 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 Local Plan that comprises 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 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, DM8, DM9, DM10, 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. Policy SA8 'Leavesden Studios Operations' is a relevant policy consideration.

## 6.3 Other relevant policy considerations

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.

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

## **7 Planning Analysis**

### **7.1 Background / Context**

- 7.1.1 Planning permission 22/0491/FUL was approved in February 2023 for 'The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling'.
- 7.1.2 The development was found to constitute inappropriate development in the Green Belt that would result in harm to openness and would conflict with purposes of including land within the Green Belt. In addition, there were considered to be some significant adverse visual effects on the landscape during construction, however, it was considered that over time with the primary mitigation proposed, the impact would reduce such that there would be no significant landscape or visual effects after 15 years.
- 7.1.3 In its favour, it was recognised that the proposed development would result in multi-million pound investment in the nationally significant WBSL and that there would be resulting substantial positive direct and indirect beneficial contributions to the local, regional and national economy year on year. Additionally, the Lower Field is to be maintained in perpetuity as an accessible green space for ecological and environmental benefits, delivering a BNG of 12.65% (habitat units) and 51.90% (hedgerow units). The contribution of the substantial solar PV was also afforded weight.
- 7.1.4 Overall it was concluded that the significant economic and social benefits, collectively combined to constitute material considerations of sufficient weight to provide 'very special circumstances' that clearly outweighed the identified harm to enable planning permission 22/0491/FUL to be granted subject to conditions and a S106 Legal Agreement.
- 7.1.5 Following the grant of planning permission, a Non Material Amendment (23/1320/NMA) to planning permission 22/0491/FUL was granted for; 'Internal and external amendments to Building 75, including alterations to the internal mezzanine, external window layout, and to the locations of the roller shutter access doors; The addition of Meet Me Room 2 (MMR2) in the northern corner of the central site; Minor internal footprint extension and façade alteration to the welfare/amenity Building 56 (to incorporate a Mezzanine level within the approved building footprint); The addition of a Waste Management Area adjacent to the sprinkler tanks on the southern edge of basecamp 1; Amendments to Buildings 73 & 74; Minor changes to the layout and positioning of the Sound Stages and associated offices (Buildings 52, 53, 58, 59, 60, 61, 62, 63, & 64), including the moving of the AHU facilities from the roofs of buildings 58 and 59, to adjacent at ground level, and the repositioning of several of the outbuildings; Addition of a small transformer station between buildings 63 and 64; Amendments to the layout of the internal (non-adopted) roads and foot/cycleways across the site; Amendments to Island Site road layout, including changes to roundabout to retain tree T37 and inclusion of a 1.8m high acoustic fence on the south-eastern boundary; and Various associated site wide landscaping amendments'.
- 7.1.6 The current application (23/1897/FUL) seeks minor material amendments to the approved scheme by varying the approved plans set out in condition 2 of 22/0491/FUL; varying the triggers for the delivery of conditions 4, 10 and 32; as well as a minor amendment to condition 19. Additional details have also been provided with the current application to

address the requirement of some of the conditions previously attached to 22/0491/FUL. The proposed development is described from section 3.15 above.

- 7.1.7 The analysis below therefore focusses on the proposed amendments.
- 7.1.8 It is relevant to note that the NPPF was updated in December 2023 following the grant of planning permission 22/0491/FUL, however, the changes to the NPPF are not considered material to the assessment of this application.
- 7.2 Principle of Development
- 7.2.1 The 'Masterplan 2022 Planning Supporting Statement' submitted with 22/0491/FUL set out that the proposed development will deliver essential new film making facilities that are intended to complement the existing WBSL film making enterprise at Leavesden to enable the company to respond to the increasing needs of productions including high-end TV and bigger budget 'tent-pole' film productions that can lead to sequels and become franchises. These productions require larger sound stages and sufficient production support facilities such as offices and workshops and the ability to create large sets on an expansive backlot area. In addition, by the application and the added film-making capacity that would be created, WBSL seeks to increase the variety and quantity of productions that could be made at Leavesden and to offer a broader set of supporting services to enable productions to be based long-term at the Studio.
- 7.2.2 Place Shaping Policy (PSP2) of The Core Strategy (adopted 2011) recognises the Leavesden Aerodrome site as including 'the nationally important film studios' and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District including Leavesden Aerodrome.
- 7.2.3 Policy CP1 of the Core Strategy (adopted October 2011) states that development must contribute to the sustainability of the District and recognises the need to maintain high levels of employment by attracting jobs and training opportunities for local people. Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and construction industries.
- 7.2.4 In order to not compromise the ability of the Leavesden Studios to contribute to the national and regional economy both as a local employer and as a centre to contribute to the growth of the District, the Green Belt designation was removed from the built areas and from the land south east of the site (known as the Island Site). The open area of land known as the 'Backlot' was retained in the Green Belt as an integral part of the Studios operation compatible with that nationally important film studios status.' The revised Green Belt boundary is shown in the map site reference 'GB1.' The Site Allocations LDD (SALDD) (adopted November 2014), accordingly, recognises the ability of Leavesden Studios to contribute to the national and regional economy and, as noted, Policy SA8 of the SALDD sets out that the open area of land known as the 'Backlot' in the policy area, including part of the application site, shall be retained in the Green Belt 'as an integral part of the Studio's operation. As also noted, the 'Island Site' (where it falls within Three Rivers) falls within the Studios 'operations' area as identified by Policy SA8 outside the Green Belt. Similarly, the 'Northern Access' is outside of the Green Belt. It is noted that the remainder of the application site and associated development proposals lie within the Green Belt.
- 7.2.5 It was considered at the time of 22/0491/FUL that subject, accordingly, to the considerations relating to inappropriate development in the Green Belt, the principle of the proposed employment and associated development involving the expansion of the Leavesden Studios accorded with the generality of Policies PSP2, CP1 and CP6 of the Core Strategy (adopted October 2011) and Policy SA8 of the Site Allocations Local Development

Document (adopted November 2014). The amendments proposed as part of this current S73 application are not considered to alter these conclusions. The impact of the proposed development on the Green Belt, and all other material planning considerations are addressed below.

### 7.3 Green Belt

7.3.1 With the exception of the 'Island Site' and 'Northern Access', the application site is located within the Metropolitan Green Belt.

7.3.2 As recognised by the NPPF chapter 13, 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. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

7.3.3 The NPPF states that the Government attaches great importance to Green Belts. Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states that the construction of new buildings constitutes inappropriate development in the Green Belt. The NPPF also states that LPAs should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances for construction of new buildings in the Green Belt will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.3.4 The five purposes of the Green Belt are set out at paragraph 143 of the NPPF as follows:

- 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;
- To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.

7.3.5 Paragraph 154 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate development, subject to the following exceptions:

- 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 Paragraph 155 of the NPPF advises that certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it. These include the following:

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

7.3.7 At local level Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general 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. It also notes at criterion (d) that; 'The Council will review 'Major Developed Site in the Green Belt' status in relation to Leavesden Aerodrome having regard to the important contribution the site is expected to make to meeting needs for housing and employment. That review was undertaken in the Site Allocations LDD 2014. Whilst Policy CP11 predated the NPPF (2012), it reflects the wording of both the NPPF 2012, 2021 and 2023 and thus can be afforded weight as part of the decision making process.

7.3.8 In relation to openness, the National Planning Practice Guidance 001 Ref: ID: 64-001-20190/22 (NPPG) advises that assessing the impact of a proposal 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 this assessment. These included, 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 Committee report for 22/0491/FUL considered the impact of the development on the Green Belt as follows (paragraphs 7.3.11 – 7.3.28 below).

7.3.10 It is noted that the NPPF paragraph numbers referenced reflect the pre-December 2023 NPPF revisions. Whilst the paragraph numbers have now changed, the content of these Green Belt paragraphs has not.

### ***New Buildings***

7.3.11 *The application proposes a number of substantial buildings to be sited within the Green Belt, including eleven new permanent sound stages; four ancillary production offices; three new workshops; an amenity building; and entrance building. These would be located within the central part of the site which has historically been used as backlot and has permanent planning permission (15/1852/FUL) for such use.*

- 7.3.12 *As set out above, paragraph 149 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate development, subject to a limited number of exceptions. The proposed buildings are not considered to fall within any of the exceptions set out in paragraph 149 and are therefore inappropriate development within the Green Belt by definition. This position is acknowledged by the applicant.*
- 7.3.13 *In addition to harm by virtue of inappropriateness it is considered that there would be harm by way of loss of openness as the buildings would infill the existing essentially open space between the Studio Tour and Studio Tour car park to the north-east and existing buildings to the south-west. The buildings would vary in height with the sound stages would be up to 21.5m at their highest.*

#### **Re-Use of Buildings**

- 7.3.14 *Paragraph 150 (d) of the NPPF advises that the re-use of buildings provided that they are of permanent and substantial construction, is not inappropriate development in the Green Belt provided that they preserve openness and do not conflict with the purposes of including the land within it.*
- 7.3.15 *The application includes the conversion of L Stage to convert it to workshop space. As part of the conversion a mezzanine level would be added. L Stage is of permanent and substantial construction. No alterations are proposed to the footprint, height, mass or external bulk of the building such that it is considered that this aspect of the proposal would preserve openness. The conversion would not conflict with the five purposes of the Green Belt set out at paragraph 138 of the NPPF. The conversion of L Stage would therefore be appropriate development within the Green Belt.*

#### **Material Change of Use**

- 7.3.16 *Paragraph 150 (e) of the NPPF advises that material changes in the use of land in the Green Belt are not inappropriate provided they preserve openness and do not conflict with the purposes of including the land within it.*
- 7.3.17 *The application proposes ecological enhancements to the Lower Field; no built development is proposed. It is also proposed that the Lower Field be publicly accessible – there is currently a footpath across this field to Old Mill Road. It is considered that the proposed ecological enhancements and public recreational use would maintain openness and would not conflict with the purposes of including land within the Green Belt.*
- 7.3.18 *Backlot 2 to the west of the main Studios site currently benefits from temporary planning permission to allow external film production for a two year period up to 26 February 2023. The development (20/2667/FUL) was considered to constitute inappropriate development; resulted in harm to openness; conflicted with purposes of including land within the Green Belt; and had a detrimental impact on the character, appearance and visual amenity of the area. However, it was considered that the economic benefits combined with the temporary nature of the development, collectively combined to constitute material considerations of sufficient weight to amount to ‘very special circumstances’ that clearly outweighed the identified harm to the Green Belt enabling planning permission to be granted subject to conditions. Whilst the planning history is a material consideration, the granting of temporary planning permission must not necessarily preclude the grant of full planning permission.*
- 7.3.19 *The current application proposes to make the current use of Backlot 2 for external film production permanent.*
- 7.3.20 *The submitted Operational Management Plan (summarised at paragraph 3.6.1.4 above) sets out parameters in accordance with which the permanent use would operate.*

- 7.3.21 *No permanent buildings are proposed to be constructed on Backlot 2. Temporary structures where required would not exceed 15 metres in height, except with express notification to and prior approval from TRDC and will be removed when no longer required, or within 24 months (whichever is sooner). Temporary structures and storage would be kept away from site boundaries with a minimum separation of 20 metres. No permanent lighting is proposed, however, where lighting is required it would be directed into the site.*
- 7.3.22 *Whilst there is existing vegetation to the application site boundaries which is proposed to be substantially enhanced as part of the application, the application site and the activities taking place upon it would be visible as would the presence of structures. Views from the immediate adjacent public footpath (Gypsy Lane) would be very restricted due to the deep cut nature of the track and the proposed set back of the filming activities from the boundary. However, it is recognised that Backlot 2 and the construction and activities taking place there would be visible, particularly in longer range views including from Langleybury Lane to the west, albeit that those uses of Backlot 2 would be read against the backdrop of the existing WBSL site beyond it.*
- 7.3.23 *The extent of the spatial and visual impact of the activities undertaken on Backlot 2 would to a degree vary depending on the number, height and nature of any temporary structures in place at any one time which it is recognised is unknown, albeit restricted in part due to the area available and requirement to maintain minimum 20m spacing to the boundaries. Whilst the absence of temporary structures would reduce the impact on openness, the use of the field for filming by virtue of the activity taking place, would still have some impact on openness. Having regard to the proposed use there would be a clear harmful spatial impact resulting from the presence of temporary structures across a large parcel of land and a noticeable change in the amount of on-site activity compared with the site's previous use which was free of built form development. In addition to the spatial impact, the site is evidently visible from nearby public vantage points and the proposal will alter its rural character from that of an open field (prior to its existing temporary use) to something which would appear more urban in character. There is a degree of landscaping to the south, which is proposed to be enhanced, however, this would not mitigate the harmful visual intrusion that the proposal would have on what is a rural setting within the Green Belt.*
- 7.3.24 *Access and egress would be via the existing Studio backlot. Parking would be within the existing Studio complex with vehicles accessing the application site limited to those for construction or filming support.*
- 7.3.25 *With regards to the five purposes of including land within the Green Belt:*
1. *To check the unrestricted sprawl of large built up areas;*
  2. *To prevent neighbouring towns from merging into one another;*
  3. *To assist in safeguarding the countryside from encroachment;*
  4. *To preserve the setting and special character of historic towns;*
  5. *To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.*
- 7.3.26 *While the site is not within or arguably adjacent to a 'large built up area,' the construction of the proposed large structures on the application site could amount to urban sprawl in conflict with criterion (1). The site does currently provide open space and a rural buffer between areas of built development. The development would result in the use of land up to the A41 boundary (20m set back) and would diminish the existing green/open buffer. There would, therefore, be conflict with criteria (2) and (3). There would be no material impact on the setting or special character of any historic town (criterion 4) and the proposed development comprising the expansion of the existing Leavesden Studios does not relate to urban regeneration or have any potential to prevent urban regeneration (criterion 5).*

### **Green Belt Summary**

- 7.3.27 *The re-use of L Stage would be an appropriate form of development within the Green Belt in accordance with Paragraph 150 (d) of the NPPF. The proposed new buildings would not fall within any of the exceptions listed at paragraph 149 of the NPPF and would be inappropriate by definition. There would be additional harm to openness. In relation to the material change of use of the land, the proposed ecological enhancements to the Lower Field would be appropriate within the Green Belt and would not conflict with any of the proposes of including land within the Green Belt. The creation of a permanent Backlot 2 would have an adverse impact on the openness of the Green Belt and would conflict with purposes of including land within the Green Belt.*
- 7.3.28 *Overall, therefore, the development would constitute inappropriate development within the Green Belt and would also have a harmful impact on 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 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and '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.*

#### **Current Application - 23/1897/FUL**

- 7.3.29 The amendments proposed as part of this current S73 application which are set out in full at Section 3 above are not considered to alter the above conclusions. Overall, the development would constitute inappropriate development within the Green Belt and would also have a harmful impact on 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 '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.

#### 7.4 Any other harm

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

#### 7.5 Character and Appearance (including impact on the landscape)

- 7.5.1 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..."*

- 7.5.2 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.”*

7.5.3 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.”*

7.5.4 Policy CP1 of the Core Strategy (adopted October 2011) advised amongst other things that:

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

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

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

7.5.5 In accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) development should amongst other things:

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

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

7.5.6 The Committee report for 22/0491/FUL considered the impact of the development on character, appearance and landscape as follows (paragraphs 7.5.8 – 7.5.29 below).

7.5.7 It is noted that the NPPF paragraph numbers referenced reflect the pre-December 2023 NPPF revisions. Whilst the paragraph numbers have now changed, the content of these paragraphs has not.

### **Character**

7.5.8 *In terms of land use, the area including the application site is mixed in character. To the north-east of the main application site is the existing Studios and Studio Tour. To the north-west is the residential area of Abbots Langley. To the west of the site are open fields with some residential roads and individual properties. To the north-east on Aerodrome Way there are existing commercial units at Leavesden Park with residential properties beyond to the east. To the south is the residential area of Watford beyond the A41 North Orbital Road.*

- 7.5.9 *Whilst it is acknowledged that part of the site is within the Green Belt, having regard to the mixed character of the area including the existing Studios and Studio Tour, it is considered that the proposed uses of the application site would not be out of character with the generality of existing uses of land in its locality.*
- 7.5.10 *The proposed sound stages on the 'Central Site' (2A - 2K on submitted plans) would range in height from 18m on the outer edge up to 21m within the centre of the site. Their design would follow the scale, colour and profile of the existing stages. The ancillary offices would be lower, up to 12m in height and would include active frontages. The new workshops would be 14.5m to eaves height.*
- 7.5.11 *The Studio Parking Deck would range from 11m – 15m in height, the lower height closest to residential properties in Ashfields to the east. A number of solid walls and horizontal banding are proposed to create the appearance of the building. The Pedestrian Bridge Access will provide access from the Studio Parking Deck to the Studio Site. This would be 100m in length with a road clearance height of 5.5m. Extensive landscaping is proposed around the perimeter of the 'Island Site' and across the development site more widely, including the Lower Field.*
- 7.5.12 *There are a range of existing building heights within the wider WBSL site and area and it is considered that the proposed building heights, whilst relatively tall, would not be inappropriate for the proposed uses or out of character with existing studio development. It is also noted that the height of the Studio Parking Deck is of a similar order to that previously approved for the Island Site.*
- 7.5.13 *In summary it is considered that the proposed uses, the height and scale of the proposed buildings, and the site coverage by buildings and hard surfaced areas would not be demonstrably harmful to the existing built character of the area and the pattern and form of development in the area.*

### **Layout & Appearance**

- 7.5.14 *The positioning of the Studio Deck Car Park and support facility (Building 75) on the Island Site are restricted to an extent by the size of the Island Site. However, their central position within it allows for spacing to be maintained to the boundaries of the Island Site and also for the inclusion of landscaping to the perimeter, including a visual and acoustic bund to the eastern side of the Island Site. Their layout and appearance is considered materially unobjectionable. The structure will include a proportion of solid walls and horizontal banding to add interest whilst also screening cars from view.*
- 7.5.15 *The proposed sound stages on the 'Central Site' (2A Stage - 2K Stage on submitted plans) have been sited such that the lower height ancillary offices would be located closer to the boundary, albeit set back behind extensive planting, with the higher sound stages more centrally located. This layout would also enable the creation of a more active frontage to the more prominent street facing elevations through the design and details such as windows/openings on the proposed office frontages. The materials and straw colour of the existing sound stages would be carried through to the proposed development ensuring visual continuity and the assimilation of the proposed buildings with the existing studio.*
- 7.5.16 *The proposed pedestrian access bridge would provide a link for staff and visitors from the Studio Deck car Park to the main Studio site. This entrance will be served by a dedicated security building, acting as the arrival tower for visitors coming from the Island Site parking structure via the footbridge and will include a security hub, WC facilities and secure bicycle and golf buggy parking and charging.*
- 7.5.17 *Details of the proposed materials are included on the submitted plans and it is considered reasonable and necessary to impose a condition requiring that the development is completed in accordance with these details in order to ensure that the materials are of*

*appropriate quality and appearance and to ensure consistency of approach within the development site and wider WBSL site.*

7.5.18 *In summary, it is considered that the layout and appearance of the buildings is acceptable and would result in a high quality design solution as advocated by the NPPF and Policy CP12 of the Core Strategy (adopted October 2011).*

#### **Impact on views and the landscape**

7.5.19 *In order to assess the visual impact of the development on relevant visual receptors and the character and appearance of the landscape, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) within their Environmental Statement (ES).*

7.5.20 *A 2.5km study area was chosen based on the Zone of Theoretical Visibility (ZTV) as the visibility of the proposed development beyond this distance will become limited. The assessment judges the potential effects of the proposals on the landscape and visual receptors that have been identified. The significance of a landscape and visual effect is determined by consideration of the sensitivity of the landscape and visual receptors and the magnitude of the landscape and visual effect as a result of the proposals. This follows the Guidelines for Landscape and Visual Impact Assessment, (GLVIA) 3<sup>rd</sup> Edition, Landscape Institute (LI) and Institute for Environmental Management and Assessment (IEMA) (2013).*

7.5.21 *Landscape effects arise either as a result of direct changes as a result of development in the physical elements of the receiving landscape, or from indirect effects on the character and quality of the surrounding landscape. Visual effects arise from changes in character and the quality of views resulting from a proposed development. In both cases, effects that are moderate (including slight to moderate) or above are considered to be significant for the purposes of the Environmental Impact Assessment.*

7.5.22 *A baseline study is undertaken. This is to record the existing landscape conditions against which the effects of the proposed development will be assessed.*

7.5.23 *The LVIA considers the impact on 3 types of receptor, these being residential streets/areas, transport routes and recreational areas. A number of representative viewpoints (14) have been selected within the study area to illustrate how the site is experienced by the identified visual receptors.*

7.5.24 *With regards to Primary Mitigation, key mitigation measures have been incorporated into the proposals which aim to minimise the initial predicted impacts. These include:*

- *Retention of historic lane (Gypsy Lane) that runs through the site;*
- *Retention of PROW no. 40;*
- *Retention of TPO trees along Gypsy Lane and within the Western Site;*
- *Island Site building heights in accordance with approved parameters;*
- *Introduction of low planted earth mounds to north and east of Island Site;*
- *Introduction of planted earth mounds around the Western Site's western field (Backlot 2);*
- *Ecological enhancements in the Lower Field including hedgerow planting, orchard and woodland planting;*
- *Introduction of woodland matrix along western side of Gadeside.*

7.5.25 *The principal sources of change to landscape and resources and visual amenity arise from the introduction of new built form and landscape elements. The changes that could occur to the landscape can be separated into temporary (that occur during construction) and permanent changes that occur at completion (post construction and during the operation of the site). Some of these changes may be beneficial, resulting in an improvement on quality or landscape resources, while others may be adverse. Some changes may initially be*

*adverse, but on establishment and maturity may result in a gradual improvement as new landscape resources replace old or supplement existing.*

- 7.5.26 *The LVIA states that out of the 11 visual receptors assessed, 6 will have significant adverse visual effects during construction. By completion this is reduced to 5. Over time with the primary mitigation in the form of earth bunds and the detailed planting proposals taken into account the planting will begin to mature. The woodland planting will thicken and will begin to screen the proposed development including Backlot 2. Five to 10 years after completion the woodland planting will reduce the visual effects. After 15 years there are not expected to be any significant adverse effects on the landscape character of the visual amenity of the 11 receptors identified. The degree of visual effects on the residential receptors from The Maltings and Old Mill Road will reduce to slight adverse and therefore not significant as the planting within the Studios matures. The visual receptors using Gypsy Lane and PROW no. 40 will also reduce to slight adverse and therefore not significant. The LVIA concludes therefore that there will be no significant landscape or visual effects after 15 years on any of the receptors.*
- 7.5.27 *Officers agree with the conclusion of the LVIA with regards to the impact of the proposed development on views and on landscape character.*
- 7.5.28 *In summary, there will be some significant adverse visual effects during construction, however, over time with the implementation of the primary mitigation proposed, the impact will reduce such that there would likely be no significant harmful landscape or visual effects resulting from the proposed development after 15 years.*

#### **Character & Appearance (including impact on the landscape) – Conclusion**

- 7.5.29 *Overall and on balance, although the buildings would be large and would be significant features, the scale, layout and design of the proposed development would be acceptable and would not have demonstrably harmful impacts on the character and appearance of the street scene(s), the general locality or the wider landscape. The proposed development would represent the quality of design sought by the NPPF and Core Strategy and would be acceptable in this regard. In relation to landscape impact, there will be some significant adverse visual effects during construction, however, over time with the primary mitigation proposed in place, the impact will reduce and there will be no significant landscape or visual effects after 15 years.*

#### **Current Application - 23/1897/FUL**

- 7.5.30 *The amendments proposed as part of this current S73 application which are set out in full at Section 3 above are not considered to alter the above conclusions. Overall and on balance, although the buildings would be large and would be significant features, the scale, layout and design of the proposed development would be acceptable and would not have demonstrably harmful impacts on the character and appearance of the street scene(s), the general locality or the wider landscape. The proposed development would represent the quality of design sought by the NPPF and Core Strategy and would be acceptable in this regard. In relation to landscape impact, there will be some significant adverse visual effects during construction, however, over time with the primary mitigation proposed in place, the impact will reduce and there will be no significant landscape or visual effects after 15 years.*
- 7.6 **Heritage & Archaeology**
- 7.6.1 *The Grade II\* Listed Hunton Park and Grade II Listed Dairy at Hunton Park are located to the north of the site. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north-west of the site.*
- 7.6.2 *Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:*

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

7.6.3 Paragraph 201 of the NPPF advises that:

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

7.6.4 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."*

7.6.5 Paragraph 208 of the NPPF advises that:

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

7.6.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

7.6.7 Policy DM3 of the Development Management Policies LDD advises 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."

7.6.8 Application was accompanied by a Heritage Statement (March 2022) prepared by Terence O'Rourke which provided an appraisal of the potential effects of the proposed development on heritage assets. The report concluded that the proposed development was not predicted to result in any changes to the setting of designated or non-designated heritage assets that could harm their significance.

7.6.9 The application, including Heritage Statement, was reviewed by the Heritage Officer. They noted that the north-west corner of the application site would be preserved as verdant field ('Lower Field') and would benefit from ecological enhancements. They considered that this would preserve the setting of the adjacent Conservation Area.

7.6.10 Taking into consideration the distance of the other assets from the application site, the extent of existing development within the WBSL site, as well as other residential

development within the area and the existing landscaping and topography, the Heritage Officer considered it unlikely that the proposed development would have an adverse effect on the significance of the surrounding heritage assets. They noted that any views of the structures within the application would only be glimpsed so the visual impact (if any) would be low and structures located in the Backlot would not be permanent.

- 7.6.11 The Heritage Officer raised no objection to the proposal which they considered would be compliant with section 16 of the NPPF 'Conserving and enhancing the historic environment' as well as Section 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development was also considered to accord with Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard.
- 7.6.12 The Heritage Statement has been re-submitted with the current S73 application. The Heritage Officer has reviewed the current application and notes that the changes to the proposed built development are minor and they therefore have no further comments to make.

### Archaeology

- 7.6.13 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.
- 7.6.14 There are a number of Areas of Archaeological Significance in the District. Whilst no part of the application site falls within one of these identified areas, the history of the site and its former use are recognised and there have been a number of archaeological investigations across the site over years. Having reviewed the outcomes of previous investigations it was considered appropriate as part of the current proposals, to assess the potential of the below ground archaeological resource in the remaining areas which had not been previously investigated.
- 7.6.15 A magnetometry survey was undertaken on the land to the west/north-west of the existing Studio (Backlot 2) and the Lower Field prior to the submission of 22/0491/FUL. The survey did not identify any anomalies of possible or probable archaeological origin. As such it was considered that no archaeological finds or features warranting undesignated or non-designated heritage asset recognition would be directly affected by the development. The development was, accordingly, considered to accord with Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard. The amendments proposed as part of this current S73 application which are set out in full at Section 3 above are not considered to alter the above conclusions.

## 7.7 Impact on Neighbours

- 7.7.1 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.
- 7.7.2 Policy CP6 of the Core Strategy (adopted October 2011) advises that the Council will support development that sustains parts of the District as attractive areas for business.
- 7.7.3 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.

- 7.7.4 The closest residential properties to the east of the 'Island Site' are those on Ashfields (within Watford Borough Council area). It is acknowledged that planning application 15/1852/FUL (see 1.3.22) granted outline consent for development on the Island Site in the form of 13,200m<sup>2</sup> of support facilities such as workshops, production services and offices. 480 car parking spaces were also proposed. The consent was for a building up to 15m in height. The Studio Parking Deck proposed on the Island Site as part of this current application follows these above approved parameters in that would be a maximum of 15m in height adjacent to Gadeside, with a lower height of 11m to the east closest to Ashfields. It is also noted that the Parking Deck has been designed to look more like a building (rather than open sided car park), with a greater proportion of solid to open walls and horizontal banding. The south-east corner of the Studio Deck Car Park would be over 80 metres from the closest property in Ashfields. It is also noted that a detailed landscape strategy has been submitted with the application and includes extensive landscape planting around the Island Site, particularly the eastern boundary, and includes a planted earth mound to act as both a visual and acoustic barrier.
- 7.7.5 The support facility (Building 75 on the submitted plans) on the Island Site will be used for set lighting. The building will have a maximum height of 11m, reflecting the lower height of Studio Parking Deck. As with the parking deck, extensive landscaping is proposed around the perimeter. The eastern flank elevation of Building 75 would be located approximately 90 metres from the closest properties on Ashfields.
- 7.7.6 Whilst it is acknowledged that the Studio Parking Deck and support facility (Building 75) would be large structures that would be visible to properties to the east, it is considered that the separation distances maintained would be sufficient to ensure that there would be no demonstrable harm through either overshadowing, loss of light or overlooking. Additionally and as noted above, a comprehensive landscaping strategy is proposed to soften the development and would serve in part as a visual barrier.
- 7.7.7 The pedestrian access bridge would be substantially screened from properties to the east by the Studio Parking Deck and support facility (Building 75) so would be likely to have no adverse impact on residential amenity. The sound stages and supporting offices/workshops would be separated from residential properties to the south by the North Western Avenue, with a separation distance of over 100m at the closets point. The offices would front Gadeside (with North Western Avenue beyond) with the higher sound stages located more centrally within the site away from the site boundaries. The buildings on this part of the site would be read against the backdrop of existing Sound Stages and supporting buildings within the wider WBSL site and it is not considered, accordingly, that they would result in demonstrable harm through either overshadowing or loss of light or overlooking.
- 7.7.8 To the west of the application site there are individual residential properties and residential roads. The residential part of Gypsy Lane adjoins the site boundary and the Lane itself continues through the site as a public footpath between the proposed Backlot 2 and Lower Field. Properties to the north on Gypsy Lane are located to the opposite side of the railway from Backlot 2 and the Lower Field. The application site does wrap around the railway, however, the closest proposed building (Building 72) would be sited some distance from Gypsy Lane. There would be views of Backlot 2 (and the wider site beyond) from Gypsy Lane where it continues as a public footpath between the proposed Backlot 2 and Lower Field, however, the nature of the lane as a deep-cut lane would serve to restrict views. In addition a comprehensive landscape strategy is proposed to complement the existing vegetation/planting. The submitted Operational Management Plan (OMP) for Backlot 2 states that no temporary structures will exceed 15m in height without prior approval from the LPA and that no structure or storage will be located within 20m of any highway or public right of way. As such, whilst there would be views, it is not considered that the development or temporary structures would result in demonstrable harm to neighbouring amenity or the amenity of users of the public footpath, through visual intrusion, overshadowing or loss of light.

- 7.7.9 There are residential properties on The Maltings which adjoin the Lower Field where ecological enhancements are proposed as part of the development. Built development is not proposed on the Lower Field and it is not considered that the ecological enhancements or public access to the Lower Field would result in demonstrable harm to neighbouring amenity.
- 7.7.10 In conclusion, it is considered that the proposal would not result in levels of visual intrusion, overshadowing, overlooking or loss of light to justify the refusal of planning permission.
- 7.8 Pollution – Air Quality
- 7.8.1 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;*
- 7.8.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:
- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.*
  - *Introduce new point sources of air pollution e.g. furnaces.*
  - *Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.*
- 7.8.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:
- i. Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or*
  - ii. Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.*
- 7.8.4 Application 22/0491/FUL was accompanied by an Environmental Statement. Chapter 8 of the Environmental Statement dealt specifically with air quality. The application was also accompanied by a Construction Environment Management Plan (CEMP). An Environmental Statement Addendum has been prepared in support of the current application and is to be read alongside the original full Environmental Statement. The Addendum identifies that no amendments were required to Chapter 8 'Air Quality' as a result of the current S73 Application.
- 7.8.5 The assessment of construction phase impacts indicates that the proposed development will constitute a medium dust risk for demolition and construction activities and a low risk for earthworks and trackout activities. The consultant states that for the site the general mitigation measures applicable to a medium risk site should be applied.
- 7.8.6 The assessment of operation phase impacts utilised dispersion modelling. Predicted concentrations indicate that emissions from the proposed development will have a negligible impact on annual mean concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at existing and new receptors and no further mitigation is considered necessary.



- 7.8.7 The Environmental and Protection Officer recommended that conditions be applied to any permission granted requiring the development to be carried out in accordance with the CEMP, specifically with reference to Section 8: Air Quality & Dust. They also suggested an informative relating to the use of vehicles (that are involved in demolition, earthworks, construction etc.) that meet the most recent European emissions standards and the use of ultra-low emissions vehicles. These conditions remain relevant. The Environmental and Protection Officer has raised no objection to the current S73 variation application.
- 7.8.8 In summary, it is concluded that 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 the NPPF (2023) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- 7.9 Pollution – Noise & Vibration
- 7.9.1 Paragraph 184 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*
- 7.9.2 Policy DM9 of the Development Management Policies LDD (adopted July 2019) sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.
- 7.9.3 Application 22/0491/FUL was accompanied by a Noise Assessment (ref. 206/0600/R2, March 2022) prepared by RSK Acoustics. The Assessment considered noise from construction, road traffic noise and noise associated with the soundstages and Backlot 2. It acknowledged that the proposal included elements that had the potential to produce noise with risks of disturbance to nearby residents. It therefore set out how the design, including landscaping, had sought to minimise noise emissions where practical. The Assessment concluded that noise impacts would be minor, but if necessary, conditions could be attached to any permission if granted.
- 7.9.4 The Council's Environmental Health Officer (EHO) reviewed the submitted details. They noted that the critical potential noise sources would emanate from: temporary construction noise; use of Backlot 2; multi-storey car park; additional road traffic; equipment hire facility; and mechanical service plant items.
- 7.9.5 In relation to construction noise, it was acknowledged that this would be temporary. In order to minimise the noise impact, the EHO advised that contractors should comply with the relevant British Standard BS5228. The submitted Construction and Environmental Management Plan (CEMP) included this requirement.
- 7.9.6 In relation to Backlot 2, there would be some noise during construction of sets, however, as with construction generally it was considered that this would be controlled through measures in the CEMP. The EHO did not consider that noise would be excessive. In relation to the use of Backlot 2, the application was submitted with an 'Operational Management Plan for Backlot 2 (OMP)' which included a number of measures where advance notification and/or prior approval of the Local Planning Authority is required, for example in relation to lighting, night shoots and special effects. The OMP also detailed WBSL's standard procedure where neighbour notification letters are distributed to approximately 5,000 homes in the vicinity in advance of filming activity incorporating night

shoots and/or special effects. Compliance with the OMP was a condition of the grant of consent.

- 7.9.7 In relation to the multi-storey car park, the EHO noted that the proposed design sought to limit noise impact on receptors through its design and also through the construction of a bund and landscaping to provide acoustic shielding for vehicular noise.
- 7.9.8 In relation to additional road traffic, the assessment indicated negligible noise impact, with only one road link assessed with a minor disturbance. The EHO did not dispute these conclusions but recommended that WBSL should carefully enforce speed limit restrictions to control noise pollution.
- 7.9.9 The mechanical ventilation strategy for new proposed stages, buildings, offices, amenity areas and toilets was considered acceptable by the EHO. They noted that, understandably, the Air Handling Units incorporate sound attenuators to reduce fan noise. They required that the future cumulative effect of all plant items should conform with values obtained in RSKA's report indicating the representative background noise limits for residents at Greenbank Road/Courtlands Close and Aerodrome Way/Ashfield and Poundfield (using the principles contained in BS 4142:2014+A1:2019).
- 7.9.10 The current S73 Application has been accompanied by an Acoustic Assessment Technical Note ref. 20230606-0 M5 v1.3 (November 2023). The Technical Note confirms that the current application would not result in any notable changes to traffic / vehicle numbers, or noise generating activities and concludes that the changes proposed do not alter anything previously assessed or the conclusions of the March 2022 report.
- 7.9.11 The current S73 Application proposes a variation to the wording of Condition 19 for clarity as there is concern that the specific location of assessment is not currently clearly defined, and that the absolute value noise limits are not set relative to the noise climate in each location. The EHO has reviewed the suggested amended wording and raises no objection as they consider that the condition will ensure that nearby residential properties are not subjected to excessive noise and disturbance.
- 7.9.12 In summary, it is considered that subject to conditions as discussed above, there would be no material adverse impacts with regards to noise as a result of the development. The proposed development, accordingly, complies with the NPPF (2023) and Policy DM9 of the Development Management Policies LDD (adopted July 2013) in this regard.

## 7.10 Pollution – Light

- 7.10.1 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;*

- 7.10.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states in relation to lighting proposals, that development proposals which include external lighting should ensure that:

- i. Proposed lighting schemes are the minimum required for public safety and security*
- ii. There is no unacceptable adverse impact on neighbouring or nearby properties*
- iii. There is no unacceptable adverse impact on the surrounding countryside*
- iv. There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians*

- v. *Road and footway lighting meets the County Council's adopted standards*
- vi. *There is no unacceptably adverse impact on wildlife*
- vii. *Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting is sensitively designed to prevent negative impacts on use of these habitat features.*

7.10.3 Application 22/0491/FUL was accompanied by an External Lighting Strategy and Impact Assessment (March 2022) prepared by Ramboll. The purpose of the report was to assess the impact of the site's proposed external lighting design strategy. In order to minimise obtrusive lighting and comply with best practice/guidance, the lighting strategy adopted the following principles:

- No excessive lighting levels, aim for lowest compliant lighting
- Avoid directional or vertical illumination. Mount horizontally with minimal tilting
- Position lighting to avoid sensitive areas
- Maximise uniformity
- Keep Light Column height as low as possible, ideally below 9m
- Minimise light spill, zero upward light (flat cut lanterns required)
- Restrict timing to avoid bat activity, time clock and contractor controlled is recommended
- Locate luminaires in appropriate places to avoid light spilling to unwanted zones.

7.10.4 The lighting strategy proposed general lighting for use during site operation (dusk – 11pm) and safety lighting post curfew (11pm – 6am). General lighting will utilise both building mounted fittings and column mounted fixtures, whereas safety lighting will mainly utilise column mounted fittings. The site is divided into zones, taking into account the nature of the area and to minimise the impact of lighting on the surrounding environment. Light fittings in zone E4 (middle of the site away from site boundaries with sensitive receptors) will be mounted above roller shutter doors at high level to reduce blinding effect on drivers within the site and to increase safety. In zone E3 lighting will mainly consist of column fittings not higher than 8m and some building lighting. In zone E2 (western part of Backlot 2, east of Gypsy Lane) lighting will utilise a combination of bollard fittings and lighting columns as appropriate. In zone E1 (Lower Field) lighting is not proposed.

7.10.5 Having regard to the above lighting design details, it was considered that the external lighting for the proposed development would comply with relevant guidance and would be unobtrusive for adjacent residential properties (Impact on wildlife is considered later in this analysis), however, it was considered reasonable and necessary to require that by condition external lighting be erected only in accordance with the External Lighting Strategy. The Lighting Strategy has been updated (November 2023 Update) to support the current S73 application.

7.10.6 In summary, it is considered that subject to the imposition or appropriate conditions the lighting of the site would not be likely to give rise to adverse impacts with regards to light as a result of the development. The proposed development, accordingly, complies with the NPPF (2021) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## 7.11 Highways & Access

7.11.1 The Committee report for 22/0491/FUL considered the impact of the development on highways and access as follows (paragraphs 7.11.3 – 7.11.45 below).

7.11.2 It is noted that the NPPF paragraph numbers referenced reflect the pre-December 2023 NPPF revisions. Whilst the paragraph numbers have now changed, the content of these paragraphs has not.

7.11.3 *Paragraph 110 of the NPPF advises that;*

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

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

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

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

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

*7.11.4 Paragraph 111 of the NPPF states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*

*7.11.5 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113 of the NPPF).*

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

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

*i) It provides a safe and adequate means of access*

*j) It is appropriate in scale to the existing infrastructure...*

*k) It is integrated with the wider network of transport routes...*

*l) It makes adequate provision for all users...*

*m) It includes where appropriate, provision for public transport either within the scheme or through contributions*

*n) The impact of the proposal on transport has been fully assessed...*

*o) The proposal is accompanied by a draft Green Travel Plan*

*7.11.8 On the ‘Triangle Site’ a new ‘Southern Access Roundabout’ is proposed which would serve the Studio Parking Deck and main Studio site. Access will be provided via Gadeside, keeping traffic away from adjacent residential areas. The roundabout will intercept traffic arriving from the M25 and A41, and similarly, departing traffic will have easy access to the A41 and M25 beyond. The proposals also include a direct link between the Island Site Parking Deck and main Studio site through the provision of a pedestrian bridge to enable safe/direct access. This will have an overall span of approximately 100m with a cross-section height of 2.8m and 5.5m road clearance.*

*7.11.9 At the ‘Northern Access’ it is proposed to widen the access road to assist with traffic flow into the site.*

*7.11.10 The application was accompanied by a Transport Assessment (TA) (March) 2022 and Travel Plan (March 2022), both prepared by Markides. The submitted details were reviewed by National Highways (NH) and by HCC as Highways Authority (HCCHA). Both consultees*

requested additional information/clarification during the application and had detailed discussions with the applicant's instructed consultant, Markides.

7.11.11 In summary, both NH and HCCHA 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 and HCCHA are discussed below.

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

7.11.12 NH are the Highway Authority for the strategic road network (SRN), a critical national asset which is managed in the public interest. Having reviewed the submitted details, NH have advised that their interests relate to the operation and safety of the SRN, and in the case of this proposed development, the potential impact upon the M25 J19, J20 and J21a and the M1 J5 and J6. NH advised that they were interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN during construction and operation. NH confirmed that they were aware of the sites history and existing use.

7.11.13 Following detailed discussions with the applicants' Transport Consultant (Markides), NH have confirmed that they are satisfied that given the numbers of trips proposed and the travel planning measures secured, no further action is required with regards to M1 J5, M1 J6, M25 J19 and M25 J20.

7.11.14 NH have advised that their only outstanding concern remains the impact of the development on M25 Junction 21a, specifically the anticlockwise off slip, which they believe experiences queuing back to the mainline at peak times, and the A405 northbound approach which is also significantly over capacity.

7.11.15 NH have not had time to conclude a review of the modelling of J21a and therefore have not agreed a finalised improvement scheme required to offset the impact of the development on the junction. They also note and are aware that the consented Strategic Rail Freight Interchange scheme at Radlett (outside TRDC area), has proposed a larger scale mitigation scheme at J21a, but currently there is no confirmed delivery timescale for that mitigation.

7.11.16 NH acknowledges that Warner Bros. are willing to deliver an appropriate scale of mitigation at this junction which should in principle mitigate the impact of the development traffic, specifically on the two affected arms. They have therefore confirmed that the outstanding concern can be addressed through the inclusion of an appropriately worded planning condition which would prevent and new building(s) being occupied until a scheme and programme for improvement works to M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority. The approved works to M25 Junction 21a would be required to be implemented in full and open to traffic prior to occupation of any new building(s).

#### HCC Highway Authority (HCCHA) & Local Road Network

7.11.17 The existing Warner Bros Leavesden Studios (incorporating the open to the Harry Potter experience) at circa 100,000sqm+, is located on the border of Three Rivers District Council (TRDC) and Watford Borough Council (WBC) circa 2km east/south of junctions 19 and 20 of the M25. Being bound to the south by the A41 (the border between TRDC and WBC), to the east by Aerodrome Way and the existing residential area of Leavesden, to the west by the studios existing backlot and greenfields which bridge over the West Coast Main Line and to the North by Hunton Park and further residential areas of Leavesden. It is proposed to create 70,559sqm of additional floorspace on the area to the west of the site.

7.11.18 Motor vehicle access to the expansion site would be via a new 5 arm roundabout located to the south of the site at the Gadeside (the junction between the one-way A41 off and on

slips and the two-way road to the existing studios roundabout. The main site access forms the northwestern arm of this roundabout and the eastern arm will serve a Multi Storey Staff Car Park (MSCP), located on what is known as 'the Island Site'. A pedestrian foot bridge will connect the MSCP to the main site. The proposals also involve the enhancement of the existing north roundabout access to the studios. Pedestrian access is proposed at the new roundabout and from the existing site, however due to security reasons these accesses will be restricted to staff.

- 7.11.19 HCCHA note that the existing bridleway, PROW 40 (Gypsy Lane) traverses through the western side of the site. This is proposed to be retained. The exact nature of the impact on the public footpath PROW 58 is unknown. Whilst HCCHA do not consider PROW 58 strategically important, if affected by the proposal it must either be maintained or stopped up formally.

#### Localised Sustainable Network Improvements

- 7.11.20 A significant upgrade to the localised foot/cycle ways to upgrade the section of the sustainable transport network bordering the southeast of the site from the A41 near Gypsy Way to the Cunningham Way/Aerodrome Way/Hill Farm Avenue junction and Ashfields to make it compliant with HCCHA policy, with toucan crossings also being installed where appropriate. Whilst not yet designed (a planning condition is requested), a toucan crossing of the A41 in the vicinity of Gypsy Lane is considered vital to connect the studios and the above network to the Hempstead Road pedestrian/cycle underpass which is due to be improved by HCCHA as part of the Hempstead Road upgrade to Watford town centre.
- 7.11.21 The direct connection from the Ashfields residential area through 'the Island Site' to the studios is restricted to staff only and general members of the public will have to divert north or south of the island. Whilst a more direct route through 'the Island Site' would have been preferred, HCCHA, recognise the sound planning reason for this proposal and do not object to the proposed arrangements.
- 7.11.22 HCCHA consider the above measures necessary to mitigate the potential impact on road safety.

#### Vehicle Trip Generation & Distribution

- 7.11.23 Within the supporting Transport Assessment (TA) Markides associates initially utilised car parking swipe card data from January 2020 - August 2021 to gain an understanding of how the existing studios operated, taking cognizance of periods that were affected by the world pandemic. Subsequent to this they undertook a traditional Automatic Traffic Counter (ATC) of the existing car park associated with the existing 106,025sqm and applied that pro rata to the proposed expansion of 70,559sqm to estimate the vehicular traffic it would attract. This approach is considered acceptable by HCCHA.
- 7.11.24 The ATC data revealed that a significant amount of staff visited the site (6-8am) prior to the traditional network peak hour (8-9am) and similarly in the evening, staff departed the site (6-7pm) after the traditional network peak hour (5-6pm).
- 7.11.25 Markides Associates also collected Automatic Number Plate Collection Surveys (ANPRS) which gave an indication in the immediate area where existing traffic was originating from. HCCHA consider it reasonable to use the observed patterns as the basis to distribute the predicted vehicular trips across the road network.

#### Committed Development, Growth and Analysis Years

- 7.11.26 HCCHA note that whilst Markides Associates have included no local growth due to significant committed development, they have utilised the wider growth predicted for TRDC

area within the UK Government's TEMPRO database which includes possible economic growth further afield. This approach is considered acceptable by HCCHA.

7.11.27 This growth was utilised to factor the observed 2021 traffic data to a predicted opening year of 2025 which HCCHA considers is appropriate.

7.11.28 It is noted that there are current planning applications at World of Water, Hempstead Road (for Lidl) and Langleybury Film Hub, however, these are pending applications and are not committed developments therefore for this purpose.

#### Junction Modelling & Traffic Impact

7.11.29 The applicants Transport Consultant, Markides Associates (MA) initially undertook a traditional percentage impact analysis to determine which junctions would be appropriate to analyse in a traffic model and determine during which of the aforementioned periods should be examined. Whilst HCCHA Highways initially considered the 5% screening value inappropriate, after a review of the network and considering Warner Bros. commitment to mitigate their scheme through sustainable transport measures and periods not analysed, HCCHA accept the analysed data.

7.11.30 **South Way/ Langley Lane Roundabout:** The analysis by MA of the South Way/ Langley Lane Roundabout predicted that this junction would be operating with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros. expansion with a maximum Ratio of Flow to Capacity (RFC) occurring on the Langley Lane North approach of just 0.47 (an operational threshold RFC is 0.85, above which cognisance of queuing should be made, and an absolute threshold RFC is 1.0 depicting failure). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

7.11.31 **Aerodrome Way/ Hill Farm Ave Signals:** Similar to the previous analysis the Aerodrome Way/Hill Farm Avenue Signals are predicted to operate with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros. expansion with a maximum Degree of Saturation (DOS), the measure for signals, on the Aerodrome North approach of just 79% (90% being the operational DOS for a signalised junction, and 100% being the failure point). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

7.11.32 **Aerodrome Way/ Hercules Way Signals:** As with the previous analysis of the Aerodrome Way/ Hill Farm Avenue Signals, the Aerodrome Way/Hercules Way Signals are predicted to operate with significant spare capacity in between 0700 and 0800 in 2025 both prior to and post the Warner Bros. expansion with a maximum Degree of Saturation (DOS), the measure for signals, on the Hercules Way approach of just 67.6% (90% being the operational DOS for a signalised junction, and 100% being the failure point). If there is any impact during the other periods not analysed it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.

7.11.33 **Aerodrome Way/ Warner Drive Roundabout:** The analysis of the Aerodrome Way/ Warner Drive roundabout however showed that the junction would be operating close to its absolute capacity during the peak of the 0700-0800 development peak with an RFC of 0.983 on the Aerodrome Way southern approach prior to the Warner Bros. expansion. Whilst the development slightly improved this to a RFC of 0.972 (likely due to heavier traffic on other approaches making the Aerodrome Way southern approach onto the roundabout marginally easier), it was clear further investigation into a mitigation package was needed. The further analysis showed that through the implementation of a Travel Plan (conditional requirement) could successfully lower the RFC on the southern Aerodrome Way approach to 0.908 and further physical improvements to the roundabout (Dwg 21134-MA-XX-XX-DR-C-0003 P01) could establish operational capacity for all approaches. Whilst initially HCC did not consider

*that physical mitigation was required given the predicted success of the Travel Plan that the applicant is committing to it is happy with the recommendation from MA for it to be provided due to effect of the queue backing from the roundabout at an RFC of 0.908 to the Aerodrome Way/ Studio Tour roundabout.*

- 7.11.34 **Aerodrome Way/ Studio Tour Roundabout:** *Whilst the model of the Aerodrome Way/ Studio Tour roundabout showed that it in isolation operated within capacity in all modelled time periods as discussed the queue backing back from Aerodrome Way/Warner Drive roundabout interferes with its operation highlighting the need for the physical measures identified there.*
- 7.11.35 **Proposed Site Access Roundabout:** *Whilst the initial analysis of the site access roundabout presented within the MA TA demonstrated that it would perform well in all periods of 2025, HCCHA initially considered that the design was not in line with policy. As a result, the design of the site access roundabout was revisited giving more priority to active travel modes. The subsequent analysis demonstrated the access roundabout design as agreed with HCCHA also operated well within ideal operational capacity with minimal queueing during all peak periods of 2025 with a maximum RFC of 0.74 occurring on the Gadeside North approach during the studios peak of 1800-1900.*
- 7.11.36 **Ashfields Signals:** *During the analysed AM period (0700-0800) the signalised Ashfields junction is predicted to be operating just within operational capacity with a maximum DOS on the eastern Ashfields approach of 89.5% prior to the development in 2025. However, subsequent to the Warner Bros. expansion both the eastern Ashfields approach and Aerodrome Way approach are predicted with no mitigation to operate beyond their theoretical absolute maximum. 111.6% on the Ashfields approach and 109.2% on the Aerodrome Way approach respectively. Following mitigation through the travel planning process whilst it is predicted that the junction will operate within its theoretical absolute capacity, the junction following the Warners Bros. development will still operate beyond its operational capacity (with a maximum RFC of 93.3%, corresponding with a queue of 29pcu's (passenger car units) on the Ashfields East approach. This highlights the need to mitigate the development through reduction of the background traffic in addition to the aforementioned Travel Plan and hence the need for contributions to schemes encouraging a greater mode shift. If there is any material impact during the other periods not analysed, it is likely, given the results of 0700-0800 period, that they can be addressed via schemes encouraging Mode Shift.*
- 7.11.37 **Leavesden Green Interchange:** *The analysis carried out by MA at the Leavesden Green Interchange that in the majority of analysed period that the junction both without and with the proposed development would operate significantly below the operational threshold (RFC<0.85). However, it also showed that with the introduction of the development the A41 eastbound approach goes slightly beyond this with an RFC of 0.87 during the peak 15 minutes of the 1800-1900 period. The approach however remains within absolute capacity and queuing at 7pcu's is considered safe, therefore HCCHA consider this impact can be mitigated through mode shift and the travel plan process.*
- 7.11.38 **A41 Watford Rd/ Bridge St Signals:** *The analysis presented by MA shows that during the hour of 0700-0800 in 2025 that the A41 Watford Rd/ Bridge St Signals will operate significantly within capacity. If there is any impact during the other periods not analysed, it is likely given the results of 0700-0800 period that they can be addressed via schemes encouraging Mode Shift.*
- 7.11.39 **Hunton Bridge Roundabout:** *The analysis presented by MA shows that the Hunton Bridge Roundabout prior to the Warner Bros. development during the analysed period of 0700-0800 in 2025 will be operating close to or above operational capacity, with a maximum DOS of 93.8% occurring in the northern Watford Road straight ahead lane. The Warner Bros. development unmitigated however would significantly exasperate the situation with the DOS in the northern Watford Road straight ahead lane rising to above absolute theoretical*



capacity (101.9%). The straight/right turn lane of the M25 spur also goes beyond operational capacity and close to absolute capacity with a DOS of 98.6% post the unmitigated development. Whilst the analysis shows that mitigation through the travel plan process can have a positive impact reducing the maximum DOSs to 99.1% on the Watford Road approach and 95.7% on the M25 spur, HCCHA still consider this severe and the resultant queues unsafe, therefore it is considered appropriate to mitigate the Warner Bros. proposals further through contribution to wider schemes aimed at encouraging modal shift and back ground traffic. If there is any impact during the other periods not analysed it is likely, given the results of 0700-0800 period, that they would be capable of being satisfactorily addressed via schemes encouraging Mode Shift.

#### Travel Plan & Shuttlebus

7.11.40 HCCHA's Travel Plan Team have reviewed the submitted Travel Plan (TP) and whilst they consider its content appropriate at this stage in the planning process they consider a number of aspects will have to be addressed before the final approval is given and hence an appropriately worded condition has been suggested to include:

- There have been changes to the bus network in Watford including some routes in the vicinity of the site following multiple operators reviewing services post-pandemic. Information on service frequencies is therefore likely to need to be updated shortly and the TP should mention Arriva Click services which operate in Watford (see ArrivaClick Watford | Arriva Bus UK) which act as an alternative to conventional bus services.
- Travel Plan Co-Ordinator details will need to be provided along with those of a secondary contact in case of personnel changes. An indication of time allocated to role and frequency on site should be provided.
- Measures included are appropriate and cover all modes. It is noted that car parking is currently provided free of charge for both staff and visitors. This is something that could be reviewed in order to further encourage uptake of sustainable modes.
- Monitoring is proposed in years 1, 3 and 5 – this should be annual for a site of this scale, with review after each survey and submission of monitoring report to HCC.

7.11.41 The Travel Plan Team have also advised that an Evaluation and Support Fee of £1200 per year (£6000 total for the 5 year plan) should be sought through a S106 agreement and that the Travel Plan needs to make reference to this.

7.11.42 In addition, and complimenting the Travel Plan document, Warner Bros. intend to operate a staff shuttle bus to their site and MA have identified a number of possibilities which they will develop as staff locations as demand become more certain. It is envisaged that a total of 6 x 16/24-seater minibuses, operating at 30-minute frequencies during the site peak hours could serve three main routes.

#### Wider Mitigation Encouraging Modal Shift

7.11.43 HCCHA has costed plans for the aforementioned upgrade of the Hempstead Road corridor into central Watford a £9,525,600 + scheme (Q3 2022 prices). It is considered that it would be appropriate for the applicant to contribute via a S106 Agreement. Section 9E consists of improvements to the aforementioned pedestrian/cycle underpass below the A41/Hempstead Road roundabout and it is estimated that the scheme will cost £600,000. Section 6 integrates the underpass of A411/Hempstead Road scheme into the main Hempstead Road corridor scheme and involves primarily a toucan crossing of the A411 to enable users to safely cross to the parallel old Hempstead Road service road. The service road would also be subject to signage improvements and safely integrated into further section of the overall scheme. Section 6 is currently estimated at £626,400.

7.11.44 HCCHA's Passenger Transport Team have also identified a number of bus improvement schemes in the area which would have the potential to encourage the desire modal shift in the vicinity of the studios. The options for enhanced bus services include, number 9 bus

*service currently operates an hourly (Monday to Saturday) service from Watford station to the studio site. With investment this could be increased to a half hourly service Monday to Saturday and potentially an hourly Sunday service could also be introduced. It is estimated that as this is a financially viable service a minimum contribution of £175,000 per year for five years would be required (total £875,000).*

### Conclusion

- 7.11.45 *HCCHA and NH consider that, subject to conditions, there would not be an unacceptable highway safety reason nor a severe road network reason to justify the recommendation of refusal of the proposals from a highways or transport perspective. Nevertheless the acceptability of the proposals would be subject to the full technical approval and completion of the necessary off-site highway work and inclusion of recommended conditions, S106 obligations and highway informatives. It is considered that the proposed planning obligations would meet the NPPF 57 tests.*

### **Current Application - 23/1897/FUL**

#### Active Travel England (ATE)

- 7.11.46 ATE became a statutory consultee on relevant applications on 1 June 2023 and as such were not a statutory consultee at the time of application 22/0491/FUL. As a statutory consultee, ATE will help planning authorities implement good walking, wheeling and cycling infrastructure.
- 7.11.47 Following the receipt of additional information during the course of the application, ATE confirmed that they were content with the development proposed and raised no objections.

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

- 7.11.48 National Highways raised no objection to application 22/0491/FUL subject to condition 13 (M25 J21a Improvements). The current application originally proposed a variation to condition 13, however, this has been omitted and no changes are proposed to the wording of condition 13 at this time.
- 7.11.49 NH have confirmed that they have no comment on the requested variations to conditions 2, 4, 10, 19, and 32, nor the information submitted to meet the requirements of the various other conditions which form part of the application (3, 6, 7, 8, 9, 20, 21, 22, 24, 26, and 27). As such, they comment that there are no outstanding matters that render them (NH) unable to finalise our stance towards this application.
- 7.11.50 NH have confirmed 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.

#### HCC Highway Authority (HCCHA) & Local Road Network

- 7.11.51 The current S73 Application proposes to vary the triggers for the delivery of conditions 4 (Vehicular Access Completion); 10 (Highway Improvements – Local Cycle Network); and 32 (Decked Car Park Provision). Conditions 4 (Vehicular Access Completion) and 10 are relevant in this case as they were requested by HCCHA.
- 7.11.52 Application 22/0491/FUL was granted subject to a number of planning conditions that required the submission of additional information to discharge them. The current S73 Application has provided some of this 'additional information' up front. Highways conditions where information has been provided up front are Conditions 3 (Highways Details); 6 (EV Charging); 7 (Cycle Parking); 8 (CMP).

- 7.11.53 HCCHA have been consulted and their full comments are included at 9.1.9 of Appendix 1 below, however, in summary, they raise no objection to the proposed variations and consider the details submitted pursuant to Conditions 3, 6, 7 and 8 to be acceptable.
- 7.11.54 HCCHA initially raised some concerns over the delivery of the approved sustainable transport improvement works (Condition 10) which are intended to mitigate the development by enabling modal shift. However, through the Transport Assessment (TA) prepared to support the application and discussions with Markides Associates (the applicants' Transport Consultant) it was clarified that the varied condition would still require the provision of the A41 toucan crossing (Condition 11) on the A41 near Gypsy Lane (Public Right of Way, PROW Bridleway 040). A temporary pedestrian/cycle way would be established that would connect the site to the bridleway. HCCHA consider that the connection would unlock the site sustainably on a temporary basis until the full S278 works are delivered. The varied Condition 10 secures the full and agreed S278 works within 2 years of the occupation of the expansion. HCCHA note that the varied Condition 10 would also deliver the agreed mitigation works at the existing Aerodrome Way/ Warner Drive roundabout prior to the occupation of the Warner Bros expansion. Condition 4 requires completion of the approved access prior to occupation and is proposed to be varied to allow up to 22,558sqm of new buildings to be occupied. HCCHA raise no objection to the proposed variation.
- 7.11.55 HCCHA have also reviewed the details submitted pursuant to Conditions 3 (Highway Details); 6 (EV Charging Points); 7 (Cycle parking); and 8 (Construction Management Plan).
- 7.11.56 The following detailed drawings have been submitted alongside this application, in order to meet the requirements of Condition 3 (Highway Details) and mitigate a need for it to be reapplied:
- 1366-SC-386 (Footpaths and Cycleways)
  - 1366-SC-386 (Roads and Parking)
  - 1366-SC-388 (Kerbs)
  - 1366-SC-389 (Kerbs Island Site)
  - WBLM02-QCL-ZZZ-XX-DR-C-5230-P03 (Proposed Drainage)
  - WBLM02-QCL-ZZZ-XX-DR-C-5220-P03 (Island Site Proposed Drainage Carpark Building 80)
  - WBLM02-QCL-ZZZ-XX-DR-C-5221-P02 (Island Site Proposed Drainage Lighting Building 75)
  - WBLM02-QCL-ZZZ-XX-DR-C-9401-P03 (tracking refuse1)
  - WBLM02-QCL-ZZZ-XX-DR-C-9402-P03 (tracking refuse2)
  - WBLM02-QCL-ZZZ-XX-DR-C-9403-P03 (tracking refuse3)
  - WBLM02-QCL-ZZZ-XX-DR-C-9404-P03 (tracking refuse4)
  - WBLM02-QCL-ZZZ-XX-DR-C-9405-P03 (tracking refuse5)
  - WBLM02-QCL-ZZZ-XX-DR-C-9406-P03 (tracking fire1)
  - WBLM02-QCL-ZZZ-XX-DR-C-9407-P03 (tracking fire2)
  - WBLM02-QCL-ZZZ-XX-DR-C-9408-P03 (tracking fire3)
  - WBLM02-QCL-ZZZ-XX-DR-C-9409-P03 (tracking fire4)
  - WBLM02-QCL-ZZZ-XX-DR-C-9410-P03 (tracking fire5)
  - WBLM02-QCL-ZZZ-XX-DR-C-9412-P03 (tracking pantec)
  - WBLM02-QCL-ZZZ-XX-DR-C-9414-P02 (Tracking junction HGV)
  - WBLM02-QCL-ZZZ-XX-DR-C-9425-P01 (Typical visibility Splays)
- 7.11.57 HCCHA have stated that as the highway details are subject to the ongoing S278 process between the applicant and HCCHA and as the process has started, it is considered reasonable to discharge Condition 3.
- 7.11.58 Condition 6 relates to Electric Vehicle Charging and directs that no new buildings shall be occupied until provision has been made for 20% of the car parking spaces within the new decked car park (MSCP) to have active provision for EV charging and 80% of the car parking spaces to have passive provision for EV charging. The new car park designs

demonstrate compliance with this condition, with 20% of spaces within the MSCP being shown equipped with active EV Charging provision, and the remaining 80% of spaces to have passive provision included.

7.11.59 The full details can be seen on the following drawings:

- MERLIN-DNA-80-00-DR-A-10600-P1
- MERLIN-DNA-80-00-DR-A-10601-P1
- MERLIN-DNA-80-00-DR-A-10602-P1
- MERLIN-DNA-80-00-DR-A-10603-P1
- MERLIN-DNA-80-00-DR-A-10604-P1
- MERLIN-DNA-80-00-DR-A-10605-P1

7.11.60 HCCHA have reviewed the details and consider the EV provision meets the requirements of the condition and they raise no objection.

7.11.61 Condition 7 relates to cycle parking and states that no new built development shall commence until a scheme for the parking of cycles including details of the design, level and siting has been submitted to and approved in writing by the Local Planning Authority. These details have been provided and are shown on drawings:

- 1366-SC-375 Proposed Site Plan (Cycle Storage)
- 1366-SC-380 Cycle Storage (Type A)
- 1366-SC-381 Cycle Storage (Type B)

7.11.62 HCCHA note that the cycle parking design includes front wheel clamping stands. Whilst these are often not acceptable as they don't allow users to securely lock the frame of their bike, given they are sited within a secure site HCCHA consider the details to be acceptable. It is also noted that Crime Prevention Design Advisor at Hertfordshire Constabulary has raised no objection to the application.

7.11.63 Condition 8 requires that before any new development can commence a Construction Management Plan (CMP) should be submitted to and approved by the Local Planning Authority. The CMP should include details of the following: a) Construction vehicle numbers, type, routing; 25 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.

7.11.64 In order to satisfy the requirements of this condition, the application was submitted with:

- WBSL Masterplan 2022 CEMP
- WBSL Masterplan 2022 S.73 Highways Construction Management Plan

7.11.65 The S73 Highways Construction Management Plan was updated during the course of the application in response to initial comments from HCCHA. The amended version (Revision 1) is dated 'Updated December 2023'.

7.11.66 HCCHA have confirmed that the amended CMP satisfies the requirements of the condition.

- 7.11.67 Condition 9 relates to 'Source of Illumination' and requires that the new sound stages shall not be occupied until the intensity of illumination has been provided at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.
- 7.11.68 A Lighting Strategy (November 2023 Update) has been designed which complies with the requirements of the Institution of Lighting Professionals publication. This Strategy has also been designed to work with the ecological requirements of the site, as well as to minimise landscape impact where possible. In addition, to meet the requirements of this condition, a 'Masterplan 2022: Technical Note to Discharge Condition 9' document has been submitted. The submitted details are considered acceptable and satisfy the requirements of the condition such that the condition would be reworded to require compliance.
- 7.12 Parking
- 7.12.1 The Committee report for 22/0491/FUL considered the impact of the development on parking as follows (paragraphs 7.12.2 – 7.12.12 below).
- 7.12.2 *Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the car parking requirements for the District.*
- 7.12.3 *There are no parking standards relating specifically to film studio use. The Policy advises that for uses not specifically identified, standards should be considered on a case by case basis. The most closely related standards are considered to be:*
- *Office and Research Development*                      1 space per 30sqm
  - *Light Industry*    1 space per 50sqm
  - *General Industry*    1 space per 75sqm
- 7.12.4 *Applying the above standards to the proposed development would result in a requirement for 2,352; 1,411; and 941 spaces respectively.*
- 7.12.5 *Appendix 5 does indicate that the car parking standards may be adjusted according to which zone the proposed development is located in. The site is within Zone 4, equating to 75-100% of the demand based standard.*
- 7.12.6 *The proposed multi-storey car park on the 'Island Site' will accommodate 2,500 car parking spaces. It is intended to meet both the demand of the additional studio space being created, and to reintroduce the capacity on site to deal with the 1000 space buffer that the Studio has tried to maintain for extreme peaks.*
- 7.12.7 *The existing multi-storey car park on the main Studios site accommodates 2,250 spaces. The uplift in floor area of the proposed development is approximately two-thirds of the existing floor space of the site. Two-thirds of the existing parking provision would equate to approximately 1,500 spaces. A parking accumulation calculation, based on trip rates derived from entry and exit counts at the site has also been undertaken which has identified average daily peak parking demand for the site to be in the order of 1,330 spaces.*
- 7.12.8 *The Transport Assessment sets out that the provision of a car park with space for 2,500 vehicles would therefore be sufficient for the typical day to day use associated with the new development and would also accommodate the extreme peak provision (1,000 spaces).*
- 7.12.9 *It is considered that the proposed parking provision would be acceptable and in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

- 7.12.10 *Parking requirements for disabled motorists are also set out in Appendix 5, with the development requiring 6 spaces plus 2% of the total capacity (56 spaces in total). The application proposes 56 accessible parking spaces which accords with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*
- 7.12.11 *It is noted that TRDC current adopted policy does not require Electric Vehicle Charging Points (EVCP), however, the draft parking policy approved by the Local Plan Sub-Committee and Policy & Resources Committee includes a requirement for 20% of spaces for such a development to be active provision and 30% to be passive. The application proposes 20% of spaces to be active provision from the opening of the car park with the option to passively allow for EVCP to all of the remaining spaces subject to demand.*
- 7.12.12 *Cycle parking standards are also set out within Appendix 5 of the Development Management Policies LDD (adopted July 2013). There are no specific standards for film studio use. The application proposes 150 covered/secure cycle parking spaces which is considered appropriate for the development. Amenity facilities for staff would incorporate showers and lockers.*

### **Current Application - 23/1897/FUL**

- 7.12.13 The amendments proposed as part of this current S73 application which are set out in full at Section 3 above are not considered to alter the above conclusions. Whilst it is proposed to alter the trigger for the delivery of the Multi Storey Decked Car Park, there would be no overall reduction in parking spaces and the updated Transport Statement submitted with the current application demonstrates that there is sufficient parking provision to accommodate up to 22,558sqm of additional development. It is considered that the level of parking proposed would be acceptable and in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- 7.12.14 As set out in the Highways and Access section above, details of EV Charging and cycle parking provision have been provided with this application to satisfy the requirements of previously imposed conditions and the details are considered acceptable by HCCHA.
- 7.13 **Wildlife and Biodiversity**
- 7.13.1 The Committee report for 22/0491/FUL considered the impact of the development on wildlife and biodiversity as follows (paragraphs 7.13.3 – 7.13.28 below).
- 7.13.2 It is noted that the NPPF paragraph numbers referenced reflect the pre-December 2023 NPPF revisions. Whilst the paragraph numbers have now changed, the content of these paragraphs has not.
- 7.13.3 *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 9 of the Conservation of Habitat and Species Regulations 2017 (as amended) which states that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.*
- 7.13.4 *Paragraph 174 of the NPPF advises that 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, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.13.5 *Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:*

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

7.13.6 *Paragraph 180 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:*

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

7.13.7 *Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”.*

7.13.8 *Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.*

7.13.9 *Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.*

7.13.10 *Policy DM6 advises that;*

*(a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:*

*ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.*

*(d) Development must conserve, enhance and, where appropriate, restore biodiversity through:*

*i) Protecting habitats and species identified for retention*

*ii) Providing compensation for the loss of any habitats*

*iii) Providing for the management of habitats and species*

*iv) Maintaining the integrity of important networks of natural habitats, and*

*v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.*

*(e) Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape.*

7.13.11 *There are 3 Local Wildlife Sites within the surrounding area, one wholly within the site.*

7.13.12 *The application is accompanied by an Ecological Impact Assessment (March 2022) prepared by LC Ecological Services which was undertaken to assess the potential ecological effects of the proposed development. Walkover surveys have been completed in 2007, 2015, 2021 and 2022. Phase 2 surveys were undertaken to obtain further information on which protected species were likely to be impacted by the proposed works and include badger activity surveys; bat activity transects; breeding bird surveys; invertebrate surveys and reptile surveys. 28 Important Ecological Features (IEFs) were*

identified, including 17 designated sites, 3 habitats and 1 fauna of regional importance, and 3 habitats and 4 fauna of local importance. The Assessment concludes that the development scheme and mitigation measures will result in a minor positive impact overall.

7.13.13 Following the receipt of initial comments from Hertfordshire Ecology (HECO), the following updated or additional information was provided as follows, to be read in conjunction with original submitted details:

- Updated Ecological Impact Assessment (July 2022).
- Updated Landscape and Ecological Management Plan (LEMP) (July 2022).
- Masterplan 2022 Biodiversity Net Gain Report (July 2022).
- Response to HECO comments 'Applicant Ecology Response Letter' (18 August 2022).
- A BNG Metric 3.1 (uploaded to Planning Online 1 August 2022).
- Updated Construction and Environmental Management Plan (July 2022).

### **Local Wildlife Site(s) & Protected Species**

7.13.14 The proposal will result in the loss of an area of a Local Wildlife Site (LWS), however, the design includes areas of translocation for the LWS grassland habitat. Mitigation measures are proposed including habitat translocation, production of a Construction Environment Management Plan to control all potentially damaging operations, protection measures for hedgerows and woodlands and a mitigation strategy for badgers, bats, nesting birds, invertebrates and reptiles.

7.13.15 Whilst HECO note that the loss of part of the Leavesden Aerodrome North and South LWS would be contrary to planning policy, they are satisfied with the review of this and other LWSs in the area, the avoidance measures taken and the justification for the proposed loss. They consider that the mitigation and compensation proposed is adequate to offset this loss and meet the expectations of planning policy. HECO also comment that the LWS has declined in value and in the absence of management, will continue to do so, such that its prognosis without intervention in the medium and long terms, is poor.

7.13.16 HECO consider that the translocation methodology is sound in principle, however, the detailed methodology will be refined subsequently by means of a condition.

7.13.17 In terms of badgers, a Natural England licence will be required but adequate information has been provided regarding sett closure and replacement and land management to assure HECO that there are no reasons why one will not be secured in due course. This will allow planning permission to be granted and the licence to be obtained post-consent.

7.13.18 In relation to bats, whilst HECO note that the trees around Gypsy Lane provide high potential to support roosting bats, they will be unaffected by the proposals.

7.13.19 HECO have therefore concluded that if all mitigation and compensation measures can be secured (these comprise a range of embedded measures e.g. the CEMP and lighting strategy and others requiring conditions or similar), they recommend that planning permission can be granted. This is on the basis that all created/managed habitats will be managed for a period of 50 years. The applicant has confirmed that the LEMP will cover management of the translocated grassland and created habitat for 50 years.

### **Habitats & Biodiversity Offsetting**

7.13.20 Paragraph 174 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.

7.13.21 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:

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

7.13.22 Paragraph 180 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

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

7.13.24 The Environment Act (introduced as a Bill in October 2019 and enacted following receipt of Royal Assent on 9 November 2021) proposes to mandate the requirement for BNG in legislation, through changes made to the Town and Country Planning Act 1990. The Bill proposes to achieve a threshold 10% gain in biodiversity. The Bill received Royal Assent on 9 November 2021 meaning that it is now an Act of Parliament. Mandatory BNG as set out in the Environment Act is only to apply in England by amending the Town and Country Planning Act and is likely to become law in 2023. The requirement for 10% BNG is, therefore, not yet enshrined in planning law. As noted above, however, Local Plan Policy DM6 refers to the provision of compensation measures for the loss of any habitats.

7.13.25 The proposed enhancement measures, including to the 'Lower Field' where it is proposed that the whole 'Lower Field' (8.3 hectares) will be protected and kept, managed and maintained as accessible green space for ecological/environmental benefits, with 40 new trees including an orchard and semi-mature Oak trees; 4,857sqm of new woodland planting; 492sqm of coppice planting; 1,565sqm of native scrub planting; and a naturalised floodwater basin creating a wetland habitat whilst providing surface water attenuation, seek to achieve an increase in biodiversity net gain (BNG) across the site.

7.13.26 The proposed development will deliver a BNG of 12.65% (habitat units) and 51.90% (hedgerow units) which would be in accordance with Environment Act when it becomes law.

7.13.27 A grant of planning permission would need to secure the provision and maintenance of the 'Lower field', including for public access. Legal advice is that this would be most appropriately secured and enforced via an appropriately worded planning condition.

7.13.28 In summary and subject to conditions, it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and accords with the guidance in the NPPF (2021).

#### **Current Application - 23/1897/FUL**

7.13.29 The amendments proposed as part of this current S73 application which are set out in full at Section 3 above are not considered to alter the above conclusions.

7.13.30 10% BNG became mandatory for most new major development under the Town and Country Planning Act from 12 February 2024. It is relevant to note that this applies to

applications valid from 12 February 2024, (the current S73 application was validated on 9 November 2023) and that there are some exemptions, including S73 applications. However, in any case as set out above, the application proposes BNG that would exceed the new mandatory requirement.

7.13.31 Application 22/0941/FUL was granted subject to a number of conditions including in relation to the submission of a Landscape Ecological Management Plan for the Lower Field and a Translocation Strategy Management Plan for the removal and subsequent relocation of soil and scrub from the Local Wildlife Site to the Lower Field. These conditions have been subsequently discharged and therefore it is suggested that they are amended accordingly below to require compliance with the agreed details.

7.13.32 Subject to conditions, it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and accords with the guidance in the NPPF (2023).

#### 7.14 Trees and Landscaping

7.14.1 The Committee report for 22/0491/FUL considered the impact of the development on trees and landscaping as follows (paragraphs 7.14.3 – 7.14.11 below).

7.14.2 It is noted that the NPPF paragraph numbers referenced reflect the pre-December 2023 NPPF revisions. Whilst the paragraph numbers have now changed, the content of these paragraphs has not.

7.14.3 *Tree Preservation Order (TPO) 310 protects trees in the vicinity of L Stage to the south of the site. TPOs 315 and 107 protect trees within the Lower Field and Island Site respectively.*

7.14.4 *Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.*

7.14.5 *In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:*

*i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.*

7.14.6 *Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.*

7.14.7 *The application is accompanied by an Arboricultural Assessment and Method Statement (ref. 21011-AA-PB, 8 March 2022) prepared by Barrell. A detailed planting strategy for the site has also been submitted as summarised at section 3.9 above, including:*

- *186 new trees to be planted including an orchard and semi-mature Oak trees;*
- *19,519sqm of new woodland planting;*
- *487sqm of native hedgerow;*
- *429sqm of coppice planting;*
- *1,565sqm of native scrub planting;*
- *425 linear metres of formal hedgerows;*
- *3,458sqm of ornamental shrub planting.*

- 7.14.8 *As noted at section 3.10 above, amended landscape drawings have been submitted. Additional bund and planting depth has been added to the eastern boundary of the Island Site closest to Ashfields. The sizes of the field maple and hornbeam on the boundary of Backlot 2 (Western Site) and Gypsy Lane have been increased to create a more immediate screening impact. The field maple were previously 8-10cm girth (2.5-3m high) and are now shown as 16-18cm girth (4-4.5m high); the hornbeam were previously 6-8cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high). Evergreen species such as Holly, Privet and Scots Pine have been added to the native structure woodland planting mix. Of the standard trees within the woodland planting mix, the sizes of the Wild Cherry and the Oak were previously 8-10cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high); the Rowan was previously 6-8cm girth (2.5-3m high) and is now proposed to be 14-16cm girth (4.25-6m high). Of the feathered species within the woodland planting mix, the height of the Field Maple and Silver Birch were previously 1.25-1.5m high and are now proposed to be 1.75-2m high; the Cherry was 1.25-1.5m high and is now proposed to be 2-2.5m high. Western Red Cedar (evergreen) in addition to the other size and species changes has been added to help further infill the area north of Watford Road roundabout (south western boundary of Backlot 2).*
- 7.14.9 *From the initial planting, on average the proposed planting will grow by approximately 1.2m at 5 years, 2.7m at 10 years and 4.2m by 15 years.*
- 7.14.10 *The Landscape Officer comments that the plans indicate that there would be a substantial impact on trees with the removal of some secondary woodland, self-seeded specimens and developing scrub. However, as the vast majority of removals are of low quality, the extensive proposals for new and replacement planting would mitigate the impact over the longer term.*
- 7.14.11 *In summary, the development would result in the loss of some trees, however, this would be mitigated by replacement planting to supplement retained trees and vegetation. The submitted details demonstrate that existing trees to be retained could be adequately protected. Conditions on any grant of consent would require the implementation of the proposed landscaping and its management for the long term. As such the development is considered to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*

**Current Application - 23/1897/FUL**

- 7.14.12 The amendments proposed as part of this current S73 application which are set out in full at Section 3 above are not considered to alter the above conclusions. The development would result in the loss of some trees, however, this would be mitigated by replacement planting to supplement retained trees and vegetation. The submitted details demonstrate that existing trees to be retained could be adequately protected. Conditions on any grant of consent would require the implementation of the proposed landscaping and its management for the long term. As such the development is considered to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).
- 7.15 Energy & 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 DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 7.15.4 Three Rivers District Council declared a 'Climate Emergency' in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Following the declaration of the 'Climate Emergency' Three Rivers District Council agreed a Climate Change and Sustainability Report at its Full Council meeting on 25 February 2021. The TRDC Climate Strategy is not a planning document, but an overarching Council Strategy which is informed by the draft policies in the new Local Plan. Whilst the declaration of the Climate Emergency and Climate Change Strategy are noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed. However, the applicant has had regard to the Climate Change Strategy, and the application documents set out the ecological and environmental benefits and energy and sustainability measures proposed that are considered to demonstrate that the scheme accords with the general principles of the TRDC Climate Strategy.
- 7.15.5 Application 22/0491/FUL was accompanied by a Design and Access Statement and an Energy Statement Report (March 2022) prepared by Ramboll. The Energy Statement Report set out that the energy strategy is based on the energy hierarchy of prioritising passive design and a general energy demand reduction before the incorporation of Low and Zero Carbon technologies. The Energy Statement Report has been updated (November 2023) to support the current S73 Application. The main updates in the report provide updated information in line with changes in the architectural and MEP systems design related to each type of building.
- 7.15.6 Passive Design: It is proposed to improve insulation of the office fabric. In addition, solar control has been added to glazing to reduce cooling demand without excessively impacting beneficial solar gain during winter. Improvements in the air tightness of buildings, particularly when not in use, are also proposed to reduce heat loss.
- 7.15.7 Reduce Energy Demand: Appropriate ventilation and air conditioning systems will be used, alongside low energy LED light fittings and suitable smart lighting controls. Air Source Heat Pump will be utilised for Stages H and I and VRF systems will provide heating and cooling.
- 7.15.8 Low and Zero Carbon Technologies: In order to maximise on-site energy generation, photovoltaic (PV) panels will be provided on the roofs of the proposed Stages. The solar array of over 12,000m<sup>2</sup> will generate 2,321,801kWh per year. Whilst the primary purpose is to power the Studios, any surplus can be exported to the wider electricity network for public use. As a result of the extent of PV proposed, all electricity used on site will come from 100% renewable energy.
- 7.15.9 Enhanced fabric combined with efficient heating, ventilation and air conditioning systems and the inclusion of PV will result in a 29% reduction in regulated carbon emissions. The development is estimated to demonstrate an 86% reduction in overall regulated carbon emissions when compared to current Building Regulations requirements which is significantly above both the current 5% threshold and draft future guidance of 20%. As a

result of these measures over 1000 tonnes of regulated CO<sub>2</sub> will be saved across WBSL site every year.

- 7.15.10 A BREEAM 2018 New Construction 'Excellent' rating is being targeted across the site. Through water efficient sanitary ware, the buildings will be targeting a 40% reduction over the typical baseline water consumption. To reduce air pollution, electric vehicle charging points will be provided to encourage more sustainable modes. WBSL are also moving towards electrification of their vehicles on site, including the shuttle bus which transfers visitors to and from Watford Junction station.
- 7.15.11 In summary, the development would significantly exceed the current energy policy requirement and therefore complies with the requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013). The development would also exceed the current draft future guidance and notwithstanding that it is not adopted planning policy, regard has been had to the Council's Climate Change Strategy.

#### 7.16 Flood Risk & Drainage

7.16.1 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.

7.16.2 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.*

7.16.3 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.

7.16.4 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District.

7.16.5 Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

7.16.6 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

7.16.7 Application 22/0491/FUL was accompanied by a Flood Risk Assessment and Drainage Strategy (March 2022) prepared by Quattro Consult which has been updated (November 2023) to support the current S73 Application.

#### ***Sustainable Drainage***

7.16.8 An acceptable surface water drainage assessment was submitted with application 22/0491/FUL which demonstrated that surface water run-off could be adequately handled within the application site, and that the development would not result in flooding of adjacent

properties or within the site itself. As such, subject to conditions, it was considered that application 22/0491/FUL complied with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013) in this regard.

- 7.16.9 The Lead Local Flood Authority (LLFA) have been consulted on the current application and have confirmed that they have no objection to the variation of conditions application as the conditions to be varied have no effect on flood risk and drainage matters on the site. They also note that no change to the previously approved Flood Risk Assessment and Drainage Strategy.

#### 7.17 Contaminated Land/Groundwater

- 7.17.1 Paragraph 184 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;*

- 7.17.2 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.”*

- 7.17.3 Application 22/0491/FUL was accompanied by a Geo-Environmental Site Assessment (March 2022) prepared by Ramboll; and Additional Environmental Assessment (28/02/22) prepared by Ramboll. Both reports have been updated (November 2023) to support the current S73 Application.

- 7.17.4 The Environmental and Protection Officer raised no objection to application 22/0491/FUL subject to conditions and has confirmed that they have no comments to make on the current S73 Application with regards to air quality or land contamination.

- 7.17.5 With regards to regards to surface water and foul water sewerage network, at the time of application 22/0491/FUL, Thames Water recognised that the catchment is subject to high infiltration flows during certain groundwater conditions, however, they concluded that the scale of the development was such that it would not materially affect the sewer network and as such they had no objection but recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Whilst Thames Water have not commented on the current S73 Application, their previous comments/advice is considered to remain relevant.

#### **Ground Water**

- 7.17.6 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Pumping Station (THEG) which is for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. Affinity Water noted at the time of application 22/0491/FUL that the site is within an area of historical contamination and therefore whilst they raised no objection, they required that a number of planning conditions were included in order that the risks to public water supply could be properly considered.

- 7.17.7 Affinity Water have been consulted on the current S73 Application and have raised no objection to the proposed variation of conditions. They have also reviewed the details submitted pursuant to Condition 27 (Infiltration) as this was a condition that was requested by them at the time of application 22/0491/FUL which the applicant now seeks to discharge.
- 7.17.8 Condition 17 (Infiltration) stipulates that prior to the commencement of any built development, details of a Surface Water Drainage Scheme that considers ground contamination and public water supply as a receptor of that contamination shall be submitted to and approved in writing by the Local Planning Authority.
- 7.17.9 The applicant has confirmed that the assessments undertaken in order to produce the submitted Ramboll Additional Environmental Site Assessment (2023) did not identify any significant contamination on site, and no impact on the public water supply was identified through the assessment. The following drawings, containing the specific details of the drainage proposed have been submitted to satisfy the requirements of this condition:
- WBLM09-QCL-ZZZ-XX-DR-C-5200-P06 eco park sheet 1
  - WBLM09-QCL-ZZZ-XX-DR-C-5201-P06 eco park sheet 2
  - WBLM09-QCL-ZZZ-XX-DR-C-5203-P05 swale section
  - WBLM09-QCL-ZZZ-XX-DR-C-5210-P02 eco area drainage details
- 7.17.10 Affinity Water reviewed the submitted information and initially advised that it was not sufficient to meet the requirements of Condition 27. In response, the applicant provided additional clarification from their drainage and contamination consultants which discuss the points raised and the request for additional information. They also provided an updated Landscape Drawing (MERLIN-TOR-ZZ-ZZ-DR-L-90-001 Rev N), which now clearly demonstrates the Reed Beds in the Lower Field pond, necessary for Level 4 of the 4 Stage Treatment System requested by Affinity Water. Affinity Water have reviewed the additional information and have confirmed that they are happy to discharge the conditions related to this application.
- 7.17.11 The Environment Agency (EA) advised at the time of application 22/0491/FUL that the provided information provided a degree of confidence that it would be possible to manage the risks posed to controlled waters by the development, however they considered that further detailed information would be required before built development was undertaken. They therefore raised no objection subject to a number of planning conditions which were attached to 22/0491/FUL that required the submission of additional information to discharge them. The current S73 Application has provided some of this 'additional information' up front.
- 7.17.12 The relevant Conditions are:
- Condition 20 – in part (Remediation Strategy);
  - Condition 21 (Verification Report);
  - Condition 22 – in part (Long Term Monitoring);
  - Condition 24 (Infiltration of Surface Water to Ground);
  - Condition 26 (Decommissioning of Investigative Boreholes).
- 7.17.13 Condition 20 (Remediation Strategy) relates to the need for the submission of a remediation strategy to deal with the risks associated with the contamination of the relevant phase. The application submission sets out that the risk appraisals and conclusions included in both the approved report (Ramboll Geo-Environmental Site Assessment (2022)) and submitted report (Ramboll Additional Environmental Site Assessment (2023)) have not identified the need for contamination remediation in the pre-development phase of the Masterplan development. As such, the applicant considers that the requirements of the condition has been complied with for the relevant phase of development as set out in the Additional Assessment (2023) and are no longer required and that the condition can therefore be partly discharged. The EA have reviewed the submitted details and raise no objection and have

confirmed that Condition 20 can be part discharged, with the outstanding requirements relating to Phase 8 (Building 56) only.

- 7.17.14 Condition 21 (Verification Report) requires that prior to any part of the development being brought into use a verification report demonstrating that the completion of works set out in the approved remediation strategy and the effectiveness of the remediation be submitted to and approved by the Local Planning Authority. The application submission sets out that the Additional Environmental Site Assessment (2023) concluded that a requirement for remediation was not identified, and therefore a Verification Report would not be required. As such, the applicant considers that the condition is no longer required and does not need to be reapplied. Having reviewed the submitted details, the EA agree with this assessment and do not require Condition 21 to be reapplied.
- 7.17.15 Condition 22 (Long Term Monitoring) states that if contamination is identified in respect of Condition 20, a long-term monitoring and maintenance plan in respect of such contamination needs to be submitted and approved by the Local Planning Authority. The application submission sets out that the Groundwater data reported for the newly installed monitoring wells do not indicate the presence of significant contamination, and no significant source of contamination has been identified at the site, as set out in the submitted Ramboll Additional Environmental Site Assessment (2023). As such, there is not considered to be a need for long term monitoring on site. The EA have reviewed the submitted details and raise no objection and have confirmed that Condition 22 can be part discharged, with the outstanding requirements relating to Phase 8 (Building 56) only.
- 7.17.16 Condition 24 (Infiltration of Surface Water to Ground) states that no drainage systems for the infiltration of surface water are to be constructed without permission from the Local Planning Authority. Any proposals for such systems must be supported by an assessment to the risks to controlled waters. The application submission sets out that the assessments undertaken in order to produce the submitted Ramboll Additional Environmental Site Assessment (2023) did not identify any significant contamination on site. It also notes that proposals for infiltration on site are limited to a pond and swale in the 'Lower Field' which is a former agricultural field and as such considered low risk in terms of potential contamination. The infiltration proposed from these features is at levels similar to current infiltration rates. The shallow soil and groundwater assessment data reported and discussed within the submitted Assessment supports this conclusion. The EA initially did not agree to the discharge of Condition 24, requesting additional information be provided. However, following receipt of additional information the EA confirmed that they were satisfied that sufficient information had been provided to discharge Condition 24.
- 7.17.17 Condition 26 (Decommissioning of Investigative Boreholes) requires that a scheme for managing and decommissioning the boreholes installed in order to undertake the testing be submitted to and approved by the Local Planning Authority. To satisfy this requirement the proposed methodology for the decommissioning of the investigative boreholes is included within the Ramboll Additional Environmental Site Assessment (2023) at section 10.2.5. Having reviewed the submitted details, the EA agree with this assessment and consider that Condition 26 is discharged.

## 7.18 Refuse & Recycling

- 7.18.1 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



- 7.18.2 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.
- 7.18.3 Application 22/0491/FUL was accompanied by a SWMP which HCC Minerals and Waste Planning Team reviewed and confirmed included sufficient details. The SWMP will help reduce the amount of waste full stop, whilst also reducing waste that is removed from the site. As existing, waste will be processed on site where possible and will be collected by private contractors.
- 7.18.4 The SWMP has been resubmitted with this current S73 application as it remains relevant.
- 7.18.5 The development is in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Waste Policy 12.
- 7.19 Safety & Security
- 7.19.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.
- 7.19.2 The Police Designing Out Crime Officer raised no objections to application 22/0491/FUL, noting that they met with relevant personnel to discuss site security. They have again commented as part of the current S73 application that they are content that security measures have been considered. The development is considered compliant with Policy CP12 of the Core Strategy (adopted October 2011) in this regard.
- 7.20 Infrastructure Contributions
- 7.20.1 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.
- 7.20.2 In order to make the proposals acceptable to maximize sustainable travel options, HCCHA recommended at the time of application 22/0491/FUL that developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed.
- 7.20.3 HCCHA also recommended that developer contributions of £2,101,400 (£1,226,400 (cycling improvements) + £875,000 (bus contribution)), aimed at encouraging a wider modal shift were sought. The contribution was index linked to January 2019.
- 7.20.4 The applicant raised no objections to these requirements and a NPPF 57 complaint S106 agreement to secure the contributions was secured.

7.20.5 The completed S106 Agreement included a clause which secures that all of the planning obligations secured in respect of 22/0491/FUL will automatically bind any new planning permission issued pursuant to Section 73. Therefore, as there are no new planning obligations, a Deed of Variation to the S106 Agreement is not required.

#### 7.21 Referral to Secretary of State

7.21.1 The Town and Country Planning (Consultation) (England) Direction 2024 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. As it has been concluded that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it is 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.

7.21.2 It is relevant to note that planning application 22/0491/FUL was referred to the Secretary of State who did not call in the application.

#### 7.22 Summary of 'any other harm'

7.22.1 Over and above the inappropriateness of the proposed development and its likely harmful impact on openness in respect of Green Belt policy, it was, in addition, concluded at section 7.5 above that there will be some significant adverse visual effects on the landscape during construction, however, over time with the primary mitigation proposed, the impact will reduce and there will be no significant landscape or visual effects after 15 years.

7.22.2 In the absence of it being demonstrated that very special circumstances apply the proposed development is in conflict with the TRDC development plan as outlined above and with Green Belt policy as set out in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004, accordingly, makes it necessary to now consider whether any material planning considerations relating to the application exist, either individually or collectively, which could amount to 'very special circumstances' which clearly outweigh its inappropriateness, harm to the openness of the Green Belt and other harm it would cause.

#### 7.23 Very Special Circumstances

7.23.1 It was concluded at section 7.3 above that, whilst the re-use of L Stage would be an appropriate form of development within the Green Belt in accordance with Paragraph 155 (d) of the NPPF, the proposed new buildings would not fall within any of the exceptions listed at paragraph 154 of the NPPF and would be inappropriate by definition and cause additional harm to the Green Belt by loss of openness. In relation to the material change of use of the land, it was concluded that the proposed ecological enhancements to the Lower Field would be appropriate within the Green Belt and would not conflict with any of the proposes of including land within the Green Belt. However, as also noted, the creation of a permanent Backlot 2 would have a harmful impact on the openness of the Green Belt and would conflict with purposes of including land within the Green Belt.

7.23.2 Overall therefore the development would constitute inappropriate development within the Green Belt and would also have a harmful impact on the openness of the Green Belt and cause other harm. 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 advises that 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.

7.23.3 'Very Special Circumstances' are not defined and determining whether very special circumstances exist is a matter of judgement and will depend on the facts and circumstances of the individual application.

7.23.4 The Committee report for 22/0491/FUL considered 'Very Special Circumstances' as follows (paragraphs 7.23.5 – 7.23.18 below) and is considered to remain wholly relevant and applicable. It is noted that the NPPF paragraph numbers referenced reflect the pre-December 2023 NPPF revisions. Whilst the paragraph numbers have now changed, the content of these paragraphs has not.

### **Alternative Sites**

7.23.5 *Regulation 18(3) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that an Environmental Impact Assessment (EIA) shall include a description of the reasonable alternatives studied by the developer which are relevant to the proposed project and its specific characteristics. These regulations, however, do not expressly require the developer to study alternatives.*

7.23.6 *In the Environmental Statement Non-Technical Summary at NTS42 the applicant has the stated:*

*"The application site is entirely within the ownership of the applicant (WBSL) and there is local policy support for studio support use across the application site. Additionally, the key premise of the development is to create a film and TV production cluster and offer benefits from economies of scale and localised specialist skills. Therefore, no alternative site search exercise was undertaken."*

7.23.7 *The specific characteristics of the proposed development building on the nationally significant film making facilities established at Leavesden and the essentiality that the proposed expansion of the Studios should adjoin the existing extensive investment made by WBSL is further explained in paragraphs 6.20–6.27 'Green Belt' of the Planning Supporting Statement.*

7.23.8 *Whether members should take into consideration the possibility of there being potential alternative sites for the proposed development necessarily depends on the nature of the proposals and the circumstances including the policy circumstances. While it is recognised that the proposed development conflicts with purposes of Green Belt and will cause harm to openness, officers consider that the site specific nature of the development involving further integrated expansion of a nationally significant established film production facility with associated site specific financial and sustainability benefits does not make materially relevant to the determination of the application the consideration of alternative sites.*

7.23.9 *The applicant in their submission 'Warner Bros. Studios Response to Interim Planning Committee' Appendix 1 contends that there are very special circumstances to justify the otherwise inappropriate development, namely the economic, social and associated benefits of the proposed development which they consider to be of national significance. These include:*

- *the national significance of WBSL to the UK creative and tourism industries;*
- *the attraction of WBSL's backlot to overseas film makers;*
- *the economic and social benefits of the proposed development;*
- *the need to capitalise on the global growth and demand for purpose built film production facilities and services;*
- *the specific operational need for the proposed development to be located at WBSL;*

- the absence of alternative areas within WBSL outside the Green Belt to accommodate the proposed development;
- the retention of the Lower Field (8.3 ha) as accessible open space with associated ecological / environmental benefits of the impact; and
- the proposed minimisation as far as practically possible of effects on the openness and visual amenity of the Green Belt;

7.23.10 WBSL is acknowledged as being of national significance to the UK creative and tourism industries. Place Shaping Policy (PSP2) of The Core Strategy (adopted 2011) recognises the Studio as being nationally important and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District including Leavesden Aerodrome. Policy CP1 of the Core Strategy (adopted October 2011) states that development must contribute to the sustainability of the District and recognises the need to maintain high levels of employment by attracting jobs and training opportunities for local people and Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and construction industries.

7.23.11 In order to not compromise the ability of the Leavesden Studios to continue to contribute to the national and regional economy, both as a local employer and as a centre of substantial economic opportunity to contribute to the growth of the District, the Leavesden Studios Site was allocated specifically for Leavesden Studios Operations (adopted November 2014). The Site Allocations LDD (SALDD) (adopted November 2014) recognises the ability of Leavesden Studios to contribute to the national and regional economy and Policy SA8 of the SALDD provides that development on the existing studio site and the northern part of the Island Site outside the Green Belt must be in relation to the Leavesden Studios Operations and associated uses so as not to compromise this ability. In addition, film making has been permitted on the existing Backlot in the Green Belt.

7.23.12 WBSL is an integral part of the UK film industry. It is one of the largest and most technological advanced creative facilities currently home to 548,200 square foot of state of the art sound stages; a 125 acre backlot; the largest water tank in Europe; with over 535,000 square feet of workshop, storage and office space. Alongside the Studio facilities, it is home to the Warner Bros. Studio Tour 'The Making of Harry Potter'. In 2019 the Studio Tour hosted over two million visitors, of which almost 600,000 were from overseas and it remains one of the UK's most popular paid tourist attractions.

7.23.13 For these reasons and those put forward by the applicant listed above, the national significance to the UK creative and tourism industries of WBSL and the need for the facility to expand at Leavesden should be afforded significant weight in the determination of the application.

7.23.14 The Economic and Social Impact Assessment states that following the opening of T, U and V Stages in 2021, the annual level film and TV production at WBSL would reach £405.8 million in 2022, up from £373.8 million in 2021. In terms of employment, entry pass data indicates that on average a total of 3,900 people are on site every day involved in film and TV production, over 50% of which live locally.

7.23.15 The implementation of the proposed Masterplan will require in excess of £250 million in infrastructure investment between late 2022 and the end of the 2026. It is estimated that the opening of the additional sound stages would attract an additional £208 million in annual film and TV production at WBSL and raise the total annual level of film and TV production at WBSL to £613.8 million. The full implementation of the Masterplan will add 1,625 FTEs (full time equivalent jobs) of employment and £85.7 million in GVA (gross value added) to the local economy by 2027. As a result, by 2027 WBSL's annual contribution to the local economy will increase to 5,891 FTE and £360.9 million GVA.

- 7.23.16 *These economic and social impacts of the proposed development, namely job creation and GVA should also be afforded significant weight.*
- 7.23.17 *Paragraph 148 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and ‘very special circumstances’ (VSC) 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.*
- 7.23.18 *The development constitutes inappropriate development and results in harm to openness and conflicts with purposes of including land within the Green Belt. There will be some significant adverse visual effects on the landscape during construction, although over time with the implementation of the primary mitigation proposed, those negative impacts will reduce such that there will be no significant landscape or visual effects after 15 years. Having regard to these considerations it is considered nevertheless that the significant economic and social benefits associated with the nationally significant WBSL and its proposed expansion, collectively combine to constitute material considerations of sufficient weight to amount to ‘very special circumstances’ that clearly outweigh the identified harm to Green Belt to enable planning permission to be granted subject to conditions.*

#### 7.24 Planning Balance/Conclusion

- 7.24.1 The development proposed via 22/0491/FUL was found to constitute inappropriate development in the Green Belt that would result in harm to openness and would conflict with purposes of including land within the Green Belt. In addition, there were considered to be some significant adverse visual effects on the landscape during construction, however, it was considered that over time with the primary mitigation proposed, the impact would reduce such that there would be no significant landscape or visual effects after 15 years.
- 7.24.2 In its favour, it was recognised that the proposed development would result in multi-million pound investment in the nationally significant WBSL and that there would be resulting substantial positive direct and indirect beneficial contributions to the local, regional and national economy year on year. Additionally, the Lower Field is to be maintained in perpetuity as an accessible green space for ecological and environmental benefits, delivering a BNG of 12.65% (habitat units) and 51.90% (hedgerow units). The contribution of the substantial solar PV was also afforded weight.
- 7.24.3 Overall it was concluded that the significant economic and social benefits, collectively combined to constitute material considerations of sufficient weight to provide ‘very special circumstances’ that clearly outweighed the identified harm to enable planning permission 22/0491/FUL to be granted subject to conditions and a S106 Legal Agreement.
- 7.24.4 These conclusions are considered to remain relevant to the current S73 Application. There are considered to be significant economic and social benefits, which collectively combine to constitute material considerations of sufficient weight to provide ‘very special circumstances’ that clearly outweigh the identified harm to enable planning permission to be granted subject to conditions.
- 7.24.5 The relevant conditions have been varied below. Where conditions have been previously discharged they have been updated accordingly or omitted if no longer required, this has in places altered the condition numbering when comparing to 22/0491/FUL.

## 8 **Recommendation**

- 8.1 The application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2024.

Provided the Secretary of State does not call in the application for his own determination, the APPLICATION BE DELEGATED TO THE HEAD OF REGULATORY SERVICES TO VARY CONDITIONS 2, 4, 10, 19 AND 32 AND GRANT PLANNING PERMISSION 23/1897/FUL subject to the following conditions:

C1 Time (TRDC)

The development hereby permitted shall be begun before the 24 February 2026.

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 Plans (TRDC)

The development hereby permitted shall be carried out in accordance with the following approved plans:

MERLIN-DNA-ZZ-00-DR-A-00001  
MERLIN-DNA-ZZ-00-DR-A-00002 – P10  
MERLIN-DNA-ZZ-00-DR-A-00003 – P7  
MERLIN-DNA-ZZ-SX-DR-A-00005 – P4  
MERLIN-DNA-ZZ-SX-DR-A-00007 – P2  
MERLIN-DNA-ZZ-SX-DR-A-00009 – P1

MERLIN-DNA-ZZZ-00-DR-A-1030

MERLIN-DNA-ZZ-00-DR-A-10000 – P1  
MERLIN-DNA-ZZ-01-DR-A-10001 – P1  
MERLIN-DNA-ZZ-02-DR-A-10002 – P1  
MERLIN-DNA-ZZ-03-DR-A-10003 – P1  
MERLIN-DNA-ZZ-R1-DR-A-10004 – P1  
MERLIN-DNA-ZZ-EL-DR-A-20000 – P1  
MERLIN-DNA-ZZ-SX-DR-A-30000 – P1

MERLIN-DNA-2E-00-DR-A-10100 – P1  
MERLIN-DNA-2E-01-DR-A-10101 – P1  
MERLIN-DNA-2E-02-DR-A-10102 – P1  
MERLIN-DNA-2E-R1-DR-A-10103 – P1  
MERLIN-DNA-2E-EL-DR-A-20100 – P1  
MERLIN-DNA-2E-SX-DR-A-30100 – P1

MERLIN-DNA-2F-00-DR-A-10200 – P1  
MERLIN-DNA-2F-01-DR-A-10201 – P1  
MERLIN-DNA-2F-02-DR-A-10202 – P1  
MERLIN-DNA-2F-R1-DR-A-10203 – P1  
MERLIN-DNA-2F-EL-DR-A-20200 – P1  
MERLIN-DNA-2F-SX-DR-A-30200 – P1

MERLIN-DNA-2G-00-DR-A-10206  
MERLIN-DNA-2G-01-DR-A-10207  
MERLIN-DNA-2G-02-DR-A-10208  
MERLIN-DNA-2G-R1-DR-A-10209  
MERLIN-DNA-2G-EL-DR-A-20210  
MERLIN-DNA-2G-SX-DR-A-30210

MERLIN-DNA-ZZ-00-DR-A-10300 – P1  
MERLIN-DNA-ZZ-01-DR-A-10301 – P1  
MERLIN-DNA-ZZ-02-DR-A-10302 – P1  
MERLIN-DNA-ZZ-03-DR-A-10303 – P1  
MERLIN-DNA-ZZ-R1-DR-A-10304 – P3  
MERLIN-DNA-ZZ-EL-DR-A-20300 – P3  
MERLIN-DNA-ZZ-SX-DR-A-30300 – P3

MERLIN-DNA-73-00-DR-A-10400 – P1  
MERLIN-DNA-73-M1-DR-A-10401 – P1  
MERLIN-DNA-73-R1-DR-A-10403 – P1  
MERLIN-DNA-73-EL-DR-A-20400 – P1  
MERLIN-DNA-73-SX-DR-A-30400 – P1  
MERLIN-DNA-74-EL-DR-A-20401

MERLIN-DNA-72-00-DR-A-10400 – P2  
MERLIN-DNA-72-M1-DR-A-10401 – P2  
MERLIN-DNA-72-R1-DR-A-10403 – P2  
MERLIN-DNA-72-EL-DR-A-20400 – P2  
MERLIN-DNA-72-SX-DR-A-30400 – P2

MERLIN-DNA-18-00-DR-A-01400  
MERLIN-DNA-18-01-DR-A-01401  
MERLIN-DNA-18-R1-DR-A-01402  
MERLIN-DNA-18-EL-DR-A-01403  
MERLIN-DNA-18-SX-DR-A-01404  
MERLIN-DNA-18-00-DR-A-10400  
MERLIN-DNA-18-M1-DR-A-10401  
MERLIN-DNA-18-01-DR-A-10402  
MERLIN-DNA-18-R1-DR-A-10403  
MERLIN-DNA-18-EL-DR-A-20400  
MERLIN-DNA-18-SX-DR-A-30400

MERLIN-DNA-56-00-DR-A-10500 – P1  
MERLIN-DNA-56-R1-DR-A-10501 – P1  
MERLIN-DNA-56-01-DR-A-10502  
MERLIN-DNA-56-EL-DR-A-20500 – P1  
MERLIN-DNA-56-SX-DR-A-30500 – P1

MERLIN-DNA-80-00-DR-A-10600 – P1  
MERLIN-DNA-80-01-DR-A-10601 – P1  
MERLIN-DNA-80-02-DR-A-10602 – P1  
MERLIN-DNA-80-03-DR-A-10603 – P1  
MERLIN-DNA-80-04-DR-A-10604 – P1  
MERLIN-DNA-80-R1-DR-A-10605 – P1  
MERLIN-DNA-80-EL-DR-A-20600 – P1  
MERLIN-DNA-80-SX-DR-A-30600 – P1  
MERLIN-DNA-80-SX-DR-A-30602 – P1

MERLIN-DNA-76-00-DR-A-10700 – P1  
MERLIN-DNA-76-01-DR-A-10701 – P1  
MERLIN-DNA-76-R1-DR-A-10702 – P1

MERLIN-DNA-76-EL-DR-A-20700 – P1  
MERLIN-DNA-76-SX-DR-A-30700 – P1

MERLIN-DNA-75-00-DR-A-10900 – P1  
MERLIN-DNA-75-M1-DR-A-10901 – P1  
MERLIN-DNA-75-R1-DR-A-10902 – P1  
MERLIN-DNA-75-EL-DR-A-20900 – P1  
MERLIN-DNA-75-SX-DR-A-30900 – P1

MERLIN-DNA-41-00-DR-A-10800 – P1  
MERLIN-DNA-41-01-DR-A-10801 – P1  
MERLIN-DNA-41-R1-DR-A-10802 – P1  
MERLIN-DNA-41-EL-DR-A-20800 – P1

MERLIN-DNA-145-00-DR-A-0001  
MERLIN-DNA-145-00-DR-A-1000  
MERLIN-DNA-145-00-DR-A-1002  
MERLIN-DNA-145-EL-DR-A-2000  
MERLIN-DNA-145-EL-DR-A-2001  
MERLIN-DNA-145-SX-DR-A-3000

MERLIN-QCL-ZZ-XX-DR-C-0030-P01  
MERLIN-QCL-ZZ-XX-DR-C-0031-P01  
WBLM02-QCL-ZZZ-XX-DR-C-5200-P05  
WBLM02-QCL-ZZZ-XX-DR-C-5201-P04  
WBLM02-QCL-ZZZ-XX-DR-C-5203-P04  
WBLM02-QCL-ZZZ-XX-DR-C-5210-P01  
MERLIN-QCL-ZZ-XX-DR-C-0002-P08  
MERLIN-QCL-ZZZ-XX-DR-C-0006-P03  
MERLIN-QCL-ZZZ-XX-DR-C-0007-P04  
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1366-SC-201-P5  
1366-SC-202-P4  
1366-SC-203-P4

1366-SC-375  
1366-SC-380  
1366-SC-381

1366-SC-385  
1366-SC-386  
1366-SC-388  
1366-SC-389  
WBLM02-QCL-ZZZ-XX-DR-C-5230-P03  
WBLM02-QCL-ZZZ-XX-DR-C-5220-P03  
WBLM02-QCL-ZZZ-XX-DR-C-5221-P02  
WBLM02-QCL-ZZZ-XX-DR-C-9401-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9402-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9403-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9404-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9405-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9406-P03



WBLM02-QCL-ZZZ-XX-DR-C-9407-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9408-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9409-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9410-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9412-P03  
WBLM02-QCL-ZZZ-XX-DR-C-9414-P02  
WBLM02-QCL-ZZZ-XX-DR-C-9425-P01

MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev N  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0002 Rev G  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0003 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0004 Rev H  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0005 Rev G  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0006 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0007 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0008 Rev G  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0009 Rev D  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0010 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0011 Rev H  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0012 Rev K  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0013 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0014 Rev E  
MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0016 Rev B  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0018

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21134-MA-XX-XX-DR-C-0002 P03  
21134-MA-XX-XX-DR-C-0003 P01

21134-MA-XX-XX-DR-C-0001 P02  
21134-MA-XX-XX-DR-C-1100 P02  
21134-MA-XX-XX-DR-C-1101 P02  
21134-MA-XX-XX-DR-C-1102 P04  
21134-MA-XX-XX-DR-C-1103 P02  
21134-MA-XX-XX-DR-C-1104 P02  
21134-MA-XX-XX-DR-C-1105 P02  
21134-MA-XX-XX-DR-C-1106 P02  
21134-MA-XX-XX-DR-C-1107 P02  
21134-MA-XX-XX-DR-C-1108 P01

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy SA8 of the Site Allocations Local Development Document (adopted November 2014), Policies PSP2, CP1, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM12, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Highways Details (HCC Highways)

Roads, footways; Cycleways; Foul and surface water drainage; Visibility splays; Access arrangements; Parking provision in accordance with adopted standard; Loading areas; and Turning areas shall be delivered as set out on the following approved plans.

- 1366-SC-385 (Footpaths and Cycleways)
- 1366-SC-386 (Roads and Parking)
- 1366-SC-388 (Kerbs)
- 1366-SC-389 (Kerbs Island Site)
- WBLM02-QCL-ZZZ-XX-DR-C-5230-P03 (Proposed Drainage)
- WBLM02-QCL-ZZZ-XX-DR-C-5220-P03 (Island Site Proposed Drainage Carpark Building 80)
- WBLM02-QCL-ZZZ-XX-DR-C-5221-P02 (Island Site Proposed Drainage Lighting Building 75)
- WBLM02-QCL-ZZZ-XX-DR-C-9401-P03 (tracking refuse1)
- WBLM02-QCL-ZZZ-XX-DR-C-9402-P03 (tracking refuse2)
- WBLM02-QCL-ZZZ-XX-DR-C-9403-P03 (tracking refuse3)
- WBLM02-QCL-ZZZ-XX-DR-C-9404-P03 (tracking refuse4)
- WBLM02-QCL-ZZZ-XX-DR-C-9405-P03 (tracking refuse5)
- WBLM02-QCL-ZZZ-XX-DR-C-9406-P03 (tracking fire1)
- WBLM02-QCL-ZZZ-XX-DR-C-9407-P03 (tracking fire2)
- WBLM02-QCL-ZZZ-XX-DR-C-9408-P03 (tracking fire3)
- WBLM02-QCL-ZZZ-XX-DR-C-9409-P03 (tracking fire4)
- WBLM02-QCL-ZZZ-XX-DR-C-9410-P03 (tracking fire5)
- WBLM02-QCL-ZZZ-XX-DR-C-9412-P03 (tracking pantec)
- WBLM02-QCL-ZZZ-XX-DR-C-9414-P02 (Tracking junction HGV)
- WBLM02-QCL-ZZZ-XX-DR-C-9425-P01 (Typical visibility Splays)

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

#### C4 Vehicular Access Completion (HCC Highways)

No more than 22,558sqm of new buildings shall be occupied until the vehicular access for that building has been completed and thereafter retained as shown on drawing number (21134-MA-XX-XX-DR-C-1102 P04) in accordance with details/specifications to be submitted to 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 Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

#### C5 Surface Water (HCC Highways)

No new buildings shall be occupied until arrangement has been made for surface water from each phase of the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

#### C6 Electric Vehicle (EV) Charging Points (HCC Highways)

EV charging in the proposed Multi Storey Decked Car Park shall be provided in accordance with the following approved plans before first use of the Car Park and shall be maintained as such thereafter.

- MERLIN-DNA-80-00-DR-A-10600-P1

- MERLIN-DNA-80-00-DR-A-10601-P1
- MERLIN-DNA-80-00-DR-A-10602-P1
- MERLIN-DNA-80-00-DR-A-10603-P1
- MERLIN-DNA-80-00-DR-A-10604-P1
- MERLIN-DNA-80-00-DR-A-10605-P1

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1, C10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

C7 Cycle Parking (HCC Highways)

No new building shall be occupied until the cycle parking for that building (as shown on approved plans: 1366-SC-375 Proposed Site Plan (Cycle Storage); 1366-SC-380 Cycle Storage (Type A); and 1366-SC-381 Cycle Storage (Type B)); is fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CP1, C10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C8 Construction Management Plan (HCC Highways)

The construction of the development shall only be carried out in accordance with the Masterplan 2022 Construction Environmental Management Plan (CEMP) Rev 6 (November 2022), and the Highways Construction Management Plan Rev 1 (HCMP) (Updated December 2023).

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1, C10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C9 Source of Illumination – General (HCC Highways)

External lighting shall be provided in accordance with the approved external Lighting Strategy and impact assessment (November 2023 Update) and Masterplan 2022: Technical Note to Discharge Condition 9.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C10 Highway Improvements – Local Cycle Network Improvements (HCC Highways)

A) Design Approval:

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level for the new buildings shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers (21134-MA-XX-XX-DR-C-0001 P02, 21134-MA-XXXX-DR-C-1100 P02, 21134-MA-XX-XX-DR-C-1101 P02, 21134-MA-XX-XX-DR-C-1102 P04, 21134-MA-XX-XX-DR-C-1103 P02, 21134-MA-XX-XX-DR-C-1104 P02, 21134-MA-XX-XX-DR-C-1105 P02, 21134-MA-XX-XX-DR-C-1106 P02, 21134-MA-XX-XX-DR-C-1107 P02 and 21134-MA-XX-XX-DR-C-1108 P01) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) S278 Agreement:

No new building shall be occupied until S278 Agreements are in place covering the improvement works referred to in Part A of this condition.

C) Implementation/Construction:

Up to 22,558sqm of floor space may be occupied subject to the prior provision of a temporary pedestrian / cycle access from the site onto Gypsy Lane and the following elements of the S278 works are completed:

- The provision of a new crossing over the A41 Watford Road near Gypsy Lane to enable connection from the development to the route under the Hunton Bridge Roundabout; and
- Capacity improvements to the existing site access roundabout at Aerodrome Way / Warner Drive Roundabout.

Prior to the occupation of any additional floorspace beyond 22,558sqm or within 2 years from the date of first occupation, the remainder of the S278 works shall be completed and temporary pedestrian /cycle access onto Gypsy Lane shall be closed.

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 Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C11 Highway Improvements – A41 Toucan to the Hempstead Road underpass (HCC Highways)

A) Design Approval

No on-site works above slab level for the new buildings shall commence until a detailed scheme for the provision of a toucan crossing of the A41 connecting the local cycle network improvements shown in the drawing 21134-MA-XX-XX-DR-C-1100 P02 to the A41 pedestrian/ cycle subway below the A41/ Hempstead Road roundabout have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

No new buildings shall be occupied until the improvement works referred to in part A of this condition have been 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 Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C12 Travel Plan – Requested Prior to Use (HCC Highways)

At least 3 months prior to the first occupation of the new buildings hereby permitted a detailed Travel Plan for the Studio site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied 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 CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C13 M25 Junction 21a Improvements (National Highways)

No new buildings forming part of the development hereby approved, shall be occupied until a scheme and programme for improvement works to M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways). The approved works to M25 Junction 21a shall be implemented in full and open to traffic prior to occupation of any new building forming part of this application unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate any adverse impact from the development on the M25 J21a, to ensure that the M25 J21a continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

C14 Site Waste Management Plan (SWMP) (HCC Waste & Minerals Team)

Site preparation and construction works shall be carried out in accordance with the approved SWMP (Rev 3, 02/03/22).

Reason: To promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C15 Materials (TRDC)

The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as stated on the application form and shown on the approved plans; and no external materials shall be used other than those approved.

Reason: To prevent the development being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C16 Energy Saving Measures (TRDC)

The new sound stages hereby permitted shall not be first occupied until the energy saving and renewable energy measures detailed within the approved Energy Statement (March 2022) prepared by Ramboll are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C17 Operational Management Plan – In accordance with (TRDC)

The use of the Replacement Backlot and Support Facilities (Backlot 2) as shown on drawing no: MERLIN-DNA-ZZ-00-DR-A-00002-P10 shall at all times be carried out in accordance with the approved Operational Management Plan (March 2022).

Reason: In the interests of the visual amenity of the Green Belt and area and residential amenity of neighbouring occupiers and ecology 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).

C18 Boundary Treatments (TRDC)

All boundary treatments shall be maintained in accordance with the details shown on the approved plans.

Reason: In the interests of visual amenity and security in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

C19 Noise (TRDC Env Health)

All permanent plant, machinery and equipment installed or operated in connection with the development shall be so enclosed and/or attenuated so that noise levels at noise sensitive receptors do not exceed the noise limits as set out in table T1 of RSK Acoustics report 206-0600 R02 (revision 1 dated 8<sup>th</sup> March 2022); or otherwise a level of 5 dBA below the existing representative background noise level during the relevant period of operation, as assessed in accordance with BS4142:2014+A1:2019.

Reason: To ensure that the nearby residential properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C20 Remediation Strategy (Environment Agency Condition 1; and Environmental Protection)

Prior to the commencement of Phase 8 (Amenity Building) (As per Appendix A HCMP rev 1, Updated December 2023) approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the relevant phase in respect of the development hereby permitted, must be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 NPPF paragraph 180 and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C21 Long Term Monitoring (Environment Agency Condition 3; and Environmental Protection)

If identified in respect of condition C20 (Amenity Building), Phase 8 (Building 56) (As per Appendix A HCMP rev 1, Updated December 2023) shall not commence until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. Alternatively, if a long-term monitoring and maintenance plan is not deemed necessary for a given phase of the development, a written statement based on prior contamination assessment shall be submitted to, and approved in writing by, the Local Planning Authority, confirming that long-

term monitoring and maintenance measures are not required and the reasons why the measures are not required.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 180 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C22 Previously Unidentified Contamination (Environment Agency Condition 4; and Affinity Water; and Environmental Protection)

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 180 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C23 Intrusive Groundworks (Environment Agency Condition 6; and Affinity Water)

Piling/other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 180 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C24 Decommission of Investigative Boreholes (Environment Agency Condition 7)

The scheme as approved, as set out at section 10.2.5 of the Ramboll Additional Environmental Site Assessment (November 2023), shall be implemented prior to the occupation of that phase of the permitted development where boreholes are to be located.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies. This is in line with paragraph 180 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C25 SuDS – Management and Maintenance Plan (LLFA/TRDC Consultant)

Upon completion of the drainage works for each phase of development including all SuDS drainage features in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance provisions and operational requirements for the installed drainage system.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to meet the requirements of Policies CP1

and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C26 Lighting (TRDC Env Health & Herts Ecology)

External lighting shall be erected only in accordance with the External Lighting Strategy and Impact Assessment (03/08/2022) prepared by Ramboll unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

C27 Construction Environment Management Plan (CEMP) (Environmental Protection, TRDC Environmental Health, Hertfordshire Ecology)

The development shall be carried out in full accordance with the approved Construction Environmental Management Plan Rev 6, dated 30/11/22.

Reason: In the interests of the environment, landscape and ecology and in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C28 Mechanical Ventilation Strategy (Environmental Protection)

The development shall be carried out in full accordance with the approved Ventilation and Extraction Statement prepared by Ramboll March 2022 (Rev 04, dated 08/03/22).

Reason: In the interests of the environment and amenity and in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C29 Decked Car Park – Provision (TRDC)

No more than 22,558sqm of new buildings forming part of the development hereby approved, shall be occupied until the decked car park hereby permitted has been constructed and brought into use. The decked car park shall thereafter be retained for parking of staff and visitors to the site.

Reason: To ensure appropriate levels of parking and to meet the requirements of Policies 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).

C30 Landscaping – Implementation of (TRDC)

The development shall be carried out in accordance with the approved drawings:

MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev N  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0002 Rev G  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0003 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0004 Rev H  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0005 Rev G  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0006 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0007 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0008 Rev G  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0009 Rev D



MERLIN-TOR-ZZ-ZZ-DR-L-90-0010 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0011 Rev H  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0012 Rev K  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0013 Rev E  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0014 Rev E  
MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev F  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0016 Rev B  
MERLIN-TOR-ZZ-ZZ-DR-L-90-0018  
MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev F

and the Landscape Management Specification (Rev A, dated 01.06.2023) approved pursuant to condition 33 of 22/0491/FUL, LPA ref. 23/0623/DIS dated 6 June 2023.

Reason: To ensure that the approved landscaping is satisfactorily implemented and 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).

C31 LEMP (Lower Field) – programme of works (TRDC)

The development shall be undertaken in accordance with the Landscape Ecological Management Plan (LEMP) (Updated June 2023) approved pursuant to condition 34 of 22/0491/FUL, LPA ref. 23/0623/DIS dated 6 June 2023.

Reason: To ensure that the proposed ecological enhancement works to the Lower Field are satisfactorily implemented and 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).

C32 Landscaping – Backlot 2 (TRDC)

The bund hereby approved and shown on drawing MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev N shall be completed within 12 months of the first permanent use of Backlot 2. The approved planting schedule referenced on drawing MERLIN-TOR-ZZ-ZZ-SH-L-90-0001 Rev F (where it relates to Backlot 2) and shown on drawing MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev N shall be undertaken during the first planting season following completion of the bund.

Reason: To ensure that the approved landscaping is satisfactorily implemented, 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).

C33 Lower Field retention for public access (TRDC)

The Lower Field as indicated on drawing no: MERLIN-TOR-ZZ-ZZ-DR-L-90-0001 Rev N and hereby approved as an area of publicly accessible open space shall be retained as such in perpetuity and shall not be used for any other purpose.

Reason: To ensure that the Lower Field is retained for public access in perpetuity, in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C34 Translocation Strategy Management Plan (TSMP) (Herts. Ecology)

The removal and subsequent relocation of soil and scrub from the Local Wildlife Site to the Lower Field shall be undertaken in accordance with the Translocation Strategy and Management Plan (TSMP) prepared by LC Ecological Services (Updated June 2023)

approved pursuant to condition 37 of 22/0491/FUL, LPA ref. 23/0817/DIS dated 19 June 2023.

Reason: To maintain wildlife habitat 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).

### C35 Temporary Pedestrian/Cycle Access - Details

No new building shall be occupied until details of the temporary pedestrian / cycle access from the site onto Gypsy Lane have been submitted to and approved in writing by the Local Planning Authority and have thereafter been provided prior to occupation of any new building and maintained until such time that the following elements of the S278 works are completed:

- The provision of a new crossing over the A41 Watford Road near Gypsy Lane to enable connection from the development to the route under the Hunton Bridge Roundabout; and
- Capacity improvements to the existing site access roundabout at Aerodrome Way / Warner Drive Roundabout.

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 Policies CP10 and CP12 of the Core Strategy (adopted October 2011).

## 8.2 Informatives:

### 11 General Advice:

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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

12 Construction Hours:

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 Positive & Proactive:

The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

14 Section 106 Agreements:

The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

15 Site Notice Removal:

The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

16 Thames Water:

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.

17 Environment Agency Flood Risk Activity Permit:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

18 Cadent Gas Ltd. Advisory Note:

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](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

I9 Storage of Materials (HCC Highways):

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-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

I10 Obstruction of Highway (HCC Highways):

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-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 03001234047.

I11 Debris and deposits on the highway (HCC Highways):

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.

I12 Avoidance of surface water discharge onto the highway (HCC Highways):

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.

I13 Works within the highway (section 278) (HCC Highways):

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-anddeveloper-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

- I14 Construction Management Plan (CMP) (HCC Highways):  
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-anddeveloper-information/development-management/highways-development-management.aspx>
- I15 Public Right of Way to remain unobstructed (HCC Highways):  
The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at  
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.
- I16 Street works licence (New Roads and Street Works Act - Section 50): (HCC Highways):  
The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.  
This should be carried out prior to any new apparatus is placed within the highway.
- I17 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.) (HCC Highways):  
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-andnotification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-andnotification-forms) or by telephoning 0300 1234047.

I18 Travel Plan (TP) (HCC Highways):

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-anddeveloper-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

I19 National Highways Advice Note:

At this stage National Highways has only agreed the principle of the need to improve M25 Junction 21a. Any subsequently identified scheme will need to demonstrate that it will be able to mitigate the impacts of the development set out in 22/0491/FUL. This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a Legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority.

I20 Environmental Health Informatives:

Vehicles should meet the most recent European emissions standards and relevant guidance such as IAQM Guidance should be followed. Information for Developers and guidance documents can be found online at:

[https://www.watford.gov.uk/info/20011/business\\_and\\_licensing/349/contaminated\\_land](https://www.watford.gov.uk/info/20011/business_and_licensing/349/contaminated_land)

## 9 Appendices

### 9.1 Appendix 1: Consultation Responses

#### 9.1.1 Abbots Langley Parish Council: [No objection]

##### 9.1.1.1 Initial comments 15.12.23: [Clarification sought]

Members reserve the right to comment once more detailed information is received.

##### 9.1.1.2 Further comments 25.01.24: [No comment]

Comments post further review – no comment.

#### 9.1.2 Active Travel England: [No objection]

##### 9.1.2.1 Initial comments 15.12.23: [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

Active Travel England (ATE) welcomes the opportunity to comment on these proposals at the Warner Brothers Studios which are submitted pursuant to an existing consent (LPA Ref: 22/0491/FUL) for the expansion of film production facilities, sound stages, workshops, offices and staff welfare provision together with supporting infrastructure including a new roundabout access, car parking, landscaping and a pedestrian footbridge.

This submission relates to the variation of six planning conditions associated with the original consent, and the submission of information to satisfy further conditions which have future trigger points. The following are relevant to this response.

- 2 - Approved plans
- 3 - Highway Details
- 4 - Vehicular access
- 7 - Cycle Parking
- 10 - Local Cycle Network Improvements

This submission is supported by an updated Transport Assessment and Travel Plan, a Design and Access Statement Addendum and revised drawings setting out proposals for highway works, footpaths and cycleways, cycle parking and lighting alongside suggested reworded conditions.

It is recognised that the site and surrounding areas have therefore been subject to historic planning considerations by the LPA, the Highway Authority and other consultees over some time. These deliberations would have included an assessment of layout, accessibility and active travel requirements as the proposals have progressed up until now. Given that this relates to an extant consent, it is therefore not ATE's intention to revisit the entirety of the application, but more to assess the drawings that have been submitted as part of the submission, the internal layout and the timing and delivery of infrastructure.

### 2.0 Summary

The wider application provides the opportunity to bring a considerable number of jobs to the area although this location is subject to a number of transport constraints and barriers

resulting from the situation and orientation of the site. While existing congestion and the impacts of motorised traffic will be of a material nature, the applicant has an obligation to meet local and national planning and transport policies to prioritise sustainable patterns of movement in line with the government's aim for half of all journeys in our towns and cities to be made by walking, wheeling and cycling.

There is a fair amount to support and commend in relation to the wider proposals, in particular the considerable upgrade to just under 3km of footway / verge to segregated walking and cycling routes in and around the A41 and Aerodrome Way which will compliment the Watford Sustainable Modes strategy alongside the provision of junction and crossing features that aim to create consistent provision in line with the principles of Local Transport Note (LTN) 1/20 – Cycling Infrastructure.

ATE does however raise concerns over some design aspects together with the intention to delay the delivery of such infrastructure beyond occupation of the site, while further details are required to ensure on-site facilities and the supporting Travel Plan match the ambition that is demonstrated off-site.

### **3.0 National Policy and Guidance**

These proposals have been assessed in accordance with the following national planning policy and design guidance.

The National Planning Policy Framework (NPPF) sets out how:

*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;*

*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 are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

Gear change: a bold vision for cycling and walking 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.

Paragraph 82 of the National Design Guide (Planning practice guidance for beautiful, enduring and successful places, 2021), states:

*Priority is given to pedestrian and cycle movements, subject to location and the potential to create connections. Prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and wellchosen junctions and crossings, so that people want to use them. Public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes.*

Local Transport Note (LTN) 1/20



Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure. More specifically relevant to this application is paragraph 11.7 – Workplace Facilities for Cycle Parking identifies the potential for travel behaviour change in workplaces through the provision of appropriate facilities:

- Space for cycle parking should be considered at the earliest possible stage of a scheme design or building development (paragraph 11.1.4).
- Personal security within cycle parking areas may also be a concern if the parking is remote and not overlooked by adjacent buildings. Cycle parking, and routes to and from it, should be clearly marked, overlooked, well maintained, well-lit and integrated into the built environment (paragraph 11.2.2)
- As with car parking, a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments. (11.3.2)
- Recommended dimensions for cycle parking are provided in Table 11-2
- Details of the requirements for workplace facilities are provided in section 11.7.

*11.7.2 Places of work where staff need to wear special clothes will already have changing, shower and locker facilities, but the design of new or refurbished buildings should consider similar features to support cycle commuting. While people who commute short distances may well be able to do so without wearing specialist cycling clothing, those riding longer distances will appreciate changing rooms and lockers, preferably with facilities to dry clothing.*

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.

#### **4.0 Off-site Highway Works (walking and cycling linkages)**

The extent of works submitted in drawing series 21134-MZ-XX-XX-DR commits to the delivery of a 3m two-way cycle route alongside a 2m footway which commences to the north of the A41 / A411 / M25 roundabout junction and continues along the A41 North Western Avenue as far as a new roundabout access junction (between on-site Buildings 77, 80 and 75), with the route continuing with this specification alongside both the internal access road, North Western Avenue to the east and Aerodrome Way to the north as far as Cunningham Way and south along Aerodrome Way as far as Ashefields. A further section connects the base of the 'triangle' formed by the above routes along Gadeside.

The design of the new entrance junction (sheet 3 of 9) provides segregated footway / cycleway provision around the entirety of the new roundabout and this is supported, as is the provision of generous zebra crossing widths and routing which appear to minimise conflict between modes, taking into account the cycle desire line across the southern side of the roundabout.

The provision of zebra crossings minimises delay for pedestrians and cyclists across the junction, while the inclusion of a signalised crossing between this roundabout and the existing Aerodrome Way / Dowding Way / 'central' site access roundabout, together with further provision along Aerodrome Way to the south of the above (sheet 4) is also supported.

Alterations to the existing central access roundabout (sheet 5) follows a similar approach to active travel as the new roundabout to its south, maintaining segregation while providing

segregated zebra crossings to minimise conflict, while maximising pedestrian / cyclist priority over turning traffic. Further to the north (sheets 5-8) the segregated route continues along Aerodrome Way along its eastern / southern side as it arcs to the northeast and as far as Hill Farm Avenue. Other treatments include expanded width crossing points across bellmouths of junctions alongside suitable segregation and the provision of a bus stop bypass adjacent Hercules Way. Sheet 9 identifies where Aerodrome Way (which becomes Ashfields) ties back into Gadeside, again served by the 5m segregated provision.

## **5.0 Areas of Concern**

### Access and off-site Walking and Cycling linkages

The above represents a considerable upgrade to infrastructure and the provision of two-way segregation for cyclists alongside dedicated space for pedestrians and wheelchair users is welcomed. ATE raises observations in section 5.0 below which require to be taken into account and revisions made to drawings as appropriate. It is also recommended that the designer undertakes an assessment using the ATE Route Check and Cycling Level of Service tools to further inform the design.

□ Separation from fast-moving traffic - The above routes accompany and sit directly alongside a number of higher-category roads which are subject to speed limits far greater than the 20mph and 30mph that are common to built up areas. This brings with it an additional responsibility for the designer to provide physical protection in line with LTN1/20. Revisions to each drawing are therefore required that demonstrate how the infrastructure will meet the requirements to consider and/or implement safety barriers / fences (parag 5.11.3), protection from air turbulence (parag 6.2.11), horizontal separation (Table 6-1), buffer zones and verges (Table 7-3). Schemes submitted by local highway authorities that fail to incorporate these features and safeguards are either rejected or altered, and it should therefore be no different where similar infrastructure is put forward as part of a development.

□ Deliverability - It is noted from the drawing (sheets 1 and 2) and from reviewing the surrounding area that further investigation and additional detail is necessary to demonstrate the deliverability of the improved walking / cycling routes. For instance, there is a considerable extent of vegetation and level differences together with lighting columns and road sign columns within the current footway and verge that could present obstacles to pedestrians and cyclists alongside the A41 and result in unforeseen pinchpoints or areas of conflict at the section 278 technical approval stage.

### Triggers for delivery of walking / cycling facilities

It is understood that this submission seeks to delay the delivery of off-site works until at least 31% (22,558sqm of the total 70,559sqm) floorspace approved in 2022 has been occupied. This carries with it a potentially detrimental outcome for the accessibility of the site and the success of any promotion, incentives and encouragement to embed active travel habits amongst the staff and visitors to the site.

The analysis presented in the 2023 Transport Assessment (TA) presents a forecast of the effects of the delay to the delivery of infrastructure in respect of how this affects traffic movements and congestion on the network. Whilst this is necessary, no commentary is presented regarding the number of active travel movements that are prevented as a result of these proposals, given that the trip generation for the TA (and it appears the 2022 TA) only considered motor vehicle trips, contrary to the requirements of Planning Practice Guidance on Travel Plans, Transport Assessments and Statements (2014) to provide a multi-modal assessment of hourly trips to the site.

ATE notes the intention within the TA to bring forward the introduction of shuttle bus services to local rail stations and centres of population with funding identified for a minimum of six

16-seat minibuses for a minimum period of 18 months and detailed feasibility work to implement a car-sharing app, both of which would be operational prior to occupation.

However, this alone is not considered sufficient given the delay to what is clearly a comprehensive response to the need to better connect the site with local catchments by foot and by bike and the precedent this would set for other major development. Ultimately this is a matter for the Local Planning Authority to determine in conversation with the highway authority. However, ATE's view is that these extensive works should come forward in sufficient time to serve the development from the outset in order to foster and embed sustainable patterns of travel, in addition to the improvements to Gypsy Lane.

### Internal Layout

The theme of segregated footway / cycle provision continues a short distance into the site before building 77, after which it is assumed cyclists would use the internal road network. This isn't of particular concern, given that there will be low levels of traffic largely in part due to the provision of Studio South car parking on the opposite side of the new southern roundabout (accessible by an overbridge). Otherwise, the pedestrian routes appear direct and coherent, following largely the alignments dictated by the new stages, which by their nature of their arrangement encourages a legible mesh / grid of internal streets, with footways, crossings and areas of shared space at sensible locations.

### Cycle Parking

While the quantum of cycle parking would have potentially been agreed as part of the extant consent and the provision of cycle parking at various locations of the development would appear sound, the form of cycle storage shown as 'Type A' is unsecure and therefore unacceptable.

Wall-mounted cycle stands do not allow for the frame of the bicycle to be secured and therefore invite theft, while no information could be found within the TA or supporting drawings to confirm whether or not these spaces are to be sheltered from the elements. Both of these factors will act as a disincentive to cycling, which is considered to be at odds with the investment that is being made off-site in respect of delivering cycling improvements to the surrounding highway network along North Western Avenue, Gadeside Bypass and Aerodrome Way.

The applicant is directed towards the requirements contained within LTN1/20 section 11.1 and specifically parags 11.2.1, 11.2.2 and 11.2.4 (Security), 11.2.6 & 11.3.2 (Providing spaces for all users), and section 11.4 (Specifications and dimensions). ATE therefore requests these facilities are revised to meet modern requirements in line with the commitments of the Travel Plan and the requirements of policy. Further details are also requested of staff locker, shower, changing and drying room provision if cycling is to be a realistic alternative to private car use.

### Travel Plan and Mode share targets

While the Travel Plan (TP) is not subject to determination as part of this application, it is noticeable that the mode share target for walking and cycling to the site are distinctly unambitious, increasing from a 1% and 3% baseline (in 2021) to a 2% and 5% 'Final' target. While this is reflective of the location of the site and the nature of the business, there is no supporting information on staff catchment to understand what could be achievable. This is disappointing given that paragraph 5.3.11 of the TP references a staff home location analysis being undertaken to inform the TP.

It is crucial that the effort put into the travel plan matches the level of investment that is being made in the local area and noting that the site is within a convenient cycling distance of a considerable residential catchment, not just within Leavesden, but also around Abbot's Langley, North Watford, Garston and King's Langley.

Moving forward and in advance of the formal submission of the Travel Plan, ATE would expect to see details of actions to be taken if the targets are not met should be outlined and committed to with the intention for these to be secured, implemented, and monitored through the planning conditions / S106 obligations. The travel plans should be supported and funded for the whole of the development period / set time / until the targets are met and sustained for a set period.

## **6.0 Next Steps**

ATE requests that these comments are forwarded to the case officer and shared with the highway authority, the applicant and its agent. ATE is happy to be involved / assist in any further discussions throughout the determination of the application.

### **9.1.2.2 Further comments 12.02.24 following receipt of additional information: [No objection]**

No objection.

On the basis of the information available, Active Travel England is content with the development proposed.

### **9.1.3 Affinity Water:**

#### **9.1.3.1 Initial comments: [No objection to variation]**

We have no comments on the variation of the conditions stated.

We will await further contact on any conditions that relate to those stated in our letter to 22/0491/FUL sent on the 14 April 2022.

#### **9.1.3.2 Officer comment: Further clarification was sought as the response from AW did not refer to the details submitted pursuant to certain conditions.**

#### **9.1.3.3 Further comments 24.12.23: [Insufficient information provided]**

Thank you for notification of the above planning application. We would like to address the parts in the covering letter and planning support statement on certain conditions, alongside the additional information submitted for those conditions. We recommend referring to our initial response on 22/0491/FUL on the 14th April 2022 prior to continuing with the below.

At this stage, the information provided under this application to address certain conditions is not sufficient to cover our concerns and therefore would not be recommended by us for discharge if they were to be submitted as they are. Please see below for details.

Condition 27 TRDC/Condition 25 WBC (Infiltration) & Condition 24 TRDC/Condition 22 WBC (Infiltration of Surface Water to Ground):

- Firstly, with regards to condition 27, it has been noted that development works are already being undertaken within the lower field where the construction of this pond and swale are proposed. We would like to understand what is covered under "prior to the commencement of any built development" within the wording of the condition and what works are occurring at this time. We are concerned that works are commencing on the proposed system prior to our assessment of its viability.
- The soakage tests carried out have demonstrated that the system as proposed is insufficient to deal with the surface water being directed to the final stage of the system. Further investigations on this point are required to satisfy our concerns.

- Relating to the above point, if infiltration is no longer found to be viable and an alternative system is to be proposed, we would need a confirmation of the attenuation and conveyancing features, alongside the formal discharge method and location.
- If infiltration is pursued, additional ground investigation is required around the soakaway to further understand ground conditions and potential contamination which may negatively impact the resultant water quality that migrates groundwater.
- As the proposed drainage system appears to be dealing with surface water from a working site, if infiltration is continued with, we will require at least 4 appropriate stages of treatment proposed prior to infiltration.
- In relation to further investigations being required for the infiltrative drainage system, the following conditions Condition 22 TRDC/Condition 20 WBC (Long Term Monitoring), Condition 20 TRDC/Condition 18 WBC (Remediation Strategy) and Condition 21 TRDC & Condition 19 WBC (Verification Report) would need to await the results of those investigations.

With regards to the variations of the conditions stated in this application, we have no comments.

#### 9.1.3.4 Further comments 04.03.24: [No objection]

We are happy to discharge the conditions related to this application. Although if the development changes significantly in terms of drainage design or new contamination is found we would like to be reconsulted.

#### 9.1.4 British Pipeline Agency: [No objection]

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

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

#### 9.1.5 Environment Agency: [No objection]

##### 9.1.5.1 Initial comments 12.12.23: [No objection to variation, condition 24 not agreed]

Thank you for consulting us on the above Variation of Conditions on 17 November. We note that it is proposed to submit sufficient information required by various planning conditions attached to application 22/0491/FUL, to negate the need for these conditions to be reapplied to any resultant decision either wholly or in part. As part of this consultation, we have reviewed the following documents:

- Geo-Environmental Site Assessment, prepared by Ramboll, and dated 6 November 2023 (report ref.: 1620012265, issue 05).
- Additional Environmental Site Assessment (2023), prepared by Ramboll, and dated 6 November 2023 (report ref.: 1620015768-002, issue 03).
- Flood Risk Assessment and Drainage Strategy, prepared by Quattro Consult, and dated 30 October 2023 (ref.: 4494, Tender Issue, revision P06).

These documents have been submitted in relation to the following conditions attached to 22/0491/FUL (our ref: NE/2022/134288/03):

- Condition 20 (Remediation Strategy) (in part) (EA Condition 1)
- Condition 21 (Verification Report) (EA Condition 2)
- Condition 22 (Long Term Monitoring) (in part) (EA Condition 3)
- Condition 24 (Infiltration of Surface Water to Ground) (EA Condition 5); and
- Condition 26 (Decommissioning of Investigative Boreholes) (EA Condition 7)

Considering the above, **we have no objection to the variation of conditions and are satisfied that sufficient information has been submitted in order to discharge conditions 20 (in part), 21, 22 (in part) and 26 ONLY.**

With respect to Condition 24, further information is required to confirm that sufficient treatment stages have been incorporated into the design to protect controlled waters. In addition, since the site is located within a Source Protection Zone 1, an additional treatment component is required that provides environmental protection in the event of an unexpected pollution event or poor system drainage.

As a consequence, we would now only recommend the following conditions be attached to the decision (either wholly or in part, as specified). We have listed the condition number as per the original decision, as well as the corresponding EA condition number, for ease of reference.

**Condition 20, EA Condition 1 (in part) – Remediation Strategy**

Prior to the commencement of each phase of the built development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the relevant phase in respect of the development hereby permitted, must be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**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 NPPF paragraph 174 and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 22, EA Condition 3 (in part) – Long Term Monitoring**

If identified in respect of condition C20 (Remediation Strategy), the relevant phase of the development hereby permitted shall not commence until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Alternatively, if a long-term monitoring and maintenance plan is not deemed necessary for a given phase of the development, a written statement based on prior contamination assessment shall be submitted to, and approved in writing by, the Local Planning Authority, confirming that long-term monitoring and maintenance measures are not required and the reasons why the measures are not required.

**Reason**

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 23, EA Condition 4 – Previously Unidentified Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason**

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 24, EA Condition 5 – Infiltration of Surface Water to 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 NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 25, EA Condition 6 – Intrusive Groundworks**

Piling/other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason**

To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**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](mailto: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.

**9.1.5.2 Further comments 24.1.24: [No objection to condition 24]**

Thank you for consulting us on the above Variation of Conditions on 27 December 2023. We note that it is proposed to submit sufficient information required by various planning conditions attached to application 22/0491/FUL, to negate the need for these conditions to be reapplied to any resultant decision either wholly or in part. As part of this consultation, we have reviewed the following document:

1. Quattro Consult. Condition 24, EA Condition 5 dated 21st December 2023

This document has been submitted in relation to our response issued on 12 December 2023 for the following conditions attached to 22/0491/FUL (our ref:NE/2022/134288/03):

- Condition 20 (Remediation Strategy) (in part) (EA Condition 1)
- Condition 21 (Verification Report) (EA Condition 2)
- Condition 22 (Long Term Monitoring) (in part) (EA Condition 3)
- Condition 23 (Previously Unidentified Contamination) (EA Condition 4)
- Condition 24 (Infiltration of Surface Water to Ground) (EA Condition 5)
- Condition 25 (Intrusive Groundworks) (EA Condition 6)
- Condition 26 (Decommissioning of Investigative Boreholes) (EA Condition 7)

In our previous response dated 12 December 2023 we stated that we have no objection to the variation of conditions and are satisfied that sufficient information has been submitted in order to discharge conditions 20 (in part), 21, 22 (in part) and 26 ONLY.

**Based on the review of additional information submitted to us we are now satisfied that sufficient information has been submitted in order to discharge condition 24.**

The information submitted confirms that the interceptor will be fitted with an alarm system and provides details of the procedure that will be followed in the event of a spill. The level of treatment prior to infiltration appears to be in line with Chapter 26 of the SuDS manual. Assuming that the drainage is installed with the appropriate level of treatment and that the mitigation measures are implemented, we are satisfied that the risk to Controlled Waters is low.

We are therefore satisfied that sufficient information has been submitted with respect to Condition 24. Should the design change, we request to be re-consulted.

As a consequence, we would now only recommend the following conditions be attached to the decision (either wholly or in part, as specified). We have listed the condition number as per the original decision, as well as the corresponding EA condition number, for ease of reference.

**Condition 20, EA Condition 1 (in part) – Remediation Strategy**

Prior to the commencement of each phase of the built development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the relevant phase in respect of the development hereby permitted, must be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 NPPF paragraph 174 and Policy DM9 of the Development Management Policies LDD (adopted July 2013).



**Condition 22, EA Condition 3 (in part) – Long Term Monitoring**

If identified in respect of condition C20 (Remediation Strategy), the relevant phase of the development hereby permitted shall not commence until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. Alternatively, if a long-term monitoring and maintenance plan is not deemed necessary for a given phase of the development, a written statement based on prior contamination assessment shall be submitted to, and approved in writing by, the Local Planning Authority, confirming that long-term monitoring and maintenance measures are not required and the reasons why the measures are not required.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 23, EA Condition 4 – Previously Unidentified Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 25, EA Condition 6 – Intrusive Groundworks**

Piling/other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**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](mailto: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. Should you have any queries regarding this response, please do not hesitate to contact me.

- 9.1.5.3 Officer comment: The applicant reviewed the 24.1.24 EA comments and raised some minor concerns relating to clarity of the wording of suggested conditions, specifically those

conditions discharged in part, and which phases of the site 'in part' relates to. They provided a letter setting out their comments/suggested wording, which was forwarded to the EA. The EA replied on 28.2.24 and advised that; *"Please find attached our updated response after reviewing the applicant's request. I can confirm that we have no issues with the change of wording requested, and we have edited our letter response to reflect the same"*.

#### 9.1.5.4 Further comments 28.2.24: [No objection]

Thank you for consulting us on the above Variation of Conditions on 27 December 2023. We note that it is proposed to submit sufficient information required by various planning conditions attached to application 22/0491/FUL, to negate the need for these conditions to be reapplied to any resultant decision either wholly or in part. As part of this consultation, we have reviewed the following document:

1. Quattro Consult. Condition 24, EA Condition 5 dated 21st December 2023

This document has been submitted in relation to our response issued on 12 December 2023 for the following conditions attached to 22/0491/FUL (our ref:NE/2022/134288/03):

- Condition 20 (Remediation Strategy) (in part) (EA Condition 1)
- Condition 21 (Verification Report) (EA Condition 2)
- Condition 22 (Long Term Monitoring) (in part) (EA Condition 3)
- Condition 23 (Previously Unidentified Contamination) (EA Condition 4)
- Condition 24 (Infiltration of Surface Water to Ground) (EA Condition 5)
- Condition 25 (Intrusive Groundworks) (EA Condition 6)
- Condition 26 (Decommissioning of Investigative Boreholes) (EA Condition 7)

In our previous response dated 12 December 2023 we stated that we have no objection to the variation of conditions and are satisfied that sufficient information has been submitted in order to discharge conditions 20 (in part), 21, 22 (in part) and 26 ONLY.

**Based on the review of additional information submitted to us we are now satisfied that sufficient information has been submitted in order to discharge condition 24.**

The information submitted confirms that the interceptor will be fitted with an alarm system and provides details of the procedure that will be followed in the event of a spill. The level of treatment prior to infiltration appears to be in line with Chapter 26 of the SuDS manual. Assuming that the drainage is installed with the appropriate level of treatment and that the mitigation measures are implemented, we are satisfied that the risk to Controlled Waters is low.

We are therefore satisfied that sufficient information has been submitted with respect to Condition 24. Should the design change, we request to be re-consulted.

As a consequence, we would now only recommend the following conditions be attached to the decision (either wholly or in part, as specified). We have listed the condition number as per the original decision, as well as the corresponding EA condition number, for ease of reference.

**Condition 20, EA Condition 1 (Discharged for Phases 1-7, relates in part only to Phase 8) – Remediation Strategy**

Prior to the commencement of each phase of the built development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of the relevant phase in respect of the development hereby permitted, must be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 NPPF paragraph 174 and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 22, EA Condition 3 (Discharged for Phases 1-7, relates in part only to Phase 8) – Long Term Monitoring**

If identified in respect of condition C20 (Remediation Strategy), the relevant phase of the development hereby permitted shall not commence until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. Alternatively, if a long-term monitoring and maintenance plan is not deemed necessary for a given phase of the development, a written statement based on prior contamination assessment shall be submitted to, and approved in writing by, the Local Planning Authority, confirming that long-term monitoring and maintenance measures are not required and the reasons why the measures are not required.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

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Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Condition 25, EA Condition 6 – Intrusive Groundworks**

Piling/other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the NPPF and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

### **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](mailto: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. Should you have any queries regarding this response, please do not hesitate to contact me.

#### 9.1.6 Hertfordshire Constabulary: [No objection]

Thank you for site of planning application 23/1897/FUL. I am content that security measures have been considered for this development as I did have a meeting with the architects and head of security prior to this application. I have no further comments in relation to the variation of conditions 2, 4, 10, 13, 19 and 32 pursuant to planning permission 22/0491/FUL.

#### 9.1.7 HCC Footpath Section: [No response received]

#### 9.1.8 Hertfordshire County Council Growth & Infrastructure Unit: [No objection]

Hertfordshire County Council 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.

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

Please contact Hertfordshire Fire and Rescue Services directly, who may request the provision of hydrants through a planning condition.

#### 9.1.9 Hertfordshire County Council – Highway Authority: [No objection]

##### 9.1.9.1 Initial comments 05.12.23: [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.

### **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) 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) 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.

AN5) 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.

AN6) 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>

AN7) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN8) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047. This should be carried out prior to any new apparatus is placed within the highway.

AN9) 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](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

AN10) 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:

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COMMENTS

The expansion of the Warner Bros site at Leavesden was approved at the Three Rivers District Council (TRDC) December 2022 Planning Committee (22/0491/FUL) and subsequently by the Watford Borough Council (WBC) Planning Committee (January 2023, 22/00322/FULM). Warner Bros through their consultants are now seeking to vary their planning conditions to create some flex in the delivery program in the event that the ongoing S278 agreement works to deliver the associated highways works and the 2,500 spaces Multi Storey Car Park (MSCP) are not completed prior to occupation. Commercially this would permit Warners Bros to fulfil any commitment to provide studio space at the site. It is therefore, proposed to vary Conditions 4, and 10 (TRDC & WBC), and 13 and 32 (TRDC) to enable the early occupation of 4 sound stages and ancillary buildings with a GFA of up to 22,558 sqm prior to the completion of the full S278 works and the completion of the MSCP.

HCC Highways however, initially had concerns over the delivery of the approved sustainable transport improvement works (Condition 10) which are intended to mitigate the development by enabling modal shift. Through the Transport Assessment (TA) prepared to support the application and discussions with Markides Associates it was clarified that the varied condition would still require the A41 toucan crossing (TRDC condition 11) of the A41 near Gypsy Lane (Public Right of Way, PROW Bridleway 040). A temporary pedestrian/cycle would be established that would connect the site to the bridleway. HCC Highways consider that the connection would unlock the site on a sustainably on a temporary basis until the full S278 works are delivered. The varied condition 10 secures the full and agreed S278 works within 2 years of the occupation of the expansion. Whilst it is noted that due to security reasons the Gypsy Lane access intended to be closed at that point, subject to its popularity with staff it may be advantageous to reconsider it at this time instead.



The varied conditioned 10 would also deliver the agreed mitigation works at the existing Aerodrome Way/ Warner Drive roundabout prior to the occupation of the Warner Bros expansion.

Therefore, HCC Highways have no objection to the variation of planning conditions for the Warner Bros site as proposed in this application (23/1897/FUL).

9.1.9.2 Further comments 12.01.24: [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.

**APPROPRIATE INFORMATIVES**

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The varied conditioned 10 would also deliver the agreed mitigation works at the existing Aerodrome Way/ Warner Drive roundabout prior to the occupation of the Warner Bros expansion.

The application also aims to discharge the planning conditions 3 (Highway Details), 6 (EV Charging Points), 7 (Cycle parking) and 8 (Construction Management Plan).

As the highway details are subject to the ongoing S278 process between the applicant and HCC as the process has started it is considered reasonable to discharge condition 3.

The provision for Electric Vehicles (EV's) has been reviewed and it is considered sufficient to discharge the condition.

Within the cycle parking design there is a element of Front Wheel clamping stands and whilst these generally aren't acceptable as they don't allow users to securely lock the frame of their bike and can lead to bike damage too, given it is a secure site this is less of an issue and it is considered the condition can be discharged.

HCC have also reviewed the Construction Management Plan (CMP) associated with the development and after discussions with the applicant we consider that the revised CMP is suitable to become a live document and discharge the condition.

Therefore, HCC Highways have no objection to the variation of planning conditions for the Warner Bros site or the existing conditions (3 (Highway Details), 6 (EV Charging Points), 7 (Cycle parking) and 8 (Construction Management Plan)) as proposed in this application (23/1897/FUL).

9.1.10 HCC Lead Local Flood Authority: [No objection]

Thank you for your consultation regarding the above application (received 17 November 2023) for the Variation of Conditions 2, 4, 10, 13, 19 and 32 pursuant to planning permission 22/0491/FUL.

Following a review of the submitted information, we have no objection to this variation of conditions application – the conditions to be varied have no effect on flood risk and drainage matters on the site. We understand there is no change to the previously approved Flood Risk Assessment and Drainage Strategy.

Informative

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

Yours sincerely

Jake

Jake Silverton

SuDS and Watercourses Support Officer

Growth and Environment

Annex

The following documents have been reviewed, which have been submitted to support the application;

- Flood Risk Assessment and Drainage Strategy, Quattro Consult Ltd, November 2023
- Covering Letter, tor&co, November 2023
- Supplementary Planning Supporting Statement, tor&co, November 2023

9.1.11 Hertfordshire County Council Minerals & Waste Policy Team: [No response received]  
It should be noted that this consultee raised no objection to 22/0491/FUL.

9.1.12 Herts. Archaeology: [No response received]

9.1.13 Herts Ecology: [No response received]

It should be noted that this consultee raised no objection to 22/0491/FUL.

9.1.14 Hertfordshire Fire & Rescue Service: [No response received]

9.1.15 London Underground Infrastructure Protection: [No response received]

It should be noted that this consultee raised no objection to 22/0491/FUL.

9.1.16 National Grid: [No response received]

It should be noted that this consultee raised no objection to 22/0491/FUL.

9.1.17 National Highways: [No objection]

9.1.17.1 Initial comments 14.12.23: [Deferral]

Referring to the consultation dated 23rd November 2023 referenced above, in the vicinity of the M25 and M1 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);

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](mailto: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 variation of Conditions 2, 4, 10, 13, 19 and 32 pursuant to planning permission 22/0491/FUL [The provision of new sound stages, workshops, production and postproduction offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling] to vary the approved plans and drawings (condition 2); to vary the triggers for the timing of the delivery of highway improvements (conditions 4, 10, 13 and 32) and to amend the wording of condition 19 (noise).

The SRN in the vicinity of the proposed development is the M25 Junction 20 and Junction 21A and M1 Junction 6, which are approximately 1.2, 2.1, and 1.8 miles away, respectively. The proposed access to the site would be Warner Drive, a local highway.

#### *Relevant Planning Permission – 22/0491/FUL*

This application was for the provision of new sound stages, workshops, production and postproduction offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with sitewide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling.

We were first consulted by the Council on this application in 2022 and had been in regular contact with the transport consultants acting on behalf of the applicant since May 2022.

At the time of our final response to this planning application in November 2022, our main outstanding concerns were related to the M25 Junction 21a (specifically the anticlockwise off slip which experiences queuing back to the mainline at peak times), and the A405 northbound approach which is significantly over capacity. We noted that given the time constraints owing to the progression of the application to planning committee, National Highways did not have time to conclude our review of the modelling of M25 J21a. Also, a finalised improvement scheme required to offset the impact of the development on the junction had also not been agreed.

Nonetheless, National Highways agreed to adopt a pragmatic approach and addressed our outstanding concerns through the inclusion of a condition and informative in our formal response (dated 4th November 2022), which should prevent any occupation of the new buildings proposed at the development site until such time as a scheme and programme for improvement works to the M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways).

This planning application was granted permission, subject to conditions, by the Council on 24th February 2023. The condition we recommended (Condition 13) is as follows:

*M25 Junction 21a Improvements (National Highways)*

*No new buildings forming part of the development hereby approved, shall be occupied until a scheme and programme for improvement works to M25 Junction 21a has been submitted and agreed in writing by the Local Planning Authority (in consultation with National Highways). The approved works to M25 Junction 21a shall be implemented in full and open to traffic prior to occupation of any new building forming part of this application unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To mitigate any adverse impact from the development on the M25 J21a, to ensure that the M25 J21a continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011).*

Following our final response to the Council, we agreed with the applicant's transport consultants that we would continue to work in the background to resolve outstanding concerns around the M25 Junction 21a modelling and allow the mitigation scheme to be agreed as soon as possible. We were contacted by the transport consultant in July 2023, but this was primarily in connection with checking progress on other third-party mitigation at the Junction 21A. We remain ready to engage with the consultant to talk about completing our review of the modelling and agreeing what mitigation should be.

For now, our concerns have not been resolved.

*Current Planning Application – 23/1897/FUL*

This application is to vary the approved plans and drawings (Condition 2) and to vary the triggers for the timing of the delivery of highway improvements (Conditions 4, 10, 13, and 32) and to amend the wording of Condition 19 (noise).

*Condition 13*

The applicant proposes to vary the mitigation condition agreed with National Highways (Condition 13) to allow up to 22,558sqm of new buildings at the site to come forward and be occupied prior to the M25 Junction 21a mitigation scheme being agreed and implemented. This is roughly 1/3 of the total development quantum permitted under application ref. 22/0491/FUL.

We have reviewed the Supplementary Planning Supporting Statement (prepared by tor&co Limited in November 2023) and the Updated Transport Assessment (TA) (prepared by Markides Associates in November 2023) supporting this variation of conditions application.

We note that Table 4.1 of the updated TA indicates the potential for a substantial number of trips which would impact the M25 Junction 21a (particularly the anticlockwise off-slip) under the revised development quantum in this initial phase of works.

We are in general agreement with the trip generation and distribution/assignment displayed in the updated TA. However, in the absence of any agreed traffic modelling, we are unable to confirm whether these numbers of trips would represent a severe impact on the SRN. In the first instance we would require a validated/calibrated modelling to be provided. It is also important that these models are signed off by National Highways before any 'reference case' and 'with development' traffic scenarios are tested, to prevent any abortive work being undertaken.

We draw your attention to paragraph 51 of the Circular that where development proposals would have an unacceptable safety impact, or the residual cumulative impacts on the SRN would be severe, suitable mitigation should be identified and agreed to future-proof the network. National Highways considers that any development trips adding to a grade separated junction off-slip, which then results in mainline queuing, extends a mainline queue, and/or increases the frequency at which a mainline queuing occurs, to be an unacceptable safety impact. In such a circumstance, we would seek mitigation measures for any severe/significant impacts generated, also taking into consideration any improvements schemes identified as part of the emerging Local Plan.

We also note the results shown in Table 4.2 of the updated TA which sets out the net change in development traffic at the M25 Junction 21a with a proposed 10% mode shift away from car use. The reduction in development trips shown in this table appears significantly higher than 10%, though no evidence has been provided as to which sustainable transport measures would account for the large reductions shown. According to the Circular, we support fully evidenced sustainable transport measures being the primary means to off-set any potential severe/significant development impacts on the SRN in the first instance. Nonetheless, we would still require a traffic modelling for M25 Junction 21a to be agreed and accepted by National Highways, before a scenario could be run, including the 10% mode shift away from car use.

We understand from our experience with the original application (ref. 22/0491/FUL) that a large package of sustainable transport measures was previously proposed and agreed, even though these were not approved by National Highways as specific mitigation for the SRN, and hence the agreement for physical mitigation at Junction 21a. In the case of the reductions shown in Table 4.2, following agreement on modelling, evidence that clearly demonstrates which measures account for such a dramatic reduction in trips on the SRN will be required.

At this stage, we are unable to agree to the approval of this variation of conditions application until such time as we have further information and have had an opportunity to engage fully with the applicant's transport consultant.

#### Conditions 2, 4, 10, 19 and 32

We note that the applicant seeks to vary Condition 2 (Approved Plans), Condition 4 (Vehicular Access Completion (HCC Highways)), Condition 10 (Highways Improvements – Local Cycle Network Improvements (HCC Highways)), Condition 19 (Noise (TRDC Env Health)), as well as Condition 32 (Decked Car Park – Provision (TRDC)). As for Condition 2, the variation is to update the approved plans to reflect the proposed changes.

These conditions were not recommended by National Highways, or were they recommended based on consideration of the SRN. We do not have comments on their variations.

We also note that through this application it is proposed to submit information required by various planning conditions of the planning permission ref. 22/01491/FUL:

- Condition 3 (Highway Details)
- Condition 6 (EV Charging)
- Condition 7 (Cycle Parking)
- Condition 8 (CMP) (including Phasing Plan)
- Condition 9 (Source of illumination)
- Condition 20 (Remediation Strategy) (*in part*)
- Condition 21 (Verification Report)
- Condition 22 (Long Term Monitoring) (*in part*)
- Condition 24 (Infiltration of Surface Water to Ground)
- Condition 26 (Decommissioning of Investigative Boreholes)
- Condition 27 (Infiltration)

Similarly, these conditions were not recommended by National Highways, or were they recommended based on consideration of the SRN. We do not have comments on the information regarding the above conditions.

**Recommendation: Planning permission not be granted for a specified period**

It is recommended that the application should not be granted permission for a period extending until 14th March 2024; unless in the meantime all queries and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to either refuse the application or agree an extension of time beyond 14th March 2024.

**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.

9.1.17.2 Further comments 15.03.24: [No objection]

Referring to the original consultation dated **23rd November 2023** referenced above, in the vicinity of the **M25 and M1** 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);**

**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 was for the variation of Conditions 2, 4, 10, 13, 19 and 32 pursuant to planning permission 22/0491/FUL [The provision of new sound stages, workshops, production and postproduction offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling] to vary the approved plans and drawings (condition 2); to vary the triggers for the timing of the delivery of highway improvements (conditions 4, 10, 13 and 32) and to amend the wording of condition 19 (noise).

The SRN in the vicinity of the proposed development is the M25 Junction 20 and Junction 21a (J21a) and M1 Junction 6, which are approximately 1.2, 2.1, and 1.8 miles away, respectively. The proposed access to the site would be Warner Drive, a local highway.

With reference to our first NHPR dated 14th December 2023, the remaining outstanding condition of this application to be agreed was Condition 13. We received the information on trip rates from the applicant’s consultant Markides Associates via email on 26th February 2024. Upon our review, we noted our requests for further information has not been satisfied. A follow-up meeting was held on 12th March 2024.

As agreed in the meeting, National Highways would be provided with clarifications, as well as the modelling of the M25 J21a, by Markides Associates in due course. We updated our recommendation that planning permission should not be granted for a specified period on 13th March 2024.

### Updates

We have received an email from the case officer on 15th March 2024 that the applicant has requested that the development description be amended to omit reference to any variation of condition 13.

This application has been updated by the Council as follows:

Variation of Conditions 2, 4, 10, 19 and 32 pursuant to planning permission 22/0491/FUL [The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and

infrastructure works, bund construction, and ground re-profiling] to vary the approved plans and drawings (condition 2); to vary the triggers for the timing of the delivery of highway improvements (conditions 4, 10 and 32) and to amend the wording of condition 19 (noise).

To recapitulate, we have no comment on the requested variations to conditions 2, 4, 10, 19, and 32, nor the information submitted to meet the requirements of the various other conditions which form part of the application (3, 6, 7, 8, 9, 20, 21, 22, 24, 26, and 27). As such, there are no outstanding matters that render us unable to finalise our stance towards this application.

We look forward to resolving all necessary technical issues / concerns regarding any impact of this proposal on the SRN with the applicant team, so as to have the original Condition 13 of planning permission ref. 22/0491/FUL discharged based on our full acceptance of the robust evidence to be submitted in the future.

### **Offer No Objection – Reasons**

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 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 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.

#### **9.1.18 National Planning Casework Unit: [No response received]**

It is noted that application 22/0491/FUL was referred to the National Planning Casework Unit but was not called in for consideration by the Secretary of State.

#### **9.1.19 Natural England: [No response received]**

It should be noted that this consultee raised no objection to 22/0491/FUL.

#### **9.1.20 Network Rail: [No response received]**

It should be noted that this consultee raised no objection to 22/0491/FUL.

#### **9.1.21 Thames Water: [No response received]**

It should be noted that this consultee raised no objection to 22/0491/FUL.

#### **9.1.22 Three Rivers District Council - Heritage Officer: [No objection]**

This is an application for a Variation of Conditions 2, 4, 10, 13, 19 and 32 pursuant to planning permission 22/0491/FUL to vary the approved plans and drawings (condition 2);

to vary the triggers for the timing of the delivery of highway improvements (conditions 4, 10, 13 and 32) and to amend the wording of condition 19 (noise).

Heritage comments relating to the original submission stated:

*Taking into consideration the distance of the other assets from the application site; the extent of existing development of the Warner Bros. Studios as well as other residential development within the locale; existing landscaping and topography of the land it is unlikely that the proposed development would have an adverse effect on the significance of the surrounding heritage assets. Any views of the structures within the application would only be glimpsed so the visual impact (if any) would be low. It is also understood that the structures located in the Backlot and Support Facility area would not be permanent. Therefore, I would not raise an objection to the proposal.*

The proposed amendments to the proposed built development are minor and I have no further comments to make.

9.1.23 Three Rivers District Council - Development Plans: [No response received]

It should be noted that this consultee raised no objection to 22/0491/FUL.

9.1.24 Three Rivers District Council - Environmental Health (Residential): [No objection]

No objection to amendment to condition 19.

9.1.25 Three Rivers District Council - Environmental Protection: [No response received]

9.1.26 Three Rivers District Council - Landscape Officer: [No response received]

9.1.27 Transport for London: [No objection]

I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application.

9.1.28 Watford Borough Council: [No response received]

9.1.29 Watford Borough Council Environmental Health (Commercial): [No objection]

I have no comments to make with regards to air quality or land contamination.

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View towards Stages and Link Bridge



View from proposed roundabout looking towards island site





View towards new roundabout from gadeside



View facing west from ashfields



View looking south along gadeside

## PLANNING COMMITTEE – 18 April 2024

**23/1916/FUL – Widening of entrance to Leavesden Country Park including alterations to existing wall and new brick piers and railings, installation of vehicular barrier; installation of disabled parking bays, pedestrian island, replacement flagpole; and associated landscaping works at OPEN SPACE ADJOINING COLLEGE ROAD AND ENTRANCE TO LEAVESDEN COUNTRY PARK, ABBOTS LANGLEY, HERTFORDSHIRE**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 12.01.2024  
(Extension of time agreed until 25.04.2024)

Ward: Leavesden  
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The applicant is Three Rivers District Council

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=S41USLQFHP300>

### **1 Relevant Planning History**

1.1 No relevant planning history.

### **2 Description of Application Site**

2.1 The application site consists of the vehicular entrance to Leavesden Country Park, off College Road, Abbots Langley. The site measures 0.5ha in total area and includes the single-track vehicle access junction and road and part of the grassed area of country park, associated footpath network and car park.

2.2 The access to the park contains a solid brick wall to the right-hand side of the access and a brick wall with iron railings to the left-hand side. The existing access is wide enough to comfortably accommodate a single vehicle entering or exiting the park.

2.3 The application site is within the Metropolitan Green Belt.

### **3 Description of Proposed Development**

3.1 Planning permission is sought for the widening of the entrance to Leavesden Country Park including alterations to existing wall and new brick piers and railings, installation of vehicular barrier; installation of disabled parking bays, pedestrian island, replacement flagpole; and associated landscaping works.

3.2 The existing 4.9m wide, single-lane entrance from College Road is proposed to be widened to a 15.4m wide, two-lane entrance with a central island. The central island would be made up of raised kerbs and would measure 2.5m in width and 4.5m in depth. The island would contain two bollards of 1.1m in height.

3.3 The area of tarmac would be widened to 15.4m at the entrance and would gradually reduce in width to 5.3m where it merges with the existing track, some 25 metres into the site. New brick piers would be constructed either side of the widened entrance. These would each have a width and depth of 0.8m and a height of 3.2m. The piers would contain bespoke pier caps to match those of the historic wall opposite. A further 6.3m long section of wall to the right-hand side of the entrance would be removed and replaced with railings to match those on the left-hand side of the entrance. A new brick pier, of the same scale and design as described above, would be built at the end of this length of new railing.

- 3.4 A new vehicle height barrier would be installed following the removal of the existing yellow barrier approximately 20m into the site from College Road. The barrier would have a maximum width of 6.7m and an overall height of 2.6m. The barrier would be black in colour with gold detailing and would contain a sign with "Welcome to Leavesden Country Park". The barrier would restrict vehicles over the height of 2.1m entering the site.
- 3.5 The existing flagpole, set behind the wall to the right-hand side of the entrance, would be re-sited to the left-hand side of the access drive, approximately 10m back from the wall.
- 3.6 The existing extent of car park, close to the College Road entrance, would remain as existing however three delineated disabled bays would be marked within the car park.
- 3.7 Two new lengths of "birds mouth" fencing, 0.4m in height, would be installed to a length of 20m either side of the altered access track.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Hertfordshire County Council as Highway Authority: [No objection

4.1.1.1 [First response, November 2023]: Further information required.

#### Recommendation

Requesting further information / amended details.

#### Comments

The proposals include alterations to the existing access from College Road, which is designated as classified C local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. Following consideration and review of the submitted details, HCC as Highway Authority is recommending amendments to the original application and further information including:

Swept path analysis for the largest anticipated vehicle that will use the new access arrangements.

A Stage One Road Safety Audit & Designers Response. The existing access is proposed to be widened and in between a signalised pedestrian crossing and a bus stop. Therefore, the need for a safety audit would be necessary to ascertain any safety provisions that may need to be considered at this stage.

HCC as Highway Authority is recommending these amendments and further information is provided prior to a formal recommendation being made.

4.1.1.2 [Second response, March 2024]: No objection.

#### Proposal

Widening of entrance to Leavesden Country Park, boundary treatments including installation of vehicular barrier, gate, kerbs, railings, brick walls, piers. Installation of disabled parking bays, pedestrian island, replacement of flagpole with associated landscaping works to increase visibility.

#### 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 condition:

1. 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:

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

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

#### Highway Informatives

HCC recommends inclusion of the following highway informatives 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>

AN) 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.

AN) 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>

AN) 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.

#### Comments / Analysis

The proposals include alterations to the existing access arrangements from College Road, which is designated as classified C local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

Following a request from HCC as Highway Authority as part of its response dated 01/12/2023, a Stage One Road Safety Audit (RSA) and Designers Response and updated swept path analysis / tracking plan has been submitted as part of the application.

#### Access

The proposals include amending the existing access into Leavesden Country Park farm site. The proposals are shown on submitted drawing number BL191202 and includes a widening of the existing single width bellmouth carriageway access to facilitate two way traffic with associated works including a central pedestrian refuge island (and tactile / pedestrian dropped kerbs).

The updated swept path analysis (drawing number 2023-4926-AT-106) now includes the central pedestrian refuge island and illustrates a 8m long box van using the proposed access arrangements. The details are considered to be sufficient in this respect.

Following consideration of the RSA results and designers response, there would not be any objections to the proposed works at the planning application stage from a safety perspective, subject to a full assessment as part of the 278 technical review and incorporation (and ultimately implementation) of all of the proposed amendments in the designer's response.

The applicant would ultimately 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 necessary works that would be needed on highway land.

The applicant would need to submit the full Stage One Road Safety Audit and Designers Response as part of the 278 application. Please see the above informative for more information in relation to applying for the 278.

#### Conclusion

Following consideration and assessment of the submitted details, HCC as Highway Authority would not wish to object to the proposals from a highways perspective. The applicant would also ultimately 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 as HA would not wish to object to the granting of planning permission, subject to the inclusion of the above condition, informatives and comments in relation to applying for a section 278 agreement.

4.1.2 Abbots Langley Parish Council: [No objection]

Members refer back to the public consultation held on this proposal and have no further comments.

4.1.3 Landscape Officer: [No objection]

Recommend: Approval.

The submitted tree report indicates that two trees (T3 Field Maple and T20 Horse Chestnut) and part of a group of shrubs (G07) may have to be removed to facilitate the development. Tree T3 is an early mature specimen, which whilst in good health, has relatively poor form. Its removal, if required could be mitigated by replacement planting in the vicinity. T20 is a fully mature tree which has previously been pollarded. A recent inspection by TRDC tree officers revealed that the tree was badly affected by the decay fungus Ganoderma, and the decision was made to remove the tree for safety reasons. A replacement tree will be planted in the near future.

The group of shrubs comprise of semi-mature Laurel and Hawthorn, their removal will not diminish the amenity value of the greenery in the vicinity, and the removal of tree and vegetation close to the boundary wall of the park will be required to prevent future damage to the wall, regardless of the outcome of the planning application. A condition requiring replacement tree planting should be applied.

4.1.4 National Grid: [No response received]

**4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 6.

4.2.2 Responses received: 1 neutral comment received.

4.2.3 Summary of response:

- Plans suggest no vehicle height barrier restricting access to the first car park, have concerns this should be provided.

Officer Response: The plans show that the entrance to the first car park area is amended such that any vehicle entering the first car park must pass under the height barrier.

4.2.4 Site notice posted 01.12.2023, expired 22.12.2023.

4.2.5 Press notice not required.

**5 Reason for Delay**

5.1 Resolution to outstanding HCC Highway Authority objection.

**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.

## 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, CP9, CP10, CP11 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5.

## 6.3 Other

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

## **7 Planning Analysis**

### 7.1 Impact upon the Metropolitan Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.1.2 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

7.1.3 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.4 Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.1.5 Paragraph 154 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

7.1.6 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general 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 sets out that the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out in the policy. There are no specific exceptions within the policy that would relate to the development subject of this application, and therefore regard is had to the NPPF.

7.1.7 It is considered that the proposed development would meet criteria (b) of Paragraph 154 of the NPPF in that it would involve the provision of appropriate facilities in connection with the existing use of Leavesden Country Park, which includes facilities for outdoor sport and recreation. This would be subject to the facilities preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

7.1.8 The proposed development would involve widening of the existing vehicle entrance. This would principally involve the removal of a 10m length of brick wall which is 2.6m in height. It is considered that this feature of the development would not adversely affect the openness of the Green Belt but would improve it. The provision of a wall with railings to the south east side of the new entrance would not harm openness, and would open up more of the frontage to views in and out. The proposed piers would be of the same overall height (2.6m)

compared with the existing however would contain pier caps to match those of the historic wall opposite. While these would increase the height and prominence of the piers, when considered in conjunction with the removal of some of the wall, it is not considered that the openness of the Green Belt would be adversely affected.

- 7.1.9 The proposed development would also involve the laying of additional hardstanding to the existing entrance. The hardstanding would measure an additional 80sqm. While this would have a more urbanising impact compared with the existing situation, it is not considered that the proposed hardstanding is excessive or more than reasonably necessary to facilitate the proposed works. In the context of the proposed development, it is not considered that this feature of the proposed development would impact the openness of the Green Belt.
- 7.1.10 The proposed vehicle height barrier would replace an existing barrier of similar character. The barrier would be relatively slim profile and open in character, allowing views through it. It is not considered that this feature of the proposed development would impact the openness of the Green Belt.
- 7.1.11 The proposed re-siting of the existing flagpole would not impact the openness of the Green Belt. The proposed “birds mouth” fencing, given its low height, siting and open character would not impact the openness of the Green Belt. The proposed new disabled bays to the existing car park would not impact the openness of the Green Belt.
- 7.1.12 Therefore, in summary the proposed development is considered to be appropriate development in the Green Belt which would not harm the openness or visual amenities of the Green Belt and would comply with Core Strategy Policy CP11, Development Management Policy DM2, and the Green Belt chapter of the NPPF.

## 7.2 Impact on Character and Appearance

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities, and quality of an area.
- 7.2.2 The proposed development would involve widening of the existing vehicle entrance. As set out in the above sections of this report, this principally involves the removal of an existing solid wall, and other alterations including new railings and pier caps to introduce a more open boundary treatment, and the laying of additional hardstanding to accommodate a widened access. It is not considered that the proposed development would result in harm to the character and appearance of the area. While the development would result in a more grand and formal entrance, it would be reflective of the local area and would incorporate enhancement such as new railings and pier caps to match those historic ones opposite. It is noted that a similar new length of wall and railing has been implemented opposite.
- 7.2.3 It is not considered that the proposed associated features of the development, including the re-sited flagpole, low “birds mouth” fencing and alterations to the car park would result in any harm to the area.
- 7.2.4 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

## 7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’.

7.3.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The proposed development would also not result in any noise and disturbance of the closest neighbouring properties.

7.3.3 In summary, the proposed development would not result in any impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

#### 7.4 Highways & Parking

7.4.1 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.

7.4.2 Hertfordshire County Council as Highway Authority were consulted on the proposed development and, during the application, requested the submission of a Stage One Road Safety Audit and a Swept Path Analysis, prior to making full comment on the proposal. This information was submitted during the application. This information was submitted by the applicant during the application. HCC confirmed that they raised no objection to the proposed development on highway grounds subject to informatives and the inclusion of a condition for a Construction Management Plan. The applicant submitted a Construction Management Plan following the comments of HCC. HCC confirmed that the CMP was acceptable and therefore the suggested condition can be amended for the development to be carried out in accordance with the submitted details.

7.4.3 HCC note that the applicant would separately 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.

7.4.4 It is noted that the proposed layout includes the provision of a vehicle height restriction barrier set further into the site compared to the existing. To allow for larger vehicles which cannot pass under the barrier to wait safely for the barrier to be moved, a 'No parking' area is to be marked out in what is currently one of the entrances to the first car park. This would enable such vehicles to wait without obstructing College Road or the access road, until they are able to pass through the barrier to service the properties further within the site. The entrance to the first car park is relocated, to ensure that all vehicles using the car park are still required to pass under the barrier, and new kerbing will be constructed to close the existing entrance.

7.4.5 The extent of the existing car park would not change because of the proposed development. Three disabled bays would be marked within the existing car park. It is not considered that the proposed development would have a detrimental impact in terms of parking provision.

7.4.6 On the basis of the above, the proposal would comply 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).

#### 7.5 Trees & Landscape

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 Landscape Officer was consulted on the application and recommended approval in respect of the impact upon trees. The Landscape Officer states that the submitted tree

report indicates that two trees (T3 Field Maple and T20 Horse Chestnut) and part of a group of shrubs (G07) may have to be removed to facilitate the development.

- 7.5.3 The Landscape Officer notes that T3 is an early mature specimen which, whilst in good health, has relatively poor form and its removal (if required) could be mitigated by replacement planting in the vicinity. A suitably worded condition will be included on any permission granted so that, should this tree require removal, a replacement tree is planted within the application site.
- 7.5.4 The Landscape Officer notes that T20 is a fully mature tree which has previously been pollarded and that a recent inspection by TRDC revealed that the tree is badly diseased, and the decision was made to remove the tree for safety reasons irrespective of this planning application.
- 7.5.5 The Landscape Officer further notes that the removal of the group of shrubs (G07) would not diminish the amenity value of the vicinity and that the removal of vegetation close to the boundary wall is required to prevent future damage to the wall.
- 7.5.6 The proposed development is otherwise considered to be acceptable in this regard. Conditions will be included on any permission granted for the development to be carried out in accordance with the submitted tree protection details and the tree method statement.

## 7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.

## 8 **Recommendation**

- 8.1 That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:
  - C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
  - C2 The development hereby permitted shall be carried out in accordance with the following approved plans: BL191202 (LOCATION PLAN), BL191202 (125X178MM DROPPED KERB), BL191202 (50X150MM PIN KERB), BL191202 (BITUMINOUS ROAD CONSTRUCTION), BL191202 (ENTRANCE GATE DETAIL), BL191202 (ENTRANCE GRASS LANDSCAPED SERVICE MARGIN), BL191202 (ENTRANCE OVERHEAD BARRIER DETAIL), BL191202 (ENTRANCE ROADWAY & KERB DETAIL), BL191202 (ENTRANCE SECTION THROUGH TACTILE PAVED CROSSING), BL191202 (ENTRANCE SECTION THROUGH TACTILE PAVED CROSSING 2), BL191202 (ENTRANCE TACTILE PAVED REFUGE DETAIL), BL191202 (ENTRANCE WAY A - PROPOSED OVERLAY), BL191202 (PROPOSED

BOLLARD DESIGN), BL191202 (PROPOSED SITE PLAN - 1:1250 OS MAP), BL191202 (PROPOSED SITE PLAN - 1:1250 VISUAL OVERLAY), BL191202 (PROPOSED SITE PLAN - 1:250 OS MAP OVERLAY), BL191202 (PROPOSED SITE PLAN - 1:250 VISUAL OVERLAY), BL191202 (PROPOSED SITE PLAN - 1:500 OS MAP OVERLAY), BL191202 (PROPOSED SITE PLAN - 1:500 VISUAL OVERLAY), BL191202 (EXISTING & PROPOSED ELEVATIONS)

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers and the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and application forms, and no external materials shall be used other than those approved. All other works, including the proposed brick walls and piers, or making good to the retained fabric shall be finished to match in size, colour, texture, and profile those of the existing features.

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).

- C4 Prior to the end of the first planting and seeding season following first use of the development, details of replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority.

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).

- C5 The tree protection measures, including protective fencing in accordance with BS5837 2012, as shown on drawing number ARBTECH TPP 01 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).

- C6 The development hereby permitted shall be carried out in accordance with the details contained within the submitted Arboricultural Method Statement, dated 9 November 2023. The approved Arboricultural Method Statement shall be adhered to throughout the construction period.

Reason: 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).

- C7 The development hereby permitted shall be carried out in accordance with the details contained within the submitted Construction Phase Health & Safety Plan, dated 28 January 2024. 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).

### **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 £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](mailto: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](http://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>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 15 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.
- 16 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.

- 17 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.











## PLANNING COMMITTEE – 18 April 2024

**24/0102/FUL - Subdivision of the site and construction of a single storey detached dwelling with associated bicycle and bin storage, access, parking, and landscaping works; boundary treatments and new access onto The Courtway at 55 PENROSE AVENUE, CARPENDERS PARK, HERTFORDSHIRE, WD19 5AB (DCES)**

Parish: Watford Rural  
Expiry of Statutory Period: 22.04.2024 (agreed extension)  
Ward: Carpenders Park  
Case Officer: Lauren Edwards.

Recommendation: That Planning permission be granted subject to the completion of a Section 106 agreement and conditions.

Reason for consideration by the Committee: The application was called in by three members of the planning committee due to local concern regarding overdevelopment of the site and parking.

To view all documents forming part of this application please go to the following website:  
[24/0102/FUL | Subdivision of the site and construction of a single storey detached dwelling with associated bicycle and bin storage, access, parking, and landscaping works; boundary treatments and new access onto The Courtway | 55 Penrose Avenue Carpenders Park Hertfordshire \(threeivers.gov.uk\)](https://threeivers.gov.uk/24/0102/FUL)

### Relevant Planning History

- 1.1 20/1000/FUL - Demolition of existing dwelling, subdivision of the site to provide two semi-detached bungalows with accommodation in the roof space served by front and rear dormers, provision of new vehicular access, associated car parking and amenity space – Permitted.
- 1.2 22/0966/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 20/1000/FUL (Demolition of existing dwelling, subdivision of the site to provide two semi-detached bungalows with accommodation in the roof space served by front and rear dormers, provision of new vehicular access, associated car parking and amenity space) to alter front elevation and external finishes, front landscaping and internal alterations to Unit 1. Removal of conditions 3 (external materials), 6 (boundary treatment) and 7 (waste and recycling storage) – Permitted.
- 1.3 23/0054/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 20/1000/FUL (Demolition of existing dwelling, subdivision of the site to provide two semi-detached bungalows with accommodation in the roof space served by front and rear dormers, provision of new vehicular access, associated car parking and amenity space) to include alterations to the approved rear dormer windows; alteration to approved front elevation and external finishes, front landscaping and internal alterations to Unit 1. Removal of conditions 3 (external materials), 6 (boundary treatment) and 7 (waste and recycling storage) – Permitted. and implemented.
- 1.4 23/0844/FUL - Subdivision of the site and construction of a single storey detached dwelling with accommodation in the roofspace served by front and rear dormer windows with associated works including, bicycle and bin store, landscaping works; boundary treatments and new access onto The Courtway -Refused for the following reason:

**R1** The proposed development would represent a cramped and contrived form of development which would appear unduly prominent within the streetscene and would represent overdevelopment of the site. The overall unduly bulky form of the proposed dwelling resulting from the proposed Dutch hip roof form and incorporation of front and rear dormer windows. The development would therefore be contrary to Policies CP1, CP3 and

CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**R2** Insufficient parking would be provided to serve the proposed development and the development to the south which is currently being constructed. The shortfall of parking provision would individually and cumulatively result in a significant increase in parking pressures outside of the site to the detriment of highway safety, the character of the area and residential amenity. The development would therefore be contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

**R3** In the absence of an agreement under the provisions of Section 106 of 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).

## **2 Description of Application Site**

- 2.1 The application site is roughly rectangular in shape and pertains to a parcel of land 200sqm in area which fronts The Courtway. The site forms part of the land which previously served as rear garden and garage to No.55 Penrose Avenue. That house has been demolished, with the southern part of the site currently being redeveloped to provide a pair of semi-detached bungalows in place of the former single bungalow which existed before.
- 2.2 To the north of the site fronting The Courtway is No.54a Greenfield Avenue which is a detached bungalow which has been constructed to the rear of No's.54 and 56 Greenfield Avenue.
- 2.3 No's.53 and 57 Penrose Avenue to the south-east and south-west respectively are both detached bungalows.

## **3 Description of Proposed Development**

- 3.1 The application seeks full planning permission for subdivision of the site and construction of a single storey detached dwelling with associated bicycle and bin storage, access, parking, and landscaping works, boundary treatments and new access onto The Courtway.
- 3.2 The main section of the proposed new dwelling would have a depth of 9.8m and a width of 8.9m. There would also be a garage constructed to the northern side which would extend from the main flank to the boundary and would have a depth of 5.4m and a width of 2.5m. The proposed dwelling would have a maximum height of 5m with a hipped roof form. Two rear rooflights are also proposed which serve the living/dining area. The garage would have a gabled end with a height of 3.5m.
- 3.3 The garage serving the proposed dwelling would be set to the northern flank boundary, the main flank would be set in 3.5m and would be set back a minimum of 0.6m from the front boundary. The proposed dwelling would have two bedrooms. Bin and cycle storage would be provided to the rear. The rear would also include a garden with patio and lawn. Parking would be provided to the north of the dwelling (one in a garage and one on block paving to the side of the dwelling, in front of the garage).
- 3.4 Amended plans have been received during the course of the application to further reduce the scale of the proposed roof form.
- 3.5 This application follows a previous refusal. The current scheme incorporates the following main revisions:

- Omission of loft accommodation.
- Reduction in height/scale of the roof form and change from a Dutch hip to a hip.
- Alteration to parking layout.
- Revision to the siting of the proposed dropped kerb.
- Addition of a new space to serve one of the properties currently being constructed to the south.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Watford Rural Parish Council: [Objection]

*I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. We wish to object strongly to the development of land at this location for the following reasons:*

*We believe that this proposed plan fails under policy DM1 a) v). This type of infill development does not maintain the character of the area. Under Appendix 2 5. New Development iii) it states that a development must “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.” Having a split plot is one thing, but squeezing a further property in seems excessive.*

*Also, we believe that this policy may also fail under policy “DM1 Residential Design & Layout” of the Local Plan. Appendix 2 under point 3c “Amenity Garden Space” As has been pointed out, it seems that the parking space may have been incorporated into this calculation. In addition, the visibility splay document shows turning circles which utilise the pavement at the start of the arc and show the subsequent arc going over the pavement the opposite side, creating potential danger to pedestrians and other road users. WRPC respectfully ask TRDC to confirm that these aspects follow all essential guidelines.*

*We respectfully ask this to be pulled into to planning committee and ask TRDC councillors to finally put a stop to these types of conversion ongoing.*

*Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision.*

#### 4.1.2 Hertfordshire County Council – Highway Authority: [No objection]

*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:*

*COND1) New Access*

*Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on in-principal drawing number 101 in accordance with details/specifications to be submitted to 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).*

## INFORMATIVES

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

*AN1) 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:*

*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 website:*

*<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 public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.*

*Further information is available via the website:*

*<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/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) The Public Footpath: Should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made*



good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

## COMMENTS

*Context: Penrose Avenue is an unclassified local access road and is highway maintainable at public expense. A 30mph speed limit applies. Penrose Avenue is classed P2/M1 on the place and movement network. No reported highway collisions recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.*

*Proposed development: Involves the Subdivision of the site and construction of a single storey detached dwelling and new access.*

*Access: The proposals involve two new dropped kerb vehicle cross overs (VXO) (one per property) providing access via The Courtway. The Courtway is an unclassified local access road and is highway maintainable at public expense. A 30mph speed limit applies. The new accesses would comprise of three flat kerbs, (2.7m) flanked by two ramped kerbs, each 0.9m (overall length 4.5m). HCC as a highway authority considers the access proposals acceptable and in line with HCC's Residential Dropped Kerb Policy. A section 278 agreement will need to be entered into for the construction and alteration of three VXOs. More information can be found in the above informative.*

*Visibility: Achievable levels of inter-visibility between drivers exiting the site and other highway users (vehicles, cyclists and pedestrians) are demonstrated on submitted plans. A visibility splay of 43m in each direction would be consistent with Manual for Streets, Table 7.1 and Roads in Hertfordshire (section 4: sub-section 2.3) for a 30mph speed environment (set-back 2.4m from the carriageway, a 2m set-back may be considered in lightly trafficked and slow speed situations, MfS:7.7.7). Within the vertical plane, there should be no obstruction to visibility 2m high down to a point 600mm above the carriageway, the latter to ensure that small children can be seen (MfS 7.6.3), passing along the footway.*

*Visibility is considered to be achievable and in accordance with Roads in Hertfordshire: Highway Design Guide (Table 4.2.3.1)' and 'Manual for Streets (MfS) (Table 7.1, sections 7.8 / 7.9)'.*

*Trip Generation: The additional habitable space to be created as a result / nature of the proposed development is unlikely to result in a material increase in additional vehicle trips to and from the site. No significant, or severe, impact on the transport network is identified.*

*Parking: The LPA shall be responsible for assessing the proposed development against local parking standards and to satisfy for itself that any level of parking it requires can be achieved within the boundary of the site and not overhang the highway, including the highway footway. The Highway Authority would observe the following. The scale plans demonstrate that two external on site car parking spaces are a minimum of 4.8m x 2.4m and can be accommodated within the site. The proposed garage scales from submitted plans at around 3m wide and 5m deep (internal dimensions). This is not within the 3m wide x 6m deep dimensions recommended in Roads in Hertfordshire: Highway Design Guide (section 4, 9.3) for on-plot garages (single space). Research presented within Manual for Streets (8.3.40) suggests that less than half of garages are used for purposes other than*

*the parking of a private vehicle. The loss of a garage may not necessarily result in the loss of an effective parking space for a car. HCC as a highway authority would only consider the two parking spaces excluding the garage as allocated spaces - Ultimately, Three rivers as the parking authority will determine whether the provision of only one parking space per property (two in total) is sufficient.*

*A cycle store is indicated within the block plan and is in line with HCC's Local Transport Plan Policy 1. Emergency Vehicle Access: Consistent with the NPPF (2023), para. 116 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2) and in Roads in Hertfordshire: A Design Guide (section 2, 6.6). (Requirements are set out in Building Regulations). Access for a pumping appliance should be provided to within 45m of a single dwelling (and within 45m of all points within a dwellings). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.*

#### *Refuse / Recycling Storage*

*Provision has been made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection.*

#### **CONCLUSION**

*HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above condition and highway informative / advisory notes.*

*The applicant will need to enter into a 278 agreement with HCC as Highway Authority in relation to the new access, and an advisory note is recommended in this respect. Further information can be found on the county council's website:*

*<https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Changes-to-your-road/Dropped-kerbs/Dropped-kerbs.aspx>.*

4.1.3 **National Grid:** No response received.

#### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 8 objections

4.2.3 Site Notice: Not required                      Press notice: Not required

4.2.4 Summary of Responses:

- Abuse of system with number of applications received at this site.
- Parking issues.
- Noise and disturbance.
- Out of character.
- Pavement gets blocked/highway safety concerns.
- Corruption/unfair for Officers to assist developer.
- Current works not in accordance with plans.
- Overlooking.
- Pressure on existing infrastructure.
- Proposal profit driven.
- One bungalow on site – this would be a third.

- Impact on property value
- Council should stop repeated applications.
- One application at the site has already been refused.

Officer comment: The on-going works to the southern part of the site are being investigated under separate cover. Some of the issues raised above do not constitute material planning considerations. Those which are will be discussed in the analysis section below.

## **5 Reason for Delay**

5.1 Not applicable.

## **6 Relevant Planning Policy, Guidance and Legislation**

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

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In December 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

### **6.3 The Three Rivers Local Development Plan**

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP3, CP4, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM9, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

## 6.4 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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 Principle of Development

7.1.1 The proposed development would result in a net gain of one dwelling on the application site. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). 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 Policy CP2 of the Core Strategy (adopted October 2011) 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 within a Secondary Centre as set out within the Core Strategy. Policy PSP3 sets out that Secondary Centres should provide approximately 24% of the District's housing requirements.

7.1.4 The application site is not an allocated site for residential development and as such the proposal would be a windfall development. However the application site sits within an established residential area. As such there is no in principle objection to residential development on the site however this is subject to all other material considerations as outlined below.

### 7.2 Housing Mix

7.2.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

1 bedroom 5% of dwellings

2 bedrooms 23% of dwellings

3 bedrooms 43% of dwellings

4+ bedrooms 30% of dwellings

7.2.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide one 2-bedroom house which is the second least required within the district and the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy. However it is considered that a development of this nature, which proposes one new house, 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).

### 7.3 Affordable Housing

7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document. The proposed development would result in a net gain of one dwelling and as such a monetary contribution would be required to be sought unless viability demonstrates otherwise.

7.3.2 A draft Section 106 agreement was submitted with the application. Based upon a 58sqm creation of habitable floorspace the development would require a contribution of £20,300 (plus indexation) based upon 58 x £350 per sqm (Oxhey and Watford fringe). The indexation linked figure is £32,480 based on January 2024 RPI figures. The application has been accompanied by a draft S106 however this contained the figure of £26 250 (index linked) which is above the officer calculations as set out above (£20,300 plus indexation).

7.3.3 Subject to the completion of a Section 106 agreement to secure the £20,300 plus indexation the proposal would accord with Policy CP4 of the Core Strategy (adopted October 2011).

### 7.4 Impact on Character and Street Scene

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 and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will 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.)

7.4.3 The proposal would not comprise tandem development as the proposed new dwelling would front a road nor would it be served by an awkward access drive. Impact on residential amenity and highways considerations are discussed in the relevant sections below.

7.4.4 The Officer's report pursuant to 23/0844/FUL set out the development considered via that application to be unacceptable for the reasons set out below:

*It is wholly acknowledged that there are other examples of similar development in the locality, including at the immediate neighbour to the north, of infill developments at the end of the rear gardens of corner plots within Carpenders Park. As such the principle of infill development is not in itself objectionable. It is also acknowledged that the resultant plot size, footprint and plot width would not be completely at odds with other examples within the locality and would broadly reflect that of the plot to the north. The proposed dwelling would also be road fronting which would respond to the prevailing character of the area. Nevertheless where there are other examples of similar infill style developments of this nature the proposed dwellings have generally been single storey detached bungalows with modest pitched roofs and have not included loft accommodation. The proposed new dwelling would have a Dutch hip roof, higher than the immediate neighbour at No.54a and would have front and rear dormer windows. Owing to the overall scale and design of the proposed dwelling its appearance within the streetscene would be cramped and would sit uncomfortably within the plot giving the visual perception of overdevelopment of the site. The proposed new dwelling would have a particularly top heavy appearance resulting from its overall height and Dutch hip roof form. The undue bulk and massing of the roof form would be further exacerbated by the pitched roof front dormer and rear box dormer, both of which would be visible from a number of public vantage points along Penrose Avenue and The Courtway. The bulk and massing of the roof form would emphasise the cramped and contrived nature of the proposed development which appears unduly prominent and incongruous within the streetscene and represents overdevelopment of the site.*

*Overall the proposed development would represent a cramped and contrived form of development which would appear unduly prominent within the streetscene and would represent overdevelopment of the site. The overall unduly bulky form of the proposed dwelling resulting from the proposed Dutch hip roof form and incorporation of front and rear dormer windows. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

7.4.5 As set out above the Officer's report acknowledged there are other similar examples development within the locality including the immediate neighbour to the north. Thus there was not an in principle objection to the development, however, the previously proposed dwelling did not respond to the prevailing character of the area. Generally the other examples evident include single storey detached bungalows with modest pitched roofs and have not contained loft accommodation whereas the previously refused scheme included a bedroom in the loft space served by a rear dormer and Dutch hipped roof form.

7.4.6 The proposed new dwelling as now submitted does not contain loft accommodation. Whilst it does have a slightly larger roof than the neighbour immediately to the north due to a wider ridge its overall scale, form and design now broadly responds to the other examples evident

within the locality. Furthermore its plot size, footprint and layout are also generally akin to those other examples apparent in the area and the proposed level of amenity space would also be compliant with Appendix 2. The omission of loft accommodation and modest hipped roof now proposed are considered to alleviate the cramped appearance the previous proposed would have had. There would no longer be a top heavy roof form or dormer windows.

7.4.7 It is acknowledged that the plots and gardens of properties fronting the longer roads (e.g the main sections of Greenfield Avenue and Penrose Avenue) are longer than that proposed. However properties found on the 'connecting' roads have shorter plots. The closest example is the immediate neighbour to the north at No.54a Greenfield Avenue. The plots within The Courtway are also smaller owing to the 'crescent' nature of the road. There are also more examples of similar infilling within the connecting roads between Harrow Way, Compton Place and St George's drive which also fall within Carpenders Park and have comparable overall characters. The immediate neighbour to the north has a plot width of approx. 12.7m and a depth of 17m. The proposed plot would have an overall width of 13.3m and a depth of 15.6m. Thus overall would be broadly comparable. The proposed dwelling would also be similar in its overall footprint to the neighbour at No.54a Greenfield Avenue (width 11.4m vs 12.7m proposed, depth 9.2m vs 8.9m proposed). The plot width coverage of the neighbour to the north and that proposed is also relatively comparable as similar spacing is achieved to the north of the neighbour to the boundary as is the case to the south of the proposed dwelling.

7.4.8 It is wholly acknowledged that each site must be assessed on its own merits and direct comparisons of other development cannot be relied upon alone to justify the acceptability of a scheme. However the proposed dwelling as now submitted would have a design which would not appear incongruous within the locality and even considering the existing ongoing development to the south would not give rise to an unduly cramped or contrived layout which would represent overdevelopment of the plot as a whole. The proposed dwelling would be finished in render, facing brickwork and a slate roof. These materials are reflective of other properties in locality which would further assist in the assimilation of the new dwelling into the streetscene.

7.4.9 Overall it is considered that the proposed new dwelling would be acceptable in this regard and that the previous reason for refusal has been overcome. The proposal would be in accordance with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 7.5 Impact on amenity of neighbours

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 The main flank of the proposed new dwelling would be set off the boundary with the neighbour at No.54a Greenfield Avenue (which fronts The Courtway) although it is acknowledged that the proposed garage would be set to the boundary where it would adjoin the neighbouring garage. The proposed dwelling would not extend beyond the front or rear elevations of this neighbouring dwelling and additional spacing is afforded by the existing garage of this neighbour. The southern flank of this neighbour is also absent of windows. Overall it is not considered that the proposed dwelling, which would have a hipped roof sloping away from the boundary would result in unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.

- 7.5.3 The proposed dwelling does not include any loft accommodation with the rear rooflights serving the ground floor living/dining area. Windows/doors would be at ground floor level only and owing to their siting would not give rise to unacceptable overlooking.
- 7.5.4 The proposed new dwelling would be readily visible to the dwellings being constructed to the south of the site. However 9m of garden would separate their rear elevations from the boundary with the new plot with the main dwelling set a further 1m in from the boundary. Overall when considering the distances and orientation of the new dwelling relative to those being constructed, and its single storey nature, it is not considered that the proposed new dwelling would give rise to unacceptable loss of light or an overbearing impact to these neighbours.
- 7.5.5 Overall, it is not considered that the proposed development would result in any significant detrimental impact to the residential amenities of existing neighbouring dwellings. The development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.6 Highways, Access and 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 and dictates that two bedroom dwellings should provide two off-street parking spaces.
- 7.6.2 The previous application was considered unacceptable for a combined reason. It had not been demonstrated that the two parking spaces proposed for the new dwelling could be accessed by a lawful dropped kerb and the proposal would have also led to the removal of the parking space which would have served one of the other new dwellings currently under construction to the south.
- 7.6.3 This application now incorporates a parking space to the south of the proposed new dwelling to serve the new dwelling currently under construction. Thus this dwelling would still be provided with the one parking space in accordance with its approval. This would also be served by a vehicular cross over (VXO) which is considered acceptable to the Highways Officer.
- 7.6.4 The proposed dwelling would have two bedrooms and as such would require 2 spaces (1 assigned). The current proposal includes the provision of 2 parking spaces to the north of the new dwelling, on site. One space would be in a garage and the other in front (still within the site). The proposed garage would comply with Hertfordshire County Council guidance in relation to its width but not its depth. The proposed depth would be 1m shorter than required by HCC standards. Whilst it would be possible to fit an average sized car (e.g Ford Mondeo, BMW 3 series) in the garage there would not also be room for ancillary storage as well, as is the aim of the HCC size guidance. Notwithstanding this given it is not completely compliant with the guidance regard must be had as to whether one parking space to serve the new dwelling would be sufficient. The parking space to the front of the garage would be served by a new dropped kerb which is considered satisfactory to the Highways Officer. Furthermore would be of a sufficient size to comfortably accommodate a car.
- 7.6.5 The application site is within a 0.4 mile (10 minute) walk of Carpenders Park Station. There are also local bus services to Watford within a similar walk together with local shops and services. There is some provision for on street parking in the locality however this is not relied upon. When considering the location of the site and the provision of cycle stores, together with the provision of the requisite number of allocated spaces it is not considered that a shortfall of one parking space would give rise to demonstrable harm in this case.



## 7.7 Quality of accommodation for future occupants

- 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.
- 7.7.2 Appendix 2 of the DMP LDD outlines that two bedroom dwellings should provide 63sqm of amenity space. The proposed plot would provide a private rear garden of 69sqm. As such the proposed development would comply with Appendix 2 in this respect.
- 7.7.3 Whilst the proposed development would result in a decrease of the amenity space which was consented to serve the new dwellings to the south, the dwelling to the west would still retain 63 sqm of amenity which would be sufficient to serve the 2 x two bedroom dwelling. As a result of the new parking space the dwelling to the east would have 50sqm (13sqm lower than policy compliance). Notwithstanding this the amenity space reserved for this dwelling would be of a good quality and the application site is within a 0.2 mile (4 minute) walk of Greenfield Avenue play area which provides public open space. In this case it is not considered that a 13sqm shortfall would result in demonstrable harm.
- 7.7.4 Appendix 2 of the DMP LDD outlines that where garden length alone is relied upon for privacy a minimum of 14m should be achieved. A 9m separation distance would be achieved between the rear elevation of the new dwellings being constructed to the south which is below the 14m separation distance set out within Appendix 2. However the only flank window within the southern flank of the dwelling would serve a bathroom and it is not considered that the views afforded from the dormer windows of the properties being constructed to the south towards the garden of the new dwelling would be at odds with those generally expected in a residential area.

## 7.8 Wildlife and Biodiversity

- 7.8.1 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.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

## 7.9 Trees and Landscaping

- 7.9.1 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 Standards'.
- 7.9.2 The application site is not located within a Conservation Area nor are there any on site TPOs.
- 7.9.3 The proposed block plan indicates that the rear garden would be lawned with hardstanding to the front. The proposed layout is considered appropriate within the context of the area and as such a further hard and soft landscaping condition is not considered necessary.

## 7.10 Sustainability

- 7.10.1 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.
- 7.10.2 This application is accompanied by an energy statement prepared by Elmhurst energy which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 5.69%). As such the development complies with the requirements of Policy DM4.
- 7.11 Refuse and Recycling
- 7.11.1 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
- 7.11.2 Refuse stores are proposed within the rear garden with a side access available to take the bins through to the frontage on collection days. The proposed arrangements are considered acceptable for the residential context of the site.

## **8 Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement:
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: LAR\_000 B, LAR\_100 C, LAR\_004 A, LAR\_101 B, LAR\_102 B and LAR\_103A
- Reason: For the avoidance of doubt and in the proper interests of planning, in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 The new dwelling shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and as set out in the submitted application form 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C5 Prior to the first occupation of the development hereby permitted the vehicular access and parking spaces shall be completed and thereafter retained in accordance with the details and layout as more particularly shown on plan number LAR\_101 Rev B. Prior to their first use appropriate arrangements shall also 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 minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 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 D - erection of a porch

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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 The boundary treatment shall be carried out and maintained in accordance with the layout and details as more particularly shown on plan number LAR\_101 Rev B.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in

accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 14 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990
- 15 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:

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> by telephoning 0300 1234047.

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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.

The Public Footpath: Should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and

divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

## 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 31<sup>st</sup> 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 11<sup>th</sup> May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19<sup>th</sup> May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1<sup>st</sup> 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 1<sup>st</sup> 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 24<sup>th</sup> July 2018 a new version of the National Planning Policy Framework<sup>1</sup> (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 :
  - 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:

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<sup>1</sup> 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.

- 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 £2million<sup>2</sup>** 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 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 schemes<sup>3</sup>.

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<sup>2</sup> 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

<sup>3</sup> 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



- 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 determined<sup>4</sup> 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 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"***

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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.

<sup>4</sup> Includes refused and approved applications. Excludes prior approval developments.

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 2016<sup>5</sup>, 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**<sup>6</sup> most

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

<sup>6</sup> 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).

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
<b>5</b>	<b>Three Rivers</b>	<b>£325,000.00</b>

**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 £385,000<sup>7</sup>. 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 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
<b>7</b>	<b>Three Rivers</b>	<b>£385,000</b>

**Table 2.**

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021<sup>8</sup>, 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 earnings<sup>9</sup>). 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 ratio<sup>10</sup> for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income

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

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

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

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

to median quartile house price affordability ratio<sup>11</sup> was 13.77, the fourth<sup>12</sup> 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 <sup>8</sup> (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
4	<b>Three Rivers</b>	<b>13.77</b>

**Table 3.**

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	<b>Three Rivers</b>	<b>14.25</b>

**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 2021<sup>13</sup>.

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*

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

<sup>12</sup> 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).

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

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LNHA) (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 households<sup>14</sup>.
- 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 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 2036<sup>15</sup>.
- 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 2036<sup>16</sup>.
- 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 Rivers<sup>17</sup>. 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 annum<sup>18</sup> 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**

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

<sup>15</sup> 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)

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

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

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

- 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 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 sites<sup>19</sup> 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**

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<sup>19</sup> Sites with completions in the monitoring year 2021/22

2.16 In 2017/2018 (financial year), there were 67 planning applications determined<sup>20</sup> for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (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

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<sup>20</sup> Includes refused and approved applications. Excludes prior approval developments.

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%)<sup>21</sup>. 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. 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*

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<sup>21</sup> See footnote 3.



*then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.”<sup>22</sup>*

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: 21<sup>st</sup> 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: 27<sup>th</sup> 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 5<sup>th</sup> 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: 1<sup>st</sup> 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 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*

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<sup>22</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

*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 22<sup>nd</sup> 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 11<sup>th</sup> 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 7<sup>th</sup> 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 22<sup>nd</sup> 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 5<sup>th</sup> 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 16<sup>th</sup> 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 10<sup>th</sup> 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 9<sup>th</sup> 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 7<sup>th</sup> 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: 21<sup>st</sup> 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 8<sup>th</sup> 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 18<sup>th</sup> 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 4<sup>th</sup> 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 15<sup>th</sup> 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: 10<sup>th</sup> 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: 16<sup>th</sup> 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: 29<sup>th</sup> 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: 30<sup>th</sup> 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: 23<sup>rd</sup> 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: 27<sup>th</sup> 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/eqcl-page/core-strategy>
2. Annual Monitoring Report 2020/2021 (December 2021)  
<http://www.threerivers.gov.uk/eqcl-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/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

**March 2023**

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