

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 12 September 2024 at 7pm.

Councillors:

Christopher Alley  
Sara Bedford  
Oliver Cooper  
Stephen Cox  
Harry Davies  
Steve Drury  
Vicky Edwards  
Andrea Fraser  
Elinor Gazzard  
Stephen Giles-Medhurst  
Rue Grewal  
Philip Hearn  
Lisa Hudson  
Tony Humphreys  
Khalid Hussain  
Raj Khiroya  
Joan King  
Stephen King  
Chris Lloyd  
David Major  
Keith Martin

Abbas Merali  
Chris Mitchell  
Debbie Morris  
Ian Morris  
Sarah Nelmes  
Louise Price  
Kevin Raeburn  
Reena Ranger  
Ciaran Reed  
Andrew Scarth  
Narinder Sian  
Mike Sims  
Tom Smith  
Jonathan Solomons  
Cheryl Stungo  
Jon Tankard  
Chris Whately-Smith  
Anne Winter

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*Joanne Wagstaffe, Chief Executive  
Wednesday, 4 September 2024*

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

Details of the procedure are provided below:

For those wishing to speak:

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

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

of the application and one against.

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

For those wishing to observe:

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

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

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

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

(Pages 9  
- 16)

To confirm as being a correct record, the minutes of the meeting of the Planning Committee, held on 15 August 2024.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**4. NOTICE OF URGENT 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. 23/1795/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 NO. TWO STOREY DWELLINGS WITH ASSOCIATED BIN STORE, PARKING AND LANDSCAPING WORKS AT 35 HIGH STREET, ABBOTS LANGLEY, WD5 0AA**

(Pages  
17 - 50)

That PLANNING PERMISSION BE GRANTED subject to conditions as set out below.

**6. 24/0518/FUL - CHANGE OF USE OF LAND TO HORTICULTURE, GRAZING OF ALPACAS AND FOR THE KEEPING OF HORSES INCLUDING ERECTION OF SINGLE POTTING ENCLOSURE, POLY TUNNELS, HAY STORE AND FOUR MOBILE STABLES AT LAND REAR OF CROXLEY HOUSE, LITTLE GREEN LANE, CROXLEY GREEN, HERTS**

(Pages  
51 - 82)

That subject to no new material considerations being raised, planning permission be granted subject to the following conditions.

7. **24/0918/FUL – CONSTRUCTION OF SINGLE STOREY FRONT AND REAR EXTENSIONS, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND CONSTRUCTION OF NEW SHED AT 19 ASH CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DN** (Pages 83 - 100)

Recommendation: That planning permission be GRANTED subject to conditions.

8. **24/1018/FUL - CONSTRUCTION OF LOWER GROUND FLOOR LEVEL, AND PART SINGLE, PART TWO STOREY REAR EXTENSION AND FIRST FLOOR FRONT EXTENSION; CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION; LOFT CONVERSION INCLUDING SIDE/REAR ROOFLIGHTS INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION DETAIL AT 44 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LR** (Pages 101 - 118)

That Planning Permission be GRANTED

9. **24/1093/PIP – PERMISSION IN PRINCIPLE APPLICATION: ERECTION OF A BLOCK OF SIX APARTMENTS WITH ASSOCIATED ACCESS, BIN AND BIKE STORE, PARKING AND LANDSCAPING WORKS AT LAND ADJACENT TO 62-84 AND 99-121, SYCAMORE ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS** (Pages 119 - 146)

That PERMISSION IN PRINCIPLE IS REFUSED.

10. **24/1101/FUL CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND ALTERATIONS TO FRONTAGE TO PROVIDE ADDITIONAL PARKING, AT ALDERS, 64 GROVE FARM PARK, NORTHWOOD, HA6 2BQ** (Pages 147 - 162)

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions

11. **24/1161/FUL – CHANGE OF USE OF LAND TO RESIDENTIAL USE IN ASSOCIATION WITH FORTUNES FARM INCLUDING EXTENSION AND CONVERSION OF EXISTING STABLE BLOCK TO HOME OFFICE AND GYM AT FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY** (Pages 163 - 176)

Recommendation: That the application be delegated to the Head of Regulatory Services to consider any new material planning considerations raised and PLANNING PERMISSION BE GRANTED

12. **PRELIMINARY REPORT: 24/0476/OUT: OUTLINE APPLICATION: COMPREHENSIVE DEVELOPMENT OF THE SITE, DELIVERING UP TO 300 NO. RESIDENTIAL DWELLINGS (USE CLASS C3), ASSOCIATED ACCESS, AND SUPPORTING AMENITY SPACE, LANDSCAPING, GREEN INFRASTRUCTURE AND SUSTAINABLE DRAINAGE SYSTEMS (ALL MATTERS RESERVED EXCEPT FOR ACCESS) AT LAND EAST OF GREEN STREET AND NORTH OF ORCHARD DRIVE CHORLEYWOOD** (Pages 177 - 280)

Recommendation:

- (1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

13. **PRELIMINARY REPORT: 24/0538/OUT: OUTLINE APPLICATION: DEMOLITION OF THE EXISTING FARM BUILDING AND COMPREHENSIVE DEVELOPMENT OF THE SITE, DELIVERING UP TO 675 NO. RESIDENTIAL DWELLINGS (USE CLASS C3), A NEW TWO-FORM ENTRY PRIMARY SCHOOL, ASSOCIATED ACCESS, AND SUPPORTING AMENITY SPACE, LANDSCAPING, GREEN INFRASTRUCTURE AND SUSTAINABLE DRAINAGE SYSTEMS (ALL MATTERS RESERVED EXCEPT FOR ACCESS) AT LAND EAST OF GREEN STREET AND NORTH OF ORCHARD DRIVE CHORLEYWOOD** (Pages 281 - 388)

Recommendation:

- (1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

14. **OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**

**Exclusion of Public and Press**

If the Committee wishes to consider any items 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 on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

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

**Background Information**

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

- Application file(s) referenced above
- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)
- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance
- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)

- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)
- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

**General Enquiries: Please contact the Committee Team at**

[committeeteam@threerivers.gov.uk](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, 15 August 2024 from 7.30 - 9.12 pm.**

### **Present: Councillors**

Chris Whately-Smith, Chair  
Philip Hearn  
Chris Lloyd  
Andrea Fraser  
Sara Bedford  
Elinor Gazzard  
Chris Mitchell  
Harry Davies  
Stephen King

### **Officers in Attendance:**

Matthew Roberts, Development Management Team Leader  
Scott Volker, Principal Planning Officer  
Suzanne O'Brien, Principal Planning Officer  
Anita Hibbs, Committee Officer

### **External attendance:**

Diana Barber – Batchworth Community Council  
Jon Bishop – Chorleywood Residents' Association  
Michael Lowry – Sarratt Parish Council

### **PC42/23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Debbie Morris, the substitute being Councillor Andrea Fraser.

### **PC43/23 MINUTES**

The minutes of the Planning Committee held on 18 July 2024 were confirmed as a correct record and signed by the Chair of the meeting.

### **PC44/23 DECLARATIONS OF INTEREST**

The Liberal Democrat Group declared a non-pecuniary interest in item 9, as the architect is a member of the authority and a member of the Liberal Democrat Group. He is not present.

### **PC45/23 NOTICE OF URGENT BUSINESS**

There were no items of other business.

### **PC46/23 23/1795/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 NO. TWO STOREY DWELLINGS WITH ASSOCIATED BIN STORE, PARKING AND LANDSCAPING WORKS AT 35 HIGH STREET, ABBOTS LANGLEY, WD5 0AA.**

Scott Volker, Principal Planning Officer provided the following update:

Comments received from Environmental Health Officer who raised no objection subject to three conditions requiring submission of a remediation strategy prior to commencement of the development; verification report prior to occupation and condition relating to the discovery of unexpected contamination during construction works.

Informative 6 is to be deleted as the application is not subject to s.106 agreement.

Members expressed concerns regarding the location of the refuse bin that has been planned for the site. Members highlighted issues related to the accessibility of the bin store for refuse lorries, emphasising that the current location could block traffic on the mini roundabout and cause parking issues. Additionally, there are concerns that the visibility of the bin store may encourage fly tipping, and that residents may struggle to access the bins if they are not positioned correctly.

Members of the Committee requested clarification on these issues, particularly, the refuse lorry's ability to access the bins safely.

The case officer responded, explaining that officers had been engaging with the developer with regards to provision of a turning space for lorries, which had been required by Hertfordshire County Council as one of the conditions.

The area to the front of plots 4-6 would be sufficiently sized for a box lorry, such as a supermarket delivery truck to maneuver and exit safely in forward gear, and for refuse and larger vehicles. There was a discussion with the agent regarding the removal of the two most southern parking spaces to facilitate the turning space. The agent had been working with their team and had worked on a tracking system for larger vehicles that could adequately maneuver and turn around within the space. Therefore, officers can request a further plan from the agent to clearly define the area as a turning space, mark it, and condition it to be a turning space, which would enable refuse vehicles to enter and exit in forward gear, and then it would enable the refuse collection team to collect the bins individually from the front of the properties.

The case officer further clarified that bin storage for plots 1-3 will be within their rear gardens, while plots 4-6 will have designated bin storage areas on the left side of plot 4. If the bins for plots 1-3 are stored in the rear gardens and only brought out on collection day, it would eliminate the need for the bin stand area, and plots 4-6 would benefit from their bin stand to the front of plot 4.

Members argued that the current design is inadequate, and bins could potentially block the pavement on collection day. A dedicated bin store is needed that could accommodate three wheelie bins, as storing the bins in rear gardens and trying to navigate them from the rear, through parked cars is impractical.

There were further issues raised by Members with the accessibility of the bin store for plots 4-6, as the plans currently show steps down to the bin storage area which would not be acceptable.

Matthew Roberts, Development Management Team Leader noted the concerns and summarised the key points; regarding the need for a discussion with the agent, including, the bin storage, the potential removal of two parking spaces, and the requirement for clear demarcation of parking areas. The officer emphasised the need for a management plan for the communal areas, and clarification on whether a management company will oversee these areas or, if responsibilities will be shared among future property owners. Ultimately, the aim is to ensure that waste vehicles can access the site effectively and safely, while accommodating the needs of the residents.

The agent, Mr. Sturgess spoke in support of the application.



In response to a question raised by Members of the Committee on the affordable housing contribution; the case officer reported that the build costs were independently scrutinised by a quantity surveyor and that was a differing topic as part of the application process. The original application was supported by a viability assessment, and that was reviewed initially by the Council's independent viability assessor, who came to a different total cost. The applicant challenged their recommendations and their approach taken, and in doing so, they requested an independent review by a quantity surveyor who agreed with the applicant, that their method and approach to build costs were correct and adequate in this situation, and therefore agreed with the applicant that their build costs should be attached. The viability was recalculated, and the independent quantity surveyor subsequently came to a different conclusion to their original assumptions, resulting in this scheme not being viable to contribute towards affordable housing.

Councillor Chris Lloyd moved for deferral of the application, seconded by Councillor Sara Bedford, on the basis that officers will seek tracking details for refuse vehicles, introduction of turning circle, bin storage details to rear for plots 1-3 and alterations to bin storage access arrangements for plots 4-6.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 9 For, 0 Against, 0 Abstention.

RESOLVED:

That the application is deferred, on the basis that officers will seek tracking details for refuse vehicles, introduction of turning circle, bin storage details to rear for plots 1-3 and alterations to bin storage access arrangements for plots 4-6.

**PC47/23      23/1797/FUL - DEMOLITION OF EXISTING DWELLING AND BUILDINGS AND ERECTION OF TWO STOREY DETACHED BUILDING TO CREATE 17 NO. FLATS, INCLUDING LOWER GROUND FLOOR LEVEL, FIRST AND SECOND FLOOR BALCONIES AND ACCOMMODATION IN THE ROOFSpace WITH DORMERS, ROOFLIGHTS, SOLAR PANELS WITH ASSOCIATED PARKING AND LANDSCAPING WORKS AT CEDAR HOUSE, SANDY LANE, NORTHWOOD, HA6 3EZ**

Scott Volker, Principal Planning Officer provided the following summary to the Committee:

- Members considered this application at committee in May.
- Members resolved to refuse the application on grounds relating to overdevelopment demonstrated by insufficient parking and the lack of useable and quality of amenity space; and the absence of a S106 to secure affordable housing review mechanism and private refuse collection.
- Prior to Officers issuing the decision the agent contacted the council and supplied Officers with revised plans and additional information seeking to overcome the concerns expressed at the Committee meeting. These included drawings proposing a material change to the scheme to provide an additional parking space and supplementary supporting information relating to amenity space provision and useability (375sqm useable; 104sqm private balconies Total 479sqm plus 586sqm of visual amenity space - Total 1,065sqm (Requirement 427sqm)
- This additional information is considered material to the determination of the application and therefore the application is now being returned to Committee for further consideration.
- Officers could have refused to accept the revisions and additional information; however, this potentially would have been presented as part of any future appeal and considered in any costs application.
- The site is a brownfield site in a secondary centre served by local bus routes and given the recent publication of Written Ministerial Statement setting out the aims new Government's regarding proposed changes to the NPPF and introduction of new

mandatory housing targets this application is a good opportunity to provide new housing.

A Batchworth Community Councillor spoke against the application.

A Ward Councillor also spoke against the application.

The agent, Mr. Bateman spoke in support of the application.

In response to a request for clarification on the additional parking space, the case officer advised that the additional parking space was provided as a result of the loss of the turning space in that area. It was originally designated to be a turning space, however, the agent had created a parking space and then updated the transport statement, which showed that suitable tracking and movement of the vehicles in that area were sufficient for users to maneuver without a turning space.

Councillor Chris Whately-Smith moved, seconded by Councillor Stephen King that PLANNING PERMISSION BE GRANTED, subject to the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 9 For, 0 Against, 0 Abstention.

RESOLVED:

That PLANNING PERMISSION BE GRANTED, subject to the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection.

**PC48/23      24/0804/FUL - CONSTRUCTION OF PART SINGLE, PART TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION; FRONT PORCH, PARTIAL GARAGE CONVERSION LINKING TO MAIN DWELLING, ADDITION OF SIDE DORMER AND REAR TERRACE BALCONY; INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION AT HOLLY TREES, TROUT RISE, LOUDWATER, RICKMANSWORTH, WD3 4JR.**

Matthew Roberts, Development Management Team Leader provided the following update:

Following the publication of the report the Case Officer has received 2 emails from neighbouring properties expressing their disappointment with the 'refusal'. Officers clarified that at this stage only an Officer recommendation has been made. The application has not been determined confirming that it would be for members of the committee to determine the application. The neighbours further reiterated their support for the proposal. It is not considered that the receipt of these comments necessitates any revisions to the report as published.

A Parish Councillor spoke in support of the application.

A Ward Councillor also spoke in support of the application.

The applicant, Mrs Wright-Brown also spoke in support of the application.

The Committee considered the application and raised questions around where the harm would be and pointed out the efforts made by the applicant to align the new design with the existing style.

The case officer explained that although officers recognise the positive enhancements that have been made across the scheme, the conservation officer has expressed concerns predominantly on the combination of the different extensions eroding the original character of

the house. However, Members could potentially view the extensions differently, based on preserving certain elements.

The case officer further explained that the unique character of the house is the asymmetrical design, and the conservation officer's concern is that this unique character will become more symmetrical with the proposed extension design. Although, officers lean towards the conservation officer's comments in their judgement, Members could come to a different judgement.

Members highlighted the challenges faced when balancing the views of conservation officers with the need for development that may not be visible but still impacts the conservation area.

Concerns were raised about the implications of going against conservation officers' recommendations and the emphasis on the importance of considering their professional judgement in the decision-making process.

Councillor Chris Lloyd proposed that planning permission be granted with the appropriate conditions and stressed the need for the changes to match existing materials to accommodate modern living while respecting the area's history. He acknowledged the evolution of conservation areas and the importance of balancing objections with support from the community.

Responding to a request for clarification on the conservation officer's objections; the case officer reiterated that there are a number of factors that cumulatively result in harm according to the conservation officer. The first being the scale of the extensions when compared to the original dwelling, followed by the loss of the asymmetrical form due to the introduction of the cat slide roof, in addition to consolidating the built form by attaching the garage to the house, extending built form across the plot, rather than having a gap, which emphasizes the overall scale of the extensions. In the conservation officer's opinion, those factors combined would dilute the positive contribution the dwelling currently makes to the conservation area.

It was also clarified by the case officer that the garage would normally be conditioned that it remains as a garage, if there are potential problems with parking, however, this is not the case in this instance, and the conversion of that garage to habitable accommodation at a later date may not require planning permission. It would only become an issue if it was a separate planning unit that is used for independent residential purposes, which would need planning permission in its own right. Therefore, the condition wouldn't have much of a material impact and therefore is not required.

Councillor Chris Lloyd moved, seconded by Councillor Elinor Gazzard that planning permission be granted, contrary to officer recommendation for refusal, subject to the following conditions:

- time limit
- approved plans
- submission of materials
- works to accord with Arboricultural Impact Assessment
- rooflight to be flush with roof
- erection of 1.8m high solid/obscure privacy screens to flank of balcony
- obscure window to proposed side dormer
- no additional windows to flank windows / roof slopes
- details showing how walls to be retained during construction can be retained.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 0 Against, 1 Abstention.

RESOLVED:

That PLANNING PERMISSION be APPROVED.

**PC49/23 24/0814/FUL - ERECTION OF SINGLE STOREY FRONT AND SIDE EXTENSION AT SARRATT VILLAGE HALL, THE GREEN, SARRATT, HERTFORDSHIRE**

Suzanne O'Brien, Principal Planning Officer provided the following update:

Comments from Cadent Gas have been received that request an informative to be attached to any planning permission, advising that there may be legal interest in the land, that may restrict activity and proximity to Cadent assets.

A Parish Councillor spoke in support of the application.

A Ward Councillor also spoke in support of the application.

Councillor Chris Lloyd moved, seconded by Councillor Chris Mitchell that, subject to conditions PLANNING PERMISSION BE GRANTED.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 9 For, 0 Against, 0 Abstention.

RESOLVED:

That subject to conditions PLANNING PERMISSION BE GRANTED.

**PC50/23 24/1064/FUL – DEMOLITION OF EXISTING CONSERVATORY AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AND FRONT PORCH EXTENSION, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION; PROVISION OF WINDOW TO SIDE ELEVATION AT 26 POPES ROAD, ABBOTS LANGLEY, HERTS, WD5 0EY**

Matthew Roberts, Development Management Team Leader provided the following update:

At paragraph 8.1, the recommendation states that “retrospective” planning permission is granted, subject to conditions. However, as it is not a retrospective application, it should simply read “That planning permission is granted, subject to conditions”.

Abbots Langley Parish Council do not object.

Councillor Chris Whately-Smith moved, seconded by Councillor Chris Lloyd, that PLANNING PERMISSION IS GRANTED subject to conditions.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 0 Against, 1 Abstention.

RESOLVED:

That PLANNING PERMISSION IS GRANTED subject to conditions.

**PC51/23 WITHDRAWN - 24/1093/PIP – PERMISSION IN PRINCIPLE APPLICATION: ERECTION OF A BLOCK OF SIX APARTMENTS WITH ASSOCIATED ACCESS, BIN AND BIKE STORE, PARKING AND LANDSCAPING WORKS AT LAND ADJACENT TO 62-84 AND 99-121, SYCAMORE ROAD, CROXLEY GREEN**

The Chair notified the Committee that this application had been withdrawn.

**PC52/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**

There were no items of other business.

**CHAIRMAN**

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## PLANNING COMMITTEE – 12 September 2024

### **23/1795/FUL - Demolition of existing building and erection of 6 no. two storey dwellings with associated bin store, parking and landscaping works at 35 HIGH STREET, ABBOTS LANGLEY, WD5 0AA.**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 19.01.2024  
(Extension of Time: 16.08.2024)

Ward: Abbots Langley & Bedmond  
Case Officer: Scott Volker

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions as set out below.

Reason for consideration by the Committee: Called in by Abbots Langley Parish Council for reasons set out at paragraph 4.1.1 below.

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=S30Q92QFHHH00>

### **Committee Update**

- 1.1 This application was considered by the Planning Committee on 15 August 2024. The application was deferred for Officers to seek tracking details for refuse vehicles, introduction of turning circle, bin storage details to rear for plots 1-3 and alterations to bin storage access arrangements for Plots 4-6.
- 1.2 Since the previous committee meeting, the applicant has submitted an amended Block Plan (05 REV-L) and Site Layout Plan (06 REV-K). The plans indicate private refuse areas within the respective rear gardens of those plots which benefit from side or rear gated access to a private garden (Plots 1-3, 4 and 6). Plot 5 which is a mid-terrace property will have an external bin storage area accessed via the shared pathway which runs along the front of Plots 4-6.
- 1.3 At the previous committee, Members were also concerned with the accessibility to and from the bin stand areas, particularly from Plots 4-6 given the stepped access. The applicant has amended the scheme to include the provision of a ramped access to the front of Plot 6 to provide an alternative means of access for future occupants.
- 1.4 On bin collection days, residents will be expected to place their bins onto the bin stand which has been relocated to the rear of the Plot 1 (as indicated on the amended plans). The Amended Block Plan (05 Rev-L) contains tracking details for a refuse vehicle highlighting that such a vehicle can enter and exit the site in forward gear by utilising a turning area provided within the southern area of the site. The turning area results in the loss of two spaces. The applicant has confirmed that the turning space would be clearly marked to ensure that cars are not parked in this space. This will be achieved by ensuring that the hard surfacing material used for the parking spaces is different from the rest of the access road and turning area, thereby providing a clear demarcation between the two. Additionally, some lettering on the turning area will be provided and a sign displayed. This will be secured by condition. The council's Waste Collection Team have been consulted on the revised arrangements and any comments received will be verbally updated.
- 1.5 At the previous committee meeting, Officers provided a verbal update on the comments received by the Environmental Health Officer (EHO). These comments are added in full at paragraph 5.1.6. In summary, the EHO raised no objection to the proposal, subject to conditions which have been added.

- 1.6 At the planning committee meeting, Officers advised that an informative providing guidance on S.106 has been deleted as this application is not subject to the completion of S.106.

## 2 Relevant Planning History

- 2.1 None.

## 3 Description of Application Site

- 3.1 The application site is 'L' shaped, measuring approximately 1700m<sup>2</sup> and located to the northern end of the Abbots Langley High Street between the secondary shopping area to the south and residential properties to the north. The site has a single vehicular access onto the High Street approximately 10 metres to the south of a mini roundabout occupying the junction of the High Street and the residential cul-de-sac of St Lawrence Court opposite the site. St Lawrence Church is a Grade I Listed Building located to the north-west of the mini-roundabout and is clearly visible from the application site.
- 3.2 The site is occupied by a primarily flat roofed single storey building which was formerly operated as a Chinese restaurant. A car park occupies the front part of the site adjacent to the highway and continues along the southern boundary of the site adjacent to the shopping parade. The existing building also has a smaller two storey element which contained a residential unit at first floor level in keeping with the building's historic use as a Public House. This first floor element is set back from the highway and relatively unobtrusive from the High Street as it occupies an area of land that extends to the rear of the dwellings fronting the High Street. Apart from the two-storey building, this area at the rear is laid to grass and was formerly the pub garden.
- 3.3 The site is located within the Abbots Langley Conservation Area, is within an area of archaeological importance, directly abuts a designated secondary shopping area and is sited opposite a Grade I Listed Church. Two of the dwellings to the immediate north (23 and 25 High Street) are Grade II Listed Buildings, with the rear boundaries of these properties abutting the rear part of the site. A further two buildings immediately abutting the site are Locally Important (The Boys Home Public House and 27 High Street). Additional listed buildings and locally important buildings exist in the wider street scene, primarily to the north of the site.
- 3.4 The site is also identified in the Site Allocations Development Plan Document (Site H(3)) for residential development with an indicative capacity for ten dwellings.

## 4 Description of Proposed Development

- 4.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site involving the erection of two 2-storey terraces providing a total of **six dwellings** with associated bin store, parking and landscaping works. The proposal would provide 1 x 3-bed unit and 5 x 2-bed units.
- 4.2 One row of three dwellings (Plots 1-3) would front the High Street and hold a uniform front building line. This row would be set back from the High Street and would continue to provide an active frontage to the road. Plot 1 would contain the sole 3-bed unit within the development. The terrace row would have width of 22.5m and would be two storey of red brick exterior and tiled pitched roof with gable ends. Each dwelling would benefit from a two-storey gabled rear projection but the main part of the dwellings would measure 6.3m in depth. Private amenity spaces would be provided to the rear ranging between 66.5-107.6sqm in size.
- 4.3 The other three terraced dwellings would be located to the north-east corner of the site and be oriented perpendicular to the road and would each benefit from a small frontage facing onto the parking forecourt. This row would measure 15.4m in width and share uniform front and rear building lines measuring 9.2m in depth. These dwellings would have a red brick



exterior with tiled pitched roof and gable ends. Each dwelling would have access to a private amenity space ranging between 74.2-102.3sqm in area.

4.4 The existing access point to the south of the site would be retained and would lead to a courtyard, providing vehicular access to the parking spaces and lead to Plots 4-6. A total of 12 spaces are proposed. A secure refuse enclosure would also be located within the southern corner of the courtyard close to the vehicular access.

4.5 Amended plans were received during the application process making the following alterations:

#### Plots 1 - 3

- Two-storey rear projection of Plot 1 stepped in from outside flank elevation.
- Rear projections of all 3 terraced dwellings set down from the principal ridge.
- False blocked window added to the first floor on the front elevation of Plot 1.
- Brick band detail between ground and first floor to run through all three dwellings.
- Flat roof canopy porches added to all dwellings instead of pitched.
- False chimneys added to all three dwellings.

#### Plots 4 – 6

- Removal of flat roof dormer windows to the roof on front and rear elevations of all three dwellings.
- Removal of roof lights to roof on front elevation of all three dwellings.
- Reduced from 3-bed units to 2-bed units.
- Amendments to bin storage location and accessibility to the bin store for plots 4-6.
- Introduction of a turning space, resulting in the loss of 2 parking spaces.

## **5 Consultation**

5.1 Statutory Consultation

5.1.1 Abbots Langley Parish Council - First Consultation: [Objection]

*Given the location of this site in a conservation area and its proximity to both listed buildings and a church, Members feel the three houses fronting the High Street have a modular form that conflicts with the character of the High Street which has undulating elevations and a variation of materials used between dwellings. Members object to the scheme as presented and should planning officers be of a mind to approve this application as presented, members would request this application be called into committee.*

*Furthermore, Members acknowledge this is a brownfield site and the use of this land for housing is a positive solution to the current housing crisis. Members feel, however, the proposed dwellings should be far more biodiverse with regard to the inclusion of bird housing within the design.*

5.1.1.1 Abbots Langley Parish Council - Second consultation: [Objection]

*Members have reviewed the proposed amendments and feel the concerns raised in our comments on the initial application have not been addressed. The modular form still does not configure with character and historical context of the site.*

5.1.2 Conservation Officer - First consultation: [Objection]

*This application is for the demolition of existing building and erection of 6 no. two storey semi-detached dwellings with associated bin store, parking and landscaping works.*

*The application site is located in the Abbots Langley Conservation Area and is within the immediate setting of designated and non-designated heritage assets which are highlighted below.*

*Designated assets:*

- Number 23, early 19th century dwelling (possibly earlier), Grade II listed (list entry: 1100882)*
- Number 25, early 18th century dwelling (possibly earlier), Grade II listed (list entry: 1100883).*

*Non-designated assets:*

- Numbers 21, The Boy's Home Public House*
- Number 27, an early 19th century dwelling*
- Numbers 29-31, 19th century dwellings*

*The application site is roughly an L-shape, wrapping around the domestic gardens of Numbers 23-31 High Street to the east and south. Historic map regression shows that there was historically built form in the approximate location of proposed units 1-3, annotated as the Kings Head P.H on the nineteenth century Ordnance Survey maps. The public house was demolished in the mid/late twentieth century and replaced with the current buildings on the site.*

*The existing site has a mid/late 20th century two-storey dwelling set on an east west axis and a large single storey structure to the front with a large area of hardstanding between the building and the High Street that is used for car parking. The Conservation Area appraisal notes that the site contains a poor example of modern infill and the setback nature and area of hardstanding breaks up the unity of the streetscene. The site in its current form does not make a positive contribution to the significance of the Conservation Area.*

*The principle of sensitive redevelopment of the site would be considered acceptable from a conservation perspective. The proposed development would comprise of six new residential dwellings in two groups of three. Units 1-3 would occupy the front of the plot and front the High Street, units 4-6 would be set back within the plot occupying roughly the same position as the existing two-storey dwelling.*

*The submitted streetscene and cross section are useful, but they only depict the proposed dwellings from a limited perspective. For example, the streetscene from the High Street does not show how units 4-6 would be viewed within the gap between proposed dwelling 3 and Number 31. The cross-section showings units 4-6 does not show the rear gable projection of unit 1 and only shows the narrowest part of the row when viewed from the south looking north. I recommend additional street scenes or viewpoints are taken from other aspects in order to understand the full visual impact of the development.*

*Plots 1-3*

*I recommend that the two-storey projection of unit 1 is stepped in, currently it is one continuous massing, and this would benefit from some articulation. There is a preference from the rear projection to unit 2 and 3 to be set down from the principal ridge so that it is more consistent with other two-storey rear extensions throughout the area. Adding chimneys or a step in the ridge line would also add visual interest to the roofscape and break up the massing of units 1-3. This would also better relate to the historic residential dwellings along the High Street.*

*Plots 4-6*

*There are some concerns regarding the proposed two and a half storey scale of these units as this is contrary to scale of the surrounding buildings. I acknowledge that the dwellings would be set back within the plot which may reduce the perceived scale. However, as these units are not shown in the indicative streetscene, the full impact cannot be understood at present.*

*The large, flat roof dormers would not be supported in principle as they would appear untraditional and overly dominant. There appears to be no examples of flat roof dormers to the historic dwellings that are adjacent to the site, the proposed dormers would be an incongruous feature that would likely be visible from the streetscene as well as from the listed and locally listed buildings. I recommend that the dormers to the front are omitted, and the rear dormers significantly reduced in scale. There may be scope for small flat or duo pitched dormers to the rear of units 4-6.*

*Similarly, front roof lights would be avoided, these would be visible from the streetscene due to the orientation of the row and the gap between unit 3 and Number 31.*

*There is potential for sensitive redevelopment of the site. However, there are elements of the current scheme that would not preserve the character and appearance of the Conservation Area. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202.*

#### 5.1.2.1 Conservation Officer – Second Consultation: [No objection]

*This is the second consultation within this application. Initial advice is summarised below:*

##### *Plots 1-3*

- Recommend that the two-storey projection of unit 1 is stepped in.*
- Recommend that the projection to unit 2 and 3 to be set down from the principal ridge.*
- Adding chimneys or a step in the ridge line to add visual interest to the roofscape.*

##### *Plots 4-6*

- Concerns regarding the 2.5 storey scale which did not relate to the scale of existing residential development.*
- Concerns regarding the large flat roof dormers to both front and rear roof slopes.*
- Omit roof lights visible from the streetscene.*

*The above recommendations have been adhered to. The rear projections of plots 1-3 have been reduced, chimneys added and brick banding added between the ground and first floor. There is a preference for the chimneys to be positioned along the party walls and to the flank elevation; this would be a more traditional arrangement. In the Plots 4-6 are now two-storey in scale with no additions to the roof, better reflecting the scale and form of the existing building to the rear of the plot.*

*Were permission granted, I recommend that the following conditions are attached:*

- Samples of the proposed elevation treatment and roof covering shall be submitted to and approved in writing by the local planning authority prior to their first use on site.*
- A schedule with clear photographs of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority prior to their first use on site.*
- Details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority prior to their first installation or construction on site.*
- Prior to the installation of any soil ventilation pipes, air extraction pipes, boiler flues or ducting, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority.*
- Details of all hard and soft landscaping and boundary treatments must be approved in writing by the local planning authority prior to the commencement of any landscaping works.*

5.1.3 Hertfordshire County Council - Highway Authority: [No objection, subject to conditions and informatives]

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:*

1. *No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
  - a. *Indicative plan showing a vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs (rather than the indicated bellmouth access).*
  - b. *Swept path analysis to illustrate that the largest anticipated vehicles requiring access to the site would be able to turn around on site and egress to the highway in forward gear.*

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

2. *A: Highway Improvements – Offsite (Design Approval)*  
*Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:*

- *vehicle crossover access made up of 6 flat kerbs and two ramped kerbs (total of 7.2m).*
- *extended pedestrian footway and highway verge and any associated works on the north side of the relocated access.*

2. *B: Highway Improvements – Offsite (Implementation / Construction)*  
*Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.*

*Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).*

3. *Provision of Internal Access Roads, Parking & Servicing Areas*  
*Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.*

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

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

- a. *Construction vehicle numbers, type, routing;*
- b. *Access arrangements to the site;*

- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);

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

Highway Informatives:

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

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

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

**Comments / Analysis**

The proposal comprises of a development of 6 residential dwellings at 35 High Street, Abbots Langley. High Street is designated as a classified C local distributor road, subject to a speed limit of 20mph and is highway maintainable at public expense. High Street is classified as P3/M2 (High Street) on HCC's Place & Movement Network, which indicates that the highest level of place function and medium movement.

Access

There is an existing bellmouth access into the existing site, which is currently used by a restaurant. There is an existing highway footway and verge fronting the site in addition to double yellow lines directly fronting the site. The proposals include relocating the access point slightly to the south as shown on submitted drawing number 05 D. HCC as Highway Authority would not have an objection to the relocated position and there would remain a sufficient level of vehicle-to-vehicle visibility when taking into account the 20mph speed limit. There would also be an additional benefit of relocating the access slightly further away from the existing mini-roundabout junction.

It would be recommended that a vehicle crossover access is provided rather than a bellmouth access. This would be considered to be acceptable to provide access to 6 dwellings and would give greater priority to pedestrians using the existing footway along High Street, which would ensure that the proposals are in accordance with HCC's Local Transport Plan and its emerging Place & Movement Planning Design Guide.

Refuse, Service and Emergency Vehicle Access

No specific details have been provide in respect to emergency or service access. Whilst there would not be any significant concerns, it would be recommended that a swept path analysis / tracking plan is provided to illustrate that the largest vehicles requiring access to the site would be able to turn around and egress to the highway in forward gear. Any access

*and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes.*

*It would also be required that the refuse collection arrangements are also detailed (whether kerbside or within the site) and would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.*

*The Highway Authority does not have any specific concerns in respect to access for emergency vehicles. It has been considered that the arrangements would enable fire tender access to within 45m to all parts of the proposed dwellings, which is in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).*

#### Section 278 Highway Works

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

- vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs.*
- extended pedestrian footway and highway verge and any associated works on the north side of the relocated access / the closure of the any parts of the existing vehicle access.*

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

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

#### Car Parking

*The proposal includes the provision of 14 car parking spaces for the dwellings. HCC as the Highway Authority's would not have any objections to the overall level of car parking.*

*An appropriate level of electric vehicle charging (EVC) provision should be provided, with an active EVC point for each dwelling. This is to ensure that the proposals are in accordance with LTP4, Policy 5h in this respect, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future”. The layout of the car parking areas is considered to be acceptable by HCC as Highway and is accordance with guidance as laid out in Manual for Streets.*

*The Design and Access Statement states that “sufficient space is available for cycle storage within the curtilage of each dwelling”. HCC as Highway Authority would deem this necessary to support and maximise cycling as a sustainable form of travel to and from the site and would therefore support covered cycle storage where possible and appropriate.*

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

### Trip Generation

*The level of trips associated with 6 dwellings would not be considered to be significant enough to recommend refusal from a highways perspective, particularly when compared to existing restaurant use.*

### Conclusion

*HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives.*

#### 5.1.4 TRDC Tree and Landscape Officer: [No objection/negotiation]

*The site is within the Abbots Langley Conservation Area. The submitted plans indicate that one tree (T4 Sycamore) would need to be removed to facilitate the development. The landscape layout suggests some remedial landscaping, however no replacement tree planting appears to be indicated.*

*Negotiation is advised to obtain modified plans showing locations for replacement trees. Due to the extent of hard landscaping shown on the plans, consideration of means to provide sufficient soil volume will be required for any new trees to successfully establish.*

#### 5.1.5 National Grid: [No comments received. Any comments provided will be verbally updated]

#### 5.1.6 TRDC Environmental Health Officer: - [No objection, subject to conditions]

*I have reviewed the Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Grange Geo (Report ref. R22134).*

*The investigation identified elevated concentrations of lead and PAHs (Benzo(a)pyrene, Benz(a)anthracene, Chrysene, Benzo(b)fluoranthene, Indeno(1,2,3-cd)pyrene and Dibenz(ah)anthracene) in exceedance of the relevant generic screening criteria.*

*A single round of ground gas monitoring was undertaken, the resulting calculations indicate CS1. The Environmental Consultant should state whether further monitoring will be undertaken or provide commentary to explain why further monitoring will not be undertaken.*

*The Environmental Consultant has made a number of recommendations, these should be presented in a formal remediation strategy (or remediation statement).*

*Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.*

*1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*

*i) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment reported in the Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Grange Geo (Report ref. R22134), giving full details of the remediation measures required and how they are to be undertaken.*

*ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for*

*contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

*2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

*The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.*

*3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

## **6 Public/Neighbour Consultation**

6.1 Number consulted: 16

6.2 No of responses received: 4 (3 objections, 1 neutral)

**Site Notice:** Posted 09.12.2023 Expired: 02.01.2024.

**Press Notice:** Published 08.12.2024 Expired 31.12.2024

6.3 Summary of responses:

- Concerns regarding asbestos management during demolition
- Dwellings are of modern design not in keeping with the Conservation Area
- Flat dormers of plots 4-6 do not complement the existing Elizabethan cottages in the High Street.
- Covenant determined that the site must always facilitate a public house of some description.
- Site has been a community area and would be a shame to turn it into private housing.



## **7 Relevant Planning Policy, Guidance and Legislation**

### **7.1 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).

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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.

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.

### **7.2 Policy / Guidance**

#### **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.

#### **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 PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM9, DM10, DM13, Appendix 2 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. Policies SA1 and Site H(3) are relevant.

### 7.3 Other

Abbots Langley Conservation Area Appraisal (2014).

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

Housing Land Supply Update (December 2023)

Housing Delivery Test Action Plan (published June 2024)

## 8 **Reason for Delay**

8.1 Submission of amended plans and obtaining consultation responses.

## 9 **Planning Analysis**

### 9.1 Principle of Development

9.1.1 The proposal would result in the net gain of six residential units within the application site. The site is allocated as housing site H(3) in the Site Allocations LDD (SALDD) (adopted November 2014) with an indicative capacity of 10 dwellings and an indicative phasing of 2021-2026. Policy SA1 of the Site Allocations LDD states that sites should be developed at an overall capacity which accords generally with the indicative capacity set out for each site.

9.1.2 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.

9.1.3 Policy CP3 of the Core Strategy states the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs.

9.1.4 Paragraph 124(c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 124(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

9.1.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place on previously developed land and appropriate infilling opportunities within Key Centres. Policy PSP2 indicates that the Key Centres including Abbots Langley will provide

approximately 60% of the District's housing requirements over the plan period. The site is previously developed "brownfield land" within the settlement boundary and is on the Brownfield Land Register (2023) which confirms that the site is appropriate for residential development and that development is achievable.

- 9.1.6 Therefore, the principle of residential development is established when considering the proposal against Policy CP1 which states that development in Three Rivers will contribute to the sustainability of the District by guiding development onto brownfield land.
- 9.1.7 Currently, the Council are unable to demonstrate a deliverable supply of housing as required by the NPPF, with the Council's position at approximately 1.9-year supply of housing. Paragraph 11 of the NPPF is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. Consequently, when applying paragraph 11(d) of the NPPF it states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.
- 9.1.8 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. The Action Plan published June 2024 states at paragraph 3.23 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.
- 9.1.9 This proposal would provide six dwellings (net gain of six) on the site which would weigh in favour of the development having regard to the Council's current position regarding housing delivery. Officers note that the provision of six dwellings is lower than the indicative capacity set out in the Site Allocations LDD; however, officers consider the proposed quantum is the most efficient use of the brownfield site when factoring in the sensitive location of the site within the Abbots Langley Conservation Area surrounding by several statutory listed and locally listed buildings. Therefore, the slight undersupply compared to the indicative allocation is considered acceptable.

## 9.2 Design and impact on Character, Street Scene and Heritage Assets:

- 9.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 9.2.2 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.)
- 9.2.3 In terms of design, Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 9.2.4 Paragraph 135(c) of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and 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). The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 9.2.5 The application site is located in the Abbots Langley Conservation Area and close to listed buildings; as such Policy DM3 of the Development Management Policies LDD (adopted July 2013) applies. Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where the extension or alteration would not affect a Listed Building's character as a building of special architectural or historic interest or its wider setting and any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability. With regard to development in Conservation Areas, Policy DM3 states that development will only be permitted if the proposal is of a design and scale that preserves or enhances the character and appearance of the area and uses building materials, finishes, including those for features such as walls, railings gates and hard surfacing, that are appropriate to the local context.
- 9.2.6 The built form within this part of the High Street and Abbots Langley Conservation Area are typified by two storey development. Whilst there is some three storey development evident at the southern end of the High Street, this does not form part of the immediate surroundings of the site and is atypical in the Conservation Area. All of the properties on the east side of the High Street front onto the High Street and are predominantly built up to the pedestrian footway (excluding 23-27 High Street and the buildings contained within the application site (which are set back) with private residential amenity spaces and parking and associated space for the commercial parade located behind. The application site is set between the historic part of the conservation area situated to the north and the more modern element located to the south.
- 9.2.7 The proposed development would not result in a tandem form of development. Recognising that the application site is sensitively located within the Abbots Langley Conservation Area and in close proximity to the Grade I Listed Church of St Lawrence, directly adjacent to two Grade II Listed dwellings and two further locally important buildings means that the acceptability of the scheme would depend significantly to the appearance of the proposed buildings and the layout of the site.
- 9.2.8 The submitted details and plans indicate that the proposed buildings would be street or courtyard facing with private gardens located to the rear which would be in keeping with the general layout of residential plots in the area. Focussing on Plots 1-3, these street facing dwellings follow the key characteristics of the historic part of the conservation area to the north of the site by incorporating the slight setback from the highway to provide a front courtyard. This ensures a continuation of the character and appearance of the conservation

area. Although there is some variation in plot shapes in regard to Plots 1-3, they would continue to be of a reasonable size and there is notable variation in plots shapes and sizes within surrounding area such that Plots 1-3 would not appear incongruous. Adequate spacing would be retained between the proposed terraces and their respective flank boundaries; and although the front corner of Plot 1 would be built in close proximity to its adjacent southern boundary, the dwelling is set beside the access into the site and the boundary line with the service road is splayed therefore allowing for a continued sense of spaciousness and ensuring the building would not appear cramped.

9.2.9 Turning to the Plots 4-6, these would not be readily visible from the public realm but even so, they continue to maintain the general character and layout of the historic part of the conservation area. There would be spacing of either 1.2m – 1.4m between the outside flanks of the end terraces and the adjacent boundaries which would be compliant with the guidance set out at Appendix 2 to ensure adequate spacing is maintained. The plots themselves would be uniform in shape – there would be some variation in size of the plots, but they would all conform to the varied size and shape of plots within the vicinity of the development site. The dwellings would also not appear disproportionate or cramped relative to their respective plots and are therefore considered acceptable in this regard.

9.2.10 The Conservation Officer was consulted on the application and drew upon the Conservation Area appraisal which highlighted that the application site contains a poor example of modern infill and the setback nature and area of hardstanding breaks up the unity of the streetscene. Thus, the Conservation Officer identified that the site in its current form does not make a positive contribution to the significance of the Conservation Area and they did not raise an objection to the principle of a sensitively designed redevelopment from a conservation perspective; however they initially held concerns with some elements of the current scheme highlighting that the terraced properties fronting the High Street lacked visual interest and did not relate to the historic residential dwellings found along the High Street. Further recommendations were to reduce the size of the two storey rear projections of these dwellings so that they were more consistent with other two-storey rear extensions found in the area. With regards to Plots 4-6 the conservation officer raised in principle objections to the inclusion of flat roof dormers as they are considered untraditional and overly dominant. Additionally, they requested the removal of the dormers and rooflights proposed within the front roof slopes of these rear properties.

9.2.11 The applicant accordingly provided amended plans which implemented the suggestions made by the Conservation Officer. The rear projections of Plots 1-3 have been reduced so that the ridges are set below the main ridge and in respect of Plot 1 the rear projection has been set in to enable the depth and the continuous mass of the outside flank elevation to be broken up. Brick band detailing between the ground and first floor, false blocked window, false chimneys and flat roof canopy porches have been added to the design of the street facing properties to add some character and better relate to the historic residential dwellings along the High Street. In addition, Plots 4-6 no longer incorporate additions to the roof, thereby better reflecting the scale and form of the existing building to the rear of the plot. All the dwellings would incorporate traditional pitched roofs which are favoured. Supplementary street scene plans were provided to show how the two rows of properties would be viewed within the context of the existing built environment; however, officers wish to highlight that the two-dimensional nature of such elevation type drawings do not reflect the perspective, depth and context when viewing the site in reality. For example, the existing two storey part of the building which is located in a similar position to Plots 4 – 6 would be largely invisible from the public realm given that it is set back so far. Plots 1 – 3 are also positioned to the front of the site, adjoining the High Street; these would obscure Plots 4 – 6 to such an extent that they are unlikely to be experienced in any meaningful way. The Conservation Officer was reconsulted on the amended plans and retracted their original objection to the proposed development and suggested conditions relating to submission of materials, further details on windows, doors, external features and landscaping.

- 9.2.12 To summarise the above assessment, it is considered that proposed development in terms of its layout of the plots and general appearance of the properties would accord with the characteristics of the surrounding area. The dwellings in Plots 1-3 have been sympathetically designed to reflect the historic character of the conservation area and Plots 4-6 although less visible would also be similar in design to ensure the character of the properties is continued throughout the scheme. The proposed materials used for all of the dwellings appear to be acceptable; however, a condition is attached requiring the submission of details/samples of the chosen materials for review.
- 9.2.13 Paragraph 212 of the NPPF states that opportunities should be sought for new development within Conservation Areas to enhance or better reveal their significance, and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The proposed redevelopment would result in a positive impact that enhances the visual amenities of the Abbots Langley Conservation Area by replacing an underused site which negatively impacts on the visual amenities of the conservation area with a development of two rows of terraces which reflect the architectural context of the conservation area. The proposal would not harm the setting of the adjacent listed buildings. Therefore, the proposal is viewed as an enhancement to the significance of heritage asset reflective of the requirements of paragraph 203 of the NPPF and is therefore viewed positively.
- 9.2.14 In conclusion, subject to conditions, the proposed amended scheme would result in an enhancement to the character and appearance of the Abbots Langley Conservation Area and is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).
- 9.3 Impact on Amenity of Neighbours
- 9.3.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 9.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD also 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.
- 9.3.3 The Design Criteria at Appendix 2 of the Development Management state that two storey development should not intrude into a 45-degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 9.3.4 With respect to the closest terrace property (Plot 3) to the south of 27 and 31 High Street, the building is positioned such that it would not intrude on a 45-degree splay line in respect of either of these neighbouring properties. It is also noted that 31 High Street has recently benefited from a two-storey rear extension which is not shown on the submitted Block Plan. Although the extension is not indicated on the submitted Block Plan, the assessment has taken it into consideration. Thus, it is not considered that the dwelling in Plot 3 would appear overbearing or overshadow the private garden of this neighbour and is an acceptable relationship.
- 9.3.5 Turning to the Plot 4, this end-terrace property would be off set from the common boundary with 27 High Street by 1.2m and there would be a total distance of approximately 13m between respective rear and flank elevations. When factoring in this separation distance

with the amendments to remove the front and rear dormers it is not considered that the dwelling in Plot 4 would appear overbearing to the detriment of this neighbour or cause loss of light to the windows contained within the rear elevation of this neighbouring property. In addition, whilst it is acknowledged that there may be some degree of overshadowing of the garden this would only be for a limited to the early morning due to the orientation of the sun and the positioning of the dwelling in Plot 4 and its pitched roof design. Furthermore, it is noted the existing two storey building on the site is built up to the rear boundary of 27 High Street and thus the siting of the new development would mean that this neighbouring property would not have a materially different outlook.

- 9.3.6 Appendix 2 of the Development Management Policies LDD further outlines that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. An indicative figure of 28 metres should be achieved between the faces of single or two storey buildings backing onto each other with this distance increased with additional floors. Where garden length alone is relied upon to provide privacy a minimum length of 14 metres should be achieved. There is a distance shown of almost 15 metres between the rear elevations Plots 4-6 and the northern boundary which is considered sufficient. Furthermore, the gardens of these plots back on the garden of the Boys Corner Public House. In respect of Plot 6 and those properties to the north-east fronting The Crescent, those properties benefit from long rear gardens and hold a splayed relationship to the application site. In addition, a distance of at least 50m would be maintained between the rear elevations of these properties and Plot 6 such that it is not considered that the proposed development would be harmful to those properties on The Crescent.
- 9.3.7 With regards to overlooking the Design Criteria at Appendix 2 states that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 9.3.8 No glazing is proposed at either ground or first floor level within the flank elevation of Plot 3 facing 27 and 31 High Street so no overlooking would occur in this instance. Given the splayed positioning of Plot 3 there may be outlook from the first-floor windows within the rear elevation onto the rear area of 27 and 31 High Street; however, this area is not regarded as the private zone for either neighbouring property and is used as a parking area. As such, it is not considered that any harmful overlooking would occur. Glazing is proposed at first floor level within both the flanks of Plots 4 and 6 however they would both be serving a stairwell and the plans show both would be obscurely glazed. Thus, it is not considered that any overlooking would occur to surrounding neighbouring amenity.
- 9.3.9 As such, it is not considered that that the proposed development would result in any significant adverse impact towards residential amenity and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

#### 9.4 Quality of Accommodation for Future Occupants

- 9.4.1 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. Section 3 of Appendix 2 of the Development Management Policies LDD sets out indicative levels of amenity space dependent on the number of bedrooms.
- 9.4.2 Appendix 2 of the Development Management Policies LDD sets out that 2-bed dwellings should provide 63sqm of private amenity space and 84sqm for 3-bed dwellings. The submitted block plan indicates that the proposed units would benefit from private amenity

spaces ranging from 66-102sqm for the 2-bed units and 107sqm for the 3-bed unit. The provision for each unit is considered acceptable and in all cases would exceed the required standard.

- 9.4.3 Plots 1-3 would share uniform front building lines, and whilst at the rear each property would benefit from a two storey rear projection, they would either be connected, in the case of Plots 2 and 3, or in respect of Plot 1 set in from the shared boundary with Plot 2, such that there would be no infringement of a 45-degree splay line. Therefore, each of the rear projections would not have an overbearing impact. Turning to Plots 4-6 these would share uniform front and rear building lines and therefore would not impact on one another.
- 9.4.4 There would also be sufficient separation distance of approximately 20m as a minimum between the rows of terraces to ensure that no demonstrable harm would occur in terms of overlooking or loss of light and would benefit from sufficient privacy.
- 9.4.5 As such, it is considered that sufficient amenity space would be provided to adequately serve the occupants of the apartments and each plot would benefit from good quality accommodation in accordance with Policy CP12 of the Core Strategy and Appendix 2 of the Development Management Policies LDD.

## 9.5 Access

- 9.5.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 9.5.2 Hertfordshire County Council (HCC) as Highway Authority were consulted on the application and highlighted that High Street is designated as a classified 'C' local distributor road, subject to a speed limit of 20mph and is highway maintainable at public expense. High Street is classified as P3/M2 (High Street) on HCC's Place & Movement Network, which indicates that the highest level of place function and medium movement.
- 9.5.3 As existing the site is served by a bellmouth access and there is an existing highway footway and verge fronting the site in addition to double yellow lines directly fronting the site. The proposals include relocating the access point slightly to the south as shown on submitted drawing number 05 L. HCC did not raise an objection to this change as there would remain a sufficient level of vehicle-to-vehicle visibility when taking into account the 20mph speed limit. There would also be an additional benefit of relocating the access slightly further away from the existing mini-roundabout junction.
- 9.5.4 A vehicle crossover access is proposed to provide access to the six dwellings and give greater priority to pedestrians using the existing footway along High Street. This was considered acceptable to HCC.
- 9.5.5 Due to the nature of the works, including demolition and construction and the location of the site with access from a busy road, a Construction Management Plan would be required to mitigate the impact of the construction works on the highway network, especially during peak hours. Details required will include construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of the site entrance and the adjacent public highway.
- 9.5.6 Overall, HCC considered that the proposal, subject to conditions and a section 278 agreement would not have an unreasonable impact on the safety and operation of the surrounding highway. A Section 278 Agreement would need to be agreed with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. In conclusion, subject to appropriate conditions and informatives the application is considered acceptable on highways grounds.

## 9.6 Parking Provision



- 9.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:
- 2 bedroom dwellings – 2 spaces (1 assigned)
  - 3 bedroom dwellings – 2.25 spaces (2 assigned)
- 9.6.2 A development comprising of five 2-bed units and one 3-bed unit would require a total of 10.25 parking spaces, of which 7 should be assigned.
- 9.6.3 The amended submitted site layout plan shows that 12 parking spaces would be provided, in excess of the parking standards. Each of the spaces would also measure 2.5m x 5m in accordance with Hertfordshire County Council guidance. The submitted plans do not indicate the allocation of parking spaces, thus a condition is attached requiring the submission of Parking Management Plan.
- 9.6.4 As such, it is considered that sufficient parking would be provided and the development is considered acceptable in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- 9.7 Refuse and Recycling
- 9.7.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
  - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 9.7.2 The submitted Proposed Site Plan 06 REV-K details that private refuse areas will be provided within the respective rear gardens of those plots which benefit from side or rear gated access to a private garden (Plots 1-3, 4 and 6). Plot 5 which is a mid-terrace property will have an external bin storage area accessed via the shared pathway which runs along the front of Plots 4-6.
- 9.7.3 On bin collection days, residents will be expected to place their bins onto the bin stand which has been relocated to the rear of the Plot 1. The Amended Block Plan (05 Rev-L) contains tracking details for a refuse vehicle highlighting that such a vehicle can enter and exit the site in forward gear by utilising a turning area provided within the southern area of the site. The applicant has confirmed that the turning space would be clearly marked to ensure that cars are not parked in this space. This will be achieved through the choice materials for the parking spaces being different from the rest of the access road and turning area providing a clear demarcation between the two. Additionally, some lettering on the turning area will be provided and a sign displayed. This will be secured by condition. The council's Waste Collection Team have been consulted on the revised arrangements and any comments received will be verbally updated.
- 9.7.4 The TRDC Waste Services Manager has been consulted on the plans and comments will be verbally updated.
- 9.8 Housing Mix
- 9.8.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

- 9.8.2 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:
- 1 bedroom 5% of dwellings
  - 2 bedrooms 23% of dwellings
  - 3 bedrooms 43% of dwellings
  - 4+ bedrooms 30% of dwellings
- 9.8.3 The indicative targets for affordable housing are:
- 1 bedroom 40% of dwellings
  - 2 bedrooms 27% of dwellings
  - 3 bedrooms 31% of dwellings
  - 4+ bedrooms 2% of dwellings
- 9.8.4 The proposed development would provide 83% 2-bed units and 17% 2-bed units. Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. Despite not strictly according with Policy CP3, it is not considered that a development of this form and scale would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 9.9 Affordable Housing
- 9.9.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 9.9.2 As there would be a net gain of six units, the proposed development would be liable for a commuted sum payment towards affordable housing. The proposed development would result in a requirement for a commuted sum of £367,202.84 (inclusive of indexation) towards affordable housing based on a habitable floorspace of 304sqm multiplied by £750 per sqm which is the required amount in 'The Langleys and Croxley' market area.
- 9.9.3 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.
- 9.9.4 The applicant submitted information with the application indicating that the scheme could not afford to make a financial contribution towards affordable housing and remain viable, due to a deficit between the Residual Land Value and the Benchmark Land Value of £420,000. The submitted Financial Viability Appraisal was reviewed by an independent viability assessor who concluded that the scheme was able to support the full off-site affordable housing payment of £367,202.84 and remain viable.
- 9.9.5 Following receipt of the report, the applicant disputed the approach undertaken and therefore Quantity Surveyors Johnson Associates were appointed to independently review the Costs Plan produced by Westway Construction Ltd. They concluded that the rates used by the applicant were not unreasonable. As such, the viability assessor incorporated the

revised build cost into their appraisal which subsequently produced a deficit of £115,814 and concluded that the scheme would not be able to support an affordable housing payment and remain viable.

9.9.6 As a result, based on the site circumstances it is not considered that the proposed development would be viable if required to contribute to affordable housing.

#### 9.10 Trees and Landscaping

9.10.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

9.10.2 By reason of the conservation area designation any trees located in the boundary of the heritage asset are afforded protection. The application is supported by an Arboricultural Impact Assessment prepared by Tim Moya Associates dated March 2023 (Ref. 221158-PD-11). The report identifies that the site contains one tree (T4 – Sycamore Tree), two shrubs (S6 & S7 - Elders) and one hedge (H12 – Cherry Laurel). The west and north sides of the rear garden area is overgrown with brambles. There are six other trees which are recorded in the tree survey (T2, T3, T5 - Sycamores, T8 - Ash, T9 – Cherry and T10 - Yew) and one formally maintained hedge (H1 – Leyland Cypress) which are located close to but outside of the site boundaries.

9.10.3 The scheme does propose the loss of one tree which is the Sycamore tree - T4 to facilitate the development. Specifically the removal of this tree is to provide adequate clearance for the construction of the proposed dwellings and to ensure that juxtaposition of the retained trees and proposed dwellings is appropriate. No other trees are proposed for removal, the Cherry Laurel hedge – H12 and the brambles are to be removed which are Category ‘C’ and ‘U’ respectively. The tree for removal is rated a Category ‘B’ tree and is located along the eastern boundary of the site. It is only the upper crown which is visible when viewed from the High Street and the Arboricultural Impact Assessment states that its removal would have a low visual impact on the area. This partly due to the larger Sycamore trees (T2 and T5) either side and one small Sycamore tree (T3) behind will be retained.

9.10.4 New planting is proposed as part of the development to mitigate against the loss of T4. It is proposed to plant four new trees and several smaller plants. Subject to a condition requiring a hard and soft landscaping scheme, officers consider the proposed development to be acceptable in respect of Policy DM6. The condition will also ensure that the soft landscaping takes account of the recommendations set out at Section 6 of the Environmental Impact Assessment prepared by Windrush Ecology dated October 2023. The Landscape Officer has been consulted on the application but at the time of writing has not provided comment. Any comments received will be verbally updated.

#### 9.11 Sustainability

9.11.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part C would continue to apply.

9.11.2 The application is accompanied by an Energy Statement prepared by Watts dated 9th October 2023 (Ref. 201152) which identifies that the proposed dwellings would achieve between 59-64%% reduction in carbon emissions. The development would therefore exceed the 5% CO2 saving over Building Regulations 2013. This has been achieved through an incorporation of air source heat pumps to each property. A condition would require that works are carried out in accordance with this statement.

## 9.12 Wildlife and Biodiversity

9.12.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

9.12.2 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. The site is not in or located adjacent to a designated wildlife site. The application has been submitted with a Biodiversity Checklist, an Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 and a Phase 1 Habitat Survey.

9.12.3 The submitted report concluded that the former restaurant building and its grounds are both considered to have 'negligible' potential. Overall, the proposals will not result in significant ecological impacts. The loss of the buildings and hardstanding will not affect habitats of any ecological value, and the loss of the existing garden would be compensated for through the creation of new gardens and amenity areas associated with the proposed residential development. In addition, the calculations included within the report indicate that the development would result in a biodiversity net gain of +26.98 habitat units. This gain would be achieved through the inclusion of increased levels of landscaping across the development site. The submitted EIA recommends that the landscape areas should comprise native species where possible, as well as ornamental plants of known value to wildlife. A suggested list is provided at Appendix 6 of the EIA. It further recommends both bird boxes and bat boxes/bricks are incorporated into the development. This will be secured by condition.

9.12.4 The proposal therefore delivers a measurable net gain in biodiversity. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. As such, it is considered that the scheme would be acceptable in accordance with Policy DM6 of the Development Management Policies LDD.

## 9.13 Mandatory Biodiversity Net Gain

9.13.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

9.13.2 This application was received prior to the 2 April 2024 and as such the above does not apply to this proposal.

## 9.14 Contamination

9.14.1 Policy DM9 advises that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.

- 9.14.2 The application is supported by a Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Ground GeoConsulting Ltd. dated November 2022 (Ref. R22134). The report provides several recommendations including the undertaking of an asbestos survey of the existing structure on site prior to the demolition. Provided that the recommendations are adopted, the report concludes that the risk to future occupants and controlled waters because of contamination identified at the site will be low.
- 9.14.3 In light of the above, a condition requiring the development to be implemented in accordance with the submitted Phase 1 and 2 Interpretative Ground Investigation Combined Report is recommended.
- 9.14.4 The Environmental Health Officer (EHO) was consulted on the application to seek their views on any potential contamination and remediation requirements. The EHO raised no objection subject to three conditions requiring submission of a remediation strategy prior to commencement of the development; verification report prior to occupation and condition relating to the discovery of unexpected contamination during construction works.

## 9.15 CIL

- 9.15.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area B' within which the charge per sq. metre of residential development is £120 (plus indexation).

## 9.16 Planning Balance / Tilted Balance and Conclusion

- 9.16.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)). On the basis that the Council can only demonstrate a 1.9-year housing land supply, it must apply a presumption in favour of sustainable development, although noting that the local planning policies referred to carry significant weight. The tilted balance is therefore engaged.
- 9.16.2 In respect of part (d)(i), the development is not considered to result in any demonstrable harm when assessed against all material planning considerations and therefore would not conflict with the NPPF in respect of promoting sustainable development. It is also recognised that the development would contribute to the shortfall in housing. In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF that there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

## 10 **Recommendation**

- 10.1 That PLANNING PERMISSION BE GRANTED subject to conditions as set out below:

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:

TRDC 001 (Existing Floor Plans)

171123/1  
171123/2  
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05 REV-L  
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10 REV-G  
11 REV-F

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area; in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM9, DM10, DM13, and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).

- C3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment reported in the Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Grange Geo (Report ref. R22134), giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the Tree Protection Plans 22/1158-P-12 (Tree Protection Plan for Demolition) and 22/1158-P-13 (Tree Protection for Construction) contained within the Arboricultural Impact Assessment prepared by Tim Moya Associates dated March 2023 (Ref. 22/1158-PD-11) accompanying this application.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved

until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- a. Indicative plan showing a vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs (rather than the indicated bellmouth access).
  - b. Swept path analysis to illustrate that the largest anticipated vehicles requiring access to the site would be able to turn around on site and egress to the highway in forward gear.

The development shall thereafter be implemented only in accordance with the details approved by this condition.

Reason: This is a pre-commencement condition to ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C6 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- C7 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
  - b. Any traffic management requirements
  - c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - d. Siting and details of wheel washing facilities;
  - e. Cleaning of site entrances, site tracks and the adjacent public highway;
  - f. Timing of construction activities to avoid school pick up/drop off times;
  - g. Provision of sufficient on-site parking prior to commencement of construction activities;
  - h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C8 Before any above ground works commence, additional drawings showing details of new windows, doors, eaves and cills in section and elevation, at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.

Reason: To ensure the architectural character of the building is appropriate in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C9 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- vehicle crossover access made up of 6 flat kerbs and two ramped kerbs (total of 7.2m).
- extended pedestrian footway and highway verge and any associated works on the north side of the relocated access.

The development shall be carried out in accordance with the approved details prior to the first use of the development.

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 CP1 and CP10 of the Core Strategy (adopted October 2011).

- C11 No above grounds works shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together



with a scheme detailing measures for their protection in the course of development. The soft landscaping scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping and account of the recommendations at Section 6 of the Ecological Impact Assessment dated October 2023, and the hard landscaping shall include a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted and shall include the requirements of condition 18 in relation to the surfacing and demarcation of parking spaces, access road and turning space.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C12 Before above ground works commence, a schedule with clear photographs of samples and details of the types, colour and finish of all external materials including brick type, mortar mix and bond, tiles, and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Development shall be carried out only in accordance with the approved details.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C13 The development hereby permitted shall be undertaken in accordance with the Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Ground GeoConsulting Ltd dated November 2022 (Ref. R22134).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C14 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C16 Before above ground works commence, details of the location, type and number of the bird brick houses and bat bricks and/or bat boxes to be installed as recommended within the Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 shall be submitted to and approved by the Local Planning Authority, installed in full prior to the first occupation of the development and permanently maintained thereafter. These maintenance free roosts shall be installed at least 3m off of the ground and facing in a southerly direction.

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).

- C17 Prior to the installation of any soil ventilation pipes, air extraction pipes, boiler flues or ducting, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority. The items shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure the architectural character of the building is appropriate in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C18 Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area shall be laid out, demarcated and drained in accordance with the approved plan. The demarcation shall include a clear differentiation between the surfaces for the 12 car parking spaces, access road and turning area, and shall include the provision of surface lettering and signage advising that the turning area must be kept clear at all times. The parking spaces shall be made available for residents (Plots 1 to 6) and visitors. At no time shall the turning area be incorporated into parking spaces.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C19 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details and evidence as to the allocation of parking spaces to the occupants of the dwellings, visitors and the number of disabled parking spaces and how the turning space will be monitored / managed to prevent its use for parking. The agreed details shall be adhered to thereafter.

Reason: To ensure acceptable allocation of on-site parking including visitors 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).

- C20 Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Any fencing proposed shall incorporate hedgehog highway in accordance with the Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 with the location of these include in the plan submitted to the LPA. The boundary treatment shall thereafter be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the character of the locality and to maintain wildlife habitat in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C21 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.

- C22 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities and the collection point shall be provided in accordance with drawing number 05 Rev-L. The refuse/recycling facilities shall be permanently retained thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C23 No other external lighting shall be installed on the site or affixed to the building(s) on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (unless its erection would require express planning permission). The submitted lighting details shall be installed in accordance with the approved details before the first use commences.

Reason: In the interests of visual amenity of the Abbots Langley Conservation Area to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C24 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

#### Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class G - provision of a chimney, flue, soil or vent pipe

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, in the interests of the visual amenities of the site, and to preserve the setting and significance of the Abbots Langley Conservation Area and surrounding Listed Buildings and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 10.2 **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 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 ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

(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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

## 16 Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

### Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.







## PLANNING COMMITTEE – 12 SEPTEMBER 2024

**24/0518/FUL - Change of use of land to horticulture, grazing of Alpacas and for the keeping of horses including erection of single potting enclosure, poly tunnels, hay store and four mobile stables at LAND REAR OF CROXLEY HOUSE, LITTLE GREEN LANE, CROXLEY GREEN, HERTS (DCES)**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 17.07.24  
EOT Agreed to 18.09.24

Ward: Dickinsons  
Case Officer: Claire Wilson

Recommendation: That subject to no new material considerations being raised, planning permission be granted subject to the following conditions.

Reason for consideration by the Committee: The application was called in by three members of the planning committee due to potential impact on the Conservation Area, impact on the Green Belt and potential highway impacts.

To view all documents forming part of this application please go to the following website:

[24/0518/FUL - Change of use of land to horticulture, grazing of Alpacas and for the keeping of horses including erection of single potting enclosure, poly tunnels, hay store and four mobile stables at LAND REAR OF CROXLEY HOUSE, LITTLE GREEN LANE, CROXLEY GREEN, HERTS](#)

### Relevant Planning History

- 1.1 8/874/85: Outline Application for 34 houses. Application refused.
- 1.2 8/874/85: Erection of 8 dwellings and garages. Application refused. Appeal dismissed.
- 1.3 99/01220/FUL: Erection of a dwelling. Application refused, for the following reasons:

*The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in Three Rivers District Plan Review 1991 and the Three Rivers Local Plan (1996-2011) Deposit Draft not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No agricultural need has been proved and neither is the use appropriate to a rural area.*

*The proposed dwelling and access point, both in principle and in terms of general design would be detrimental to the character and appearance of the Croxley Green Conservation Area, and as such, would be contrary to Policy CP12 of the Three Rivers District Plan Review 1991 and Policy C1 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed dwelling and access point would detrimentally affect the setting of Croxley House, a Grade II Listed Building, and, as such, would be contrary to Policy C9 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed dwelling and access point would adversely affect the Croxley Green Site of Ecological Importance, and, as such, would be contrary to Policy N2 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

- 1.4 99/02115/FUL: Erection of agricultural dwelling and polytunnels. Application refused, for the following reasons:

*The site falls within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in the Three Rivers District Plan Review 1991 and the Three Rivers Local Plan (1996-2011) Deposit Draft not to allow development unless it is essential for purposes of agriculture or other uses appropriate to a rural area. The proposed dwelling would not support an existing agricultural activity, and it is considered that a good supply of housing exists in the vicinity of the proposed agricultural operation to allow the operator of such an operation to live in reasonable proximity to the site.*

*The proposed polytunnels and dwelling, by virtue of their siting, design and likely generation of vehicular traffic, would be detrimental to the character and appearance of the Croxley Green Conservation Area and as such would be contrary to Policy C12 of the Three Rivers District Plan Review 1991 and Policy C1 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed polytunnels and dwelling, by virtue of their siting, design and likely generation of vehicular traffic, would be detrimental to the setting of Croxley House, a Grade II Listed Building, and as such would be contrary to Policy C9 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed polytunnels and dwelling, by virtue of their siting and design and likely generation of vehicular traffic would adversely affect the Croxley Green Site of Ecological Importance and as such would be contrary to Policy N2 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

## **2 Description of Application Site**

- 2.1 The application site consists of a parcel of land measuring approximately 3.6 hectares, located to the north of Croxley House, Croxley Green. At present, the site consists of grassland, with the applicant noting that this is within agricultural use. The application site is located within both the Metropolitan Green Belt and the Croxley Green Conservation Area. In addition, it is noted that Croxley House, to the immediate south of the application site is a Grade II Listed Building. This building was most recently in use as a care home but is vacant at present.
- 2.2 Vehicular access to the site is solely obtained via Little Green Lane through a gated access which is set back from the existing highway. At present, the boundary of the site with Little Green Lane is screened by mature vegetation. The western boundary of the site with Sarratt Road, is screened by a historic brick wall, parts of which are in a poor state of repair. The southern boundary of the site with Croxley House is marked by low level post and rail fencing and vegetation, whilst other parts of the southern boundary are screened by the historic brick wall and areas of new fencing of approximately 2m in height. The northern boundary of the site consists of low level fencing, with the historic brick wall beyond.
- 2.3 At the time of the site visit, it was observed that there is currently a disused portacabin on site and this located in close proximity to the boundary with Little Green Lane. There is also an incomplete timber structure in situ.
- 2.4 The area surrounding the site, predominantly consists of residential dwellings of varied sizes and design, with the new residential development of Killingdown Farm located opposite the site to the east. Part of the southern boundary of the site adjoins Clarendon Lodge, a care home which is located immediately adjacent to Croxley House.

## **3 Description of Proposed Development**

- 3.1 The application seeks full planning permission for the change of use of the existing land to horticulture, grazing of Alpacas and for the keeping of horses, and the erection of a single potting enclosure, two polytunnels, a building containing four mobile stables, and a hay store.

- 3.2 The land located to the south west of the site would be used for horticulture and would be used to accommodate 2 individual polytunnels. These would each measure approximately 7.5m in width, 25m in depth, and would have a height of approximately 3m. The two polytunnels would be sited immediately adjacent to one another and would be set in from the boundary with Sarratt Road by approximately 53m. The applicant has advised that a range of native fruit and vegetables will be grown on site, however, this will be kept to a level which is to supplement the weekly consumption by the applicant and their animals. It is advised that the applicant is likely to visit the site 3-4 times a week to tend to the horticultural aspects on site.
- 3.3 To the south of the polytunnels, a single storey potting enclosure is proposed. This would have a depth of 7.5m and a width of 7.5m. It would have a hipped roof form with a height of approximately 3.6m and would be completely open to one side. The potting enclosure would be set in from the boundary with Sarratt Road by approximately 40m. The applicant has advised that the potting enclosure will be used for the storage of compost, tools and will include a bench for the preparation of plants. The area of the site accommodating the polytunnels and potting enclosure will be separated from the remaining site area by post and rail fencing of 1.5m in height.
- 3.4 The western portion of the site adjoining Sarratt Road would be used for the grazing of Alpacas. The applicant has advised that the Alpacas do not require shelter given the type of animals they are. In instances where shelter is required, they will be taken off site and will be sheltered elsewhere.
- 3.5 The eastern portion of the site would be used for the keeping of horses. The applicant has advised that four horses will be kept on the land permanently, primarily for grazing purposes with limited supplementary feed brought onto the land. With regards to the exercising the horses, the submitted Pasture Management Plan details that the site has good accessibility to local bridleways and horses could be taken from the site to use other nearby equestrian facilities such as menages. The applicant has advised that they would visit the site twice a day to tend to the animals. The applicant has advised that they would expect one delivery every two weeks in relation to hay and food.
- 3.6 The plans include the provision of a mobile stable structure which would be located to the east of the site. It would have a depth of 3.6m (a maximum of 4.8m including the canopy overhang) and a width of approximately 10.8m. They would have a height of 4.8m. The brochure submitted with the application sets out that they are mobile structures which do not require groundworks and are on timber or metal skids.
- 3.7 Located to the north of the stable block, a hay/tractor store is also proposed which would have a depth of 5.5m and a width of 11.5m. It would be an open structure which would have a hipped roof form with a height of approximately 3.6m.
- 3.8 The plans demonstrate that the site would continue to be accessed via the existing vehicular access from Little Green Lane. No alterations are proposed to the access, however, the existing metal gate would be re-sited further back into the site. The plans demonstrate a turning head (utilises existing crushed stone), however, this would not be formally demarcated on site and no additional hardstanding is proposed as part of this application.
- 3.9 Amended plans have been received during the course of the application as follows:
- Re-siting of the hay store - moving it from the rear boundary of the site such that it would be located closer to the proposed stables;
  - Reduction in size of the hay/tractor store. Originally proposed at 6m x 12m and with a height of 4.2m. This would now measure 5.5m x 11.5m and with a height 3.6m;
  - Re-orientation of the stables so that they face west across the site;
  - Re-siting of the single storey potting enclosure to be located closer to the polytunnels;

- Change in size of the potting enclosure. Originally measured 6m x 12m and with a height of 4.2m. The potting enclosure is now proposed at 7.5m x 7.5m with a height of 3.6m. The potting enclosure would also now be enclosed to three sides.
- The provision of a 2,100square metre area of wildflower grassland to be located around the existing mature Oak tree. This would be enclosed by 1.5m high post and rail fencing.

#### **4 Statutory Consultation**

##### **4.1.1 Croxley Green Parish Council: [No objection]**

*CGPC has no objection to the application but holds concerns of creeping development within the Green Belt.*

##### **4.1.2 Hertfordshire County Council – Highway Authority (First response): [Additional information required]**

*Recommendation: In order to make an informed decision from a highway perspective, HCC as a Highway Authority request the following information.*

- *a swept path analysis drawing demonstrating that the largest vehicles (e.g. vehicle and horsebox) anticipated to use the site would be able to safely use the access, turn around on site and egress onto Little Green Lane in forward gear.*
- *The current entrance gates are not set back from the highway. HCC as a highway authority also recommend plans demonstrating that the proposals also include a sufficient set back of the gate to a sufficient distance, in order to enable a vehicle to stand clear of the highway whilst waiting for the gates to open.*
- *information regarding the trip generation of the proposed site, including expected number of movements once the proposals are implemented*

Officer comment: Following the comments received from Herts Highways, the applicant submitted further information and Herts Highways were re-consulted. The following comments were received:

##### **4.1.2.1 Hertfordshire County Council – Highway Authority (Second response): [No concerns raised.]**

*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.*

*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) 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/businesslicences.aspx> or by telephoning 0300 1234047*

*AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result*

*in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/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.*

## COMMENTS

*Context: Little Green Lane is an unclassified local access road and is highway maintainable at public expense. It is classed as P1/M1 on Hertfordshire County Council's place and movement network. A 30mph speed limit applies. 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 change of use of land to horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables.*

*Access: An existing access to the East of the site off Little Green Lane is to be retained. A plan showing a proposed turning head within the sited demonstrates that the largest anticipated vehicles (e.g., vehicle and horsebox) have sufficient space to turn around on site and exit in forward gear. A setback of 18m from the highway has been provided for the entrance gates to prevent large vehicles from causing blockages on the adjacent highway (Little Green Lane) whilst waiting for the gates to open. The application form states that no new or altered vehicular or pedestrian access is proposed to or from the public highway. The HA has no further comments in this respect.*

*Visibility: Achievable levels of inter-visibility between drivers exiting the site and other highway users (vehicles, cyclists and pedestrians) are not demonstrated on submitted plans.*

*A visibility splay of 43m in each direction would be consistent with Manual for Streets, Table 7.1) 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 'Manual for Streets (MfS) (Table 7.1, sections 7.8 / 7.9)'.*

*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. The Highway Authority would observe the following. No specific parking provision has been detailed on the submitted plans. The proposed usage of the site is horticulture, agriculture and equestrian. Tractor storage has been shown on the submitted plans. The proposals do not present a significant increase of trips to and from the site, and therefore have a negligible impact on the surrounding highway as a result.*

*Surface Water Flood Risk to the highway: The transport network needs to be resilient to the risks from the impacts of climate change, including changing weather patterns and extreme events. Policy 5 and of the Hertfordshire Local Transport Plan (LTP4) seek to secure developer mitigation measures to limit the impacts of development on the network. The Place and Movement Planning Design Guide states that water from areas that are not adoptable highway must not be allowed to run onto areas of adopted highway. The Government's flood risk maps for planning indicate parts of the nearby highway carriageway not to be at risk of surface water flooding: <https://flood-map-for-planning.service.gov.uk/>*

*The application indicates that surface water will be discharged by way of a sustainable drainage system*

*Emergency Vehicle Access: Consistent with the NPPF (2021), para. 112 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2). (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 dwelling). 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.*

#### **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 highway informative / advisory notes.*

*Officer note: With regard to comments on visibility, clarification was requested from the Highways Officer as to whether further information would be required and whether vegetation would need to be removed. The following comments have been received from the Highways Officer:*

*HCC as a highway authority acknowledge the concerns raised, however we do not require the visibility splays to be conditioned. The access to the site is already existing and is off a 30mph speed environment. We recognise that the vehicle trips associated with the 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. The visibility splays required for this access are achievable and that the trimming of verge to maintain the visibility at this access falls upon Hertfordshire highways. As a result, Hertfordshire highways fault reporting has been consulted to assess and maintain the vegetation around the existing access for the visibility splays to be maintained and deemed safe with recognition to the proposed development.*

#### **4.1.3 TRDC Conservation Officer (First response): [Objection]**

*This application is for the change of use of land to horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables.*

*Croxley House is a Grade II Listed Building (List entry: 1348223)*

*There would be no in principle objection to the proposed change of use. However, there are concerns regarding the location of the proposed stables and hay store. The structures would be visually prominent and inappropriate within the setting of the Listed Building. There is limited information on the potential requirements of hardstanding or access tracks.*

*As submitted, the proposal would result in 'less than substantial' harm at the lowest end of the scale. Paragraph 208 of the NPPF would be relevant.*

*There are more suitable and discrete locations for the proposed structures that would not impinge on the setting of the listed building. I recommend that the hay store and stables are repositioned to be situated near the poly tunnels and potting enclosure.*

Officer comment: In response to the concerns raised, amended plans have been received which have repositioned the haystore and reduced the size of the structure. The following comments have been received from the Conservation Officer:

4.1.3.1 TRDC Conservation Officer (Second response): [No objection]

*The amendments would be sufficient to address previous concerns. They would be site at quite some distance from the listed building and would be single storey in height, minimising their visual impact. The open/ rural character of the setting of Croxley House would be preserved.*

4.1.4 Hertfordshire County Council as Lead Local Flood Authority (LLFA): [No objection]

*Thank you for your consultation regarding the above application (received 19 April 2024) for change of use of land to horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables.*

*Following a review of the submitted information, we have no objection to this application on flood risk or drainage grounds.*

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

4.1.5 Herts Ecology (First response): [Holding objection]

*Overall Recommendation:*

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

*Summary of Advice:*

- *There is insufficient information on the proposals biodiversity impact (habitat); a Habitat Survey should be required to be undertaken at the site.*

*Protected Species: No ecological assessment has been carried out at the site for this proposal, however, I am not aware of any species data for this site. Additionally, no trees or hedgerow appears would appear as though they need removing to facilitate the proposal. It is noted that 'Little Green Pond' is present on the opposite side of the road, adjacent to the sites north-eastern boundary. Another pond is present South along little green lane, near to the entrance of Killingdown Farm. There is no existing species data present for either of these ponds. In the unlikely instance that notable species where present, the nature and scale of the proposal at the site in this case would be unlikely to have any detrimental impacts on any fauna associated with these off-site ponds. Additionally, the brick wall that extends around the entirety of the site's perimeter (apart from a single access point) is likely to pose quite a significant barrier to dispersal for most protected/notable species. However, in the event that protected species are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted for the below species:*

1. *Bats*
2. *Great crested newts*
3. *Reptiles*
4. *Badgers*

## 5. Nesting birds

*“If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.*

*To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.*

*In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”*

*Biodiversity Net Gain & Habitat: In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.*

*(a) the application for planning permission does not constitute a Major Application and was made before the 2nd of April 2024.*

*The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption but is taking it on face value in this instance, that the requirement for a mandatory 10% Biodiversity Net Gain does not apply. In respect of the proposal’s impacts on biodiversity, the habitat on site has not been formally assessed. We have no habitat information on record that would suggest there may be any fundamental ecological constraints with the proposals. However, the applicant hasn’t presented any evidence to demonstrate this is the case. Given the proposals are for a change of use which will clearly impact upon a significant area of otherwise undeveloped grassland, I am not in a position to confirm there is no negative ecological impact of any consequence without any form of habitat survey. Consequently, it would be considered reasonable in this instance for the LPA to require a habitat survey to be undertaken at the site under best practice prior to determination to formally assess the sites grassland and habitat value. Subject to this being required by the LPA, a report should be submitted to prior to determination to the effect of the above and should be able to inform any potentially needed compensation.*

Officer comment: The proposed development would constitute a major planning application as it is on land measuring over 1 hectare. As such, during the course of this application the applicant was given the opportunity to provide information relating to BNG.



In addition, a habitat survey was also requested in response to the comments made by Herts Ecology. This information has been received and the following comments received from Herts Ecology as follows:

#### 4.1.5.1 Herts Ecology (Second response): [No objection]

##### *Overall Recommendation*

*Application can be determined with no ecological objections (with any conditions/Informatives listed below).*

##### *Summary of Advice:*

- *Automatic, mandatory BGP Condition required.*
- *An additional LEMP Condition required.*
- *Protected species informative remains advised.*

##### *Biodiversity Net Gain & Habitat*

*In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase biodiversity value relative to the pre-development biodiversity value of the onsite habitat.*

*Hertfordshire Ecology’s previous comments did not include scrutiny of the validity of the claimed exemption from mandatory BNG for this application. It has since been confirmed via correspondence with the Local Planning Authority that this application is considered major and is subject to mandatory BNG given it was submitted after the 12th of February. Such means that the application is automatically subject to a general Biodiversity net Gain Plan Condition, which requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the LPA are minded to grant permission. This requires the following:*

- *An Overall Biodiversity Gain Plan must be submitted to and approved by the planning authority before any development can begin.*

*Since Hertfordshire Ecology’s previous comments (dated 11 June 2024), an assessment of the habitats at the site has been undertaken and an associated Statutory BNG metric has been submitted. I find no constraints associated with the habitat survey undertaken at the site, of which suitably assesses and quantifies the site’s baseline habitat value (8.55 Area Habitat Units). Habitat condition sheets are also provided to inform the habitat classifications – I find no reason to dispute the findings on this basis.*

*The site would appear to primarily comprise of modified grassland and would not be of significant ecological interest. Nonetheless, it has now been demonstrated that 10.27%, +0.88 Habitat Units can be delivered based on the current proposals. The proposed habitat enhancement is in the form of 0.21ha of other neutral grassland and the condition proposed for this habitat is ‘moderate’. This moderate condition would appear to take into account the presence of a mature oak tree and its contribution to shading impacts. Overall, I find no fundamental constraint associated with the proposed habitat enhancement in the suggested part of the site, and see no reason why moderate condition could not be achieved subject to appropriate management and a fence being installed to prevent poaching and disturbance by grazing animals.*

*Given that it has now been demonstrated that the required biodiversity uplift can be achieved, if the LPA were minded to grant permission for this application a Condition of*

*approval (one to be imposed on the written notice with any permission granted) should be added as an additional BNG Condition for a Creating a cleaner, greener, healthier Hertfordshire Landscape and Ecological Management Plan. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored following the completion of the capital works required to create them.*

4.1.6 Thames Water: No comments received.

4.1.7 Affinity Water: No comments received.

4.1.8 National Grid: No comments received.

## 4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 16

4.2.2 No of responses received: 10 objections

4.2.3 Site Notice: Expiry: 10.05.2024 Press notice: Expiry: 18.05.2024

### 4.2.4 Summary of Responses:

- Do not trust that this is not the beginnings of another new housing development. Development at Killingdown Farm has proven that Croxley Green is not equipped for extra housing.
- Stealth change of use application; roads cannot cope with the volume of traffic in this area
- Moved to Croxley Green to live amongst the countryside; a green; low polluted and low populated environment.
- A disguised plan to change the use of the land and removed it from the Green Belt.
- Object on the grounds that this is a Conservation Area and Green Belt.
- The field is in the Green Belt and within the Conservation Area and within an ancient heritage area within view of two listed buildings and opposite a third.
- Neighbour consultation not completed properly. Coachmans Cottage is a neighbour and not directly consulted.
- The proposals are inappropriate and will change the character of the land. In particular, the hay store and potting enclosures. The buildings do not look temporary, they seem permanent.
- Proposed stables are not truly mobile. The haystore and potting shed are of substantial size, and would have gabled roof form with a prominent height. They would be bulky and prominent.
- The structures are urbanising features, at odds with the rural character of the Green Belt.
- The access appears to be along this narrow road, now the only access road for Little Green on top of the access for the Killingdown Farm development. The proposal will increase the level of traffic.
- The proposal will significantly increase the intensity of use of the site and lead to a notable rise in traffic and associated vehicular movements. Little Green Lane is a narrow, rural lane that currently supports minimal traffic associated with local residential and agricultural uses. Little Green Lane is not designed to accommodate additional traffic resulting from the proposed uses.
- Intensification of use of the land will result in increased noise levels, odours, and general disturbance, adversely affecting the character of the surrounding area.
- Presence of alpacas and equestrian activities would increase the levels of noise and activity.

- The proposed structures would be readily visible from the wider area and would be detrimental to the open character of the Conservation Area. They would result in harm to Locally Important Buildings and Listed Buildings.
- Introduction of regular commercial vehicles, potentially large tractors and trailers for the hay store and equestrian uses will place strain on the lane.
- Safety of local residents and visitors could be compromised due to limited visibility and lack of pedestrian pathways along Little Green Lane.
- As the land is designated for agricultural uses, this application looks to intensify the use and has the risk of disturbing wildlife including badgers. There are no mitigation measures to ensure that this does not happen.
- Badgers are present at night- and have already been displaced by Killingdown Farm.
- Fencing and a temporary building are on site;
- There is no need for poly tunnels which would be an eyesore and not in keeping with the Conservation Area; what is the use of the polytunnels?
- Noted that separate planning applications were refused in 1999 for erection of a dwelling and erection of an agricultural dwelling and polytunnels. Whilst there is no detailed records for either of the applications, it is clear that previous attempts to urban this area of the Green Belt have been unsuccessful. This represents a material planning consideration.
- Odd that the agent has stated that the development is not a commercial enterprise.
- The agents own statement states that there would be no change of use of the land- so why apply for planning permission at all?
- There is a significant amount of what the Applicant is proposing that strictly speaking would not require planning permission, were it agricultural use on existing agricultural land, the grazing of animals for instance and the citing of certain temporary structures.

Officer comment: Neighbourhood consultation has been correctly undertaken. Neighbours immediately adjoining the site have been formally consulted by letter and their consultation period ends on 10 September 2024. In addition, a site notice has been displayed, and a press notice has been published.

The other matters raised will be addressed in the analysis below.

#### 4.2.5 Campaign to Protect Rural England: The Countryside Charity, Hertfordshire [Objection]

*The land is designated as Metropolitan Green Belt where development is seen as inappropriate unless in very special circumstances are identified which clearly outweigh the harm caused.*

*No Planning Statement attached to the application which should be a requirement for an application in the Green Belt, identifying the policy context and relevant conditions. There is no justification presented for the proposal either in terms of exceptions to Green Belt criteria or very special circumstances.*

*Support the concerns raised by local residents and urge the Council to refuse this inappropriate and inadequate application.*

#### 4.2.6 Little Green Residents Association: [Objection].

*The field in question is currently protected by Green Belt legislation. All previous planning applications associated with this particular field have been rejected for the same good reasons. Be it poly-tunnels, housing or communications towers, that were ALSO on GREEN BELT, have to date been refused. To appease the current landowners would signify a reversal of previous policy and would be to open the thin edge of a wedge.*

*The field is within the Croxley Green Conservation Area.*

*We have yet to test the new junctions and viability of Little Green Lane with 200 plus extra cars coming in and out of the new Hill development. Why would anyone consider allowing extra traffic including outsize vehicles delivering horse feed etc and taking away whatever the poly tunnels are going to produce?*

*Now and in the future, access is likely to be limited to the existing field entrance on Little Green Lane. The north side of the plot is now closed with bollards. The west side is bounded by the substantial character wall that would only, if punctured, provide a difficult access onto the Sarratt Road.*

*What appears on the plans as “horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables” is not what you get. This considerable menagerie, will undoubtedly attract more “paraphernalia” or clutter.*

## **5 Reason for Delay**

5.1 Amended sought, consultee comments addressed. Extension of time agreed.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 Legislation

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

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

6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

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

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

6.1.6 The Environment Act 2021.

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 PSP2, CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM8, DM9, DM13 and Appendix 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018.

### 6.4 Other

The Croxley Green Conservation Area Appraisal.

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

## **7 Planning Analysis**

### 7.1 The proposed use

7.1.1 The original description of the development was stated to be a change of use of the land for horticulture and equestrian purposes. In response, some initial concerns were raised by officers as it was unclear as to the exact nature of the proposed use, particularly in relation to the 'equestrian element' and based on the limited information submitted. Furthermore, the information was somewhat contradictory as it specified that there would not be any change of use of land. As such, some comments received as part of the consultation queried why an application was then required at all.

7.1.2 Consequently, the applicant has provided further information, however, this continues to emphasise the following:

*'...in terms of the application, it would not result in a change of use of the land, with it resulting in the regularisation of the agricultural/horticultural use of the site, along with the proposed ad hoc structures'.*

7.1.3 In response to this statement, the LPA is in agreement that the horticultural element of the proposal would be considered as an agricultural use. Therefore, using the land in this way would not result in a material change of use of the land. Furthermore, the applicant is entitled to make an application in order to regularise the use and confirm acceptability of the use and the structures. In addition, it is understood that the alpacas would be kept on the land and would not require any additional shelter. The LPA is also in agreement that the keeping

of alpacas on the land would constitute an agricultural use and again a material change of use of the land would not occur.

- 7.1.4 As noted above, the applicant had originally specified that the land would also be used for equestrian purposes. As such, further information was sought on the nature of this use as horse related uses often generate some contention as to whether they constitute a material change of use of the land. For example, some court cases have held that the simple grazing of horses on former agricultural land would not constitute a material change of use of the land. A helpful summary of the position is found in Annex F to the now withdrawn PPG7, which stated that *“land can be said to be used for grazing if horses are turned onto it with the purpose of feeding them from it, but not if they are kept on it for some other purpose (such as exercise or recreation) when grazing is seen as completely incidental and inevitable. A planning application is normally required for the use of land for the keeping of horses and for equestrian activities unless they are kept as livestock or the land is used for grazing.”* Factors which have been given weight is whether the land is used permanently for horses, whether there are structures on the land such as shelters and jumps and whether food is brought on to the land.
- 7.1.5 The applicant has advised that the horses would be kept on site permanently for grazing purposes, however, have stated that supplementary feed would also be brought onto the land. The applicant would not be riding horses on the land and it is understood that they would be taken off site for further exercise. Stables would also be provided on site for the four horses. The provision of stables rather than a ‘field shelter’ where grazing horses can come and go as they choose would appear to go beyond a purely agricultural use. It is therefore considered that given the provision of stables, that some supplementary food would be used and that the proposal would include the provision of fencing to separate the varying uses, that the use would better be described as the ‘keeping of horses’ for which planning permission would generally be required.
- 7.1.6 As such, the description of the development has been amended during the course of the application and this has been re-consulted on. The acceptability of the proposed uses shall be considered against the material considerations in the sections below.

## 7.2 Impact on Green Belt

- 7.2.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 7.2.2 Paragraph 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.
- 7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out six exceptions to inappropriate development which include:
- a) buildings for agriculture and forestry;**
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

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

7.2.4 In addition, paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land in it. This includes 'material changes in the use of land (such as changes of use for outdoor sport or recreation, for cemeteries and burial grounds'.

7.2.5 As already set out above, horticulture would fall within the definition of an agricultural use. As such, buildings associated with this type of use are considered appropriate within the Green Belt. Furthermore, the NPPF does not require the LPA to consider whether buildings used for this purpose would preserve the openness of the Green Belt. Therefore, the polytunnels and potting enclosure are considered appropriate forms of development. They are sited within the south western corner of the site and would be relatively contained both visually and spatially. It is not considered that they would result in harm to the Green Belt in this regard.

7.2.6 The use of the land for the keeping of alpacas would constitute an agricultural use which would be appropriate within the Green Belt. Furthermore, this element would not change the existing use of the land.

7.2.7 The 'keeping of horses' would constitute a material change of use of the land. As set out in previous sections, the horses would primarily be grazing on the land. However, some feed would be brought onto the site, and they would be stabled. However, there would be no jumps or other associated horse paraphernalia. There would be four horses kept on the land and it is understood that the applicant would visit twice a day to tend to the horses' needs. There would be no other horses living on site and it would not be used as a livery. In determining an enforcement appeal as to whether a change of use of land had occurred, the Inspector held that one must ask the question - what is the purpose for which the land is being used?

*The judgement in Sykes established that simply turning horses out onto land with a view to feeding them from the land amounts to grazing. What does not fall within the definition of agriculture is the keeping of horses, but the Sykes judgement recognised that horses may be both grazed and kept in the same place. In determining which of these is the primary use, the question that must be addressed is "what is the purpose for which the land is being used?". In my judgement the character of the use of the land in this case has remained agricultural. The pony is grazing a small portion of the land, the associated temporary fencing is used for grazing management, and the building/structure is used primarily for agricultural rather than equestrian purposes.*

7.2.8 It is therefore considered that the keeping of horses in the manner proposed by the applicant is very much akin to an agricultural use and it is not considered that this would have a material impact on openness. Furthermore, it is a use which one would anticipate within a rural/semi-rural setting. Some of the responses during the consultation period have raised

concerns in relation to the use, that the proposal will significantly increase traffic movements on a narrow, rural lane, and that the development will increase noise levels, odour and disturbance. In response, the applicant puts forward that the site will only be used by them. They would visit twice a day to tend to the needs for the animals, and up to four times a week in connection with the horticultural element. The traffic movements therefore would not intensify to an unacceptable degree and this will be discussed further within the analysis section. The applicant has advised that they would expect one delivery every two weeks in relation to hay and food. This is not considered to be excessive and would not impact significantly on traffic. Therefore, taking into account the likely number of trips to/from the site and the number of deliveries, it is not considered that this would significantly impact on the character of Little Green Lane with regard to an unacceptable level of traffic movements. Furthermore, the horses would not be used recreationally on the land and the noise associated with the use of the land would be minimal.

- 7.2.9 Notwithstanding the acceptability of the change of use of the land, in order to 'keep' the horses on the land, the applicant is proposing to erect four stables and an associated hay/tractor store. Whilst the proposed buildings would not fall within any of the exceptions listed within the NPPF, as already emphasised, the use of the land for the keeping of horses is considered to be more akin to an agricultural use- and one which one would anticipate to find in similar settings. It has therefore been concluded that this would be a material change of use of land which would not impact on the Green Belt. The proposed stables and hay/tractor store would be needed to facilitate the use. Furthermore, Policy DM2 of the Development Management Policies LDD does allow for the provision of ancillary buildings within the Green Belt and states the following:

*The Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:*

- i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt*
- ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development*
- iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.*

- 7.2.10 Whilst not a residential structure, it is considered that this part of Policy DM2 is applicable to the proposal, as the structures would be ancillary to the wider use of the site.

- 7.2.11 In terms of their siting, initial concerns were raised regarding the location of the hay/tractor store in particular as this was proposed to be sited to the north of the site and would have resulted in an urbanising spread of development. In addition, the size of the structure was queried. In response, the hay/tractor store has been re-located to be closer to the proposed stables and the size of the structure has been reduced slightly, including a reduction in height from 4.3m to 3.6m. The applicant has advised the following with regard to its size:

*'The size of this proposed building is the minimum iteration to enable the adequate storage of both the hay/feed and the tractor. In terms of reducing the height of the building, the tractor needs to be stored with the equipment attached and the bucket elevated'.*

- 7.2.12 Given the requirement for a tractor, and the need to store hay and feed for the animals, it is again not viewed that these would be unreasonable. In addition, four stables are proposed, which is reasonable given that four horses would be permanently kept on the land. The applicant has confirmed that these are mobile structures which would be purchased in single units and would be attached to form a larger unit. They do not require the provision of additional hardstanding or ground works, with the submitted information stated that they are provided with timber or metal skids, and with a heavy duty towing chain with towing points located at one end. In terms of their design, they would be a relatively low level, single storey structure which would be of timber construction. In addition, a condition would



be suggested requiring the stables to be kept in the same siting as indicated on the plan, to ensure that they would not become a visually dominant structure within the Green Belt.

- 7.2.13 It is therefore accepted that the proposed structures would be required in connection with the use of the land for the keeping of the horses. Given the specific details of this particular case, they would be akin to agricultural buildings and given their single storey nature and size, it is not considered that they would impact on the openness of the Green Belt. They would be structures which one would anticipate finding within a rural environment and as such would not appear incongruous. To ensure that an intensification of use does not occur, a condition would be attached requiring the stables to be solely used for the stabling of four horses and for no other purpose whatsoever including for use as a livery or riding school.
- 7.2.14 In summary, the provision of polytunnels and a potting enclosure would be an appropriate form of development within the Green Belt. Furthermore, these structures have been sited such that they would be visually and spatially contained and would not impact on the openness of the Green Belt. The use of the land for the grazing of alpacas would constitute an agricultural use within the Green Belt and thus no objection is raised in this regard. In addition, it is considered that use of the land for the keeping of horses would be akin to an agricultural use which would be appropriate for the Green Belt setting. The buildings required to facilitate the use would be acceptable under Policy DM2 of the Development Management Policies LDD. Again, it is considered that they have been sited such that they would not impact on the openness of the Green Belt. The proposed development is therefore considered to be acceptable and in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.

### 7.3 Impact on Character of the area and Heritage Assets

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.3.2 The application site is also located within the Croxley Green Conservation Area and is also located to the rear of Croxley House, a Grade II Listed Building. Policy DM3 of the Development Management Policies LDD states that 'within Conservation Areas, development will only be permitted if it is of a design and scale that preserves or enhances the character or appearance of the area. With regard to Listed Buildings, Policy DM3 sets out that alterations should not affect the wider setting of a Listed Building.
- 7.3.3 The proposal would result in a mixed use of the site for horticultural and agricultural purposes and for the keeping of horses. Some concerns have been raised that the use by reason of an increase in activity would lead to disturbance and would result in a change of character to the rural area. In response, the proposed use would be for the benefit of the applicant only, with visits to the site limited to twice a day to tend to the animals and for 3 to 4 times a week in order to tend to the horticultural use. It is also acknowledged that would be some deliveries, however, these would also be limited and would not be unreasonable given the residential character of the wider area. Furthermore, the Conservation Officer has confirmed that no objection is raised to the principle of the change of use of the land to that proposed.
- 7.3.4 The single storey potting enclosure and polytunnels would be located within the south western corner of the site. It is noted that objections have been received from residents which raise concerns that the provision of polytunnels would not be in keeping with the

character of the Conservation Area and would detract from the setting of nearby Listed Buildings. In response, the polytunnels and potting enclosure would be set in from the boundary with Sarratt Road by a minimum of 40m. Given this distance, the single storey nature of the structures and the existing boundary screening, it is not considered that the structures would be visually prominent.

- 7.3.5 The original plans indicated that the hay store would have been located in close proximity to the northern boundary, with the stables located to the east of the site. This would have resulted in a spread of built form across the site. The Conservation Officer raised concerns regarding the location of the structures, stating that they would be visually prominent and therefore inappropriate within the setting of the Listed Building. Furthermore, the Conservation Officer raised concerns regarding the limited information in relation to the potential requirements for hardstanding and access tracks. The Conservation Officer therefore noted that as submitted originally, the proposal would result in 'less than substantial' harm at the lowest end of the scale. Paragraph 208 of the NPPF would be relevant.
- 7.3.6 In response, amended plans have been received, which have moved the hay store away from the northern boundary of the site and indicate that this would be sited towards the eastern boundary. The stables have also been re-orientated. Whilst it is acknowledged that the hay store would be sited in a similar position to that previously indicated for the stables, the structures would be closer together which reduce the spread of development. They would be contained to the eastern side of the site and whilst they would be visible from some parts of the rear amenity space of the Listed Building, they would not be directly to the rear of the building itself. The Conservation Officer has been re-consulted regarding the amended plans and considers that they would overcome the previous concerns raised. The Conservation Officer notes that the buildings would be sited at quite some distance from the Listed Building and would be single storey in height, minimising their visual impact. As such, it is considered that the open/ rural character of the setting of Croxley House would be preserved. In order to ensure that the structures would not have an impact on the appearance of the Listed Building, a condition is suggested requiring the stables and hay store to be permanently positioned in the location as shown on the approved plans and not to be re-sited at any time. In addition, in order to ensure that their appearance is sympathetic to the wider area, it is considered that further details of the colour of the stables and the potting enclosure should be submitted. It is considered that a darker stain to the timber would be more appropriate.
- 7.3.7 With regard to hardstanding, the applicant has advised in an additional statement that the existing access to the site would be utilised and that no further hardstanding would be required. In addition, the applicant has stated the following:
- 'The access surface material which is compacted gravel (which has over time accumulated material over the top) will remain as existing, and although demarcated on the plan (including the turning head), this is to show the access point and that there is sufficient space for a vehicle to enter and turn around on site, rather than physical changes to the site.....*
- Deliveries are not expected to be a feature of this proposal, although provision of hay and food for animals will be required, but they can pull onto the site to make the delivery and the tractor can take the elements where they are needed on site. Other than a tractor, we are not expecting vehicles to transverse across the site'.*
- 7.3.8 Consequently, no objections would be raised in this regard.
- 7.3.9 Concerns received also note that the proposed buildings would be visible from the Conservation Area and therefore would not be acceptable. In response, the structures proposed are single storey and set in from the boundary. The site is contained due to the existing boundary treatment and screening. Whilst there may be some views, it is

considered that these would be limited, and it is not considered that this would result in significant harm to justify refusal. The structures are viewed to be appropriate to the rural character of the area and it is therefore considered that the development would preserve the appearance of the Conservation Area, in accordance with Policy DM3 of the Development Management Policies LDD. Furthermore, it is emphasised that the Conservation Officer has raised no objections to the development in this regard.

7.3.10 In summary, it is considered that the amended plans have overcome the Conservation Officers concerns in relation to the impact on the setting of the Listed Building. Given the single storey nature of the structures and the contained nature of the site, it is not considered that significant demonstrable harm would occur to justify refusal. The development would not result in harm to the visual amenities of the Conservation Area or the setting of the Listed Building. The development is viewed to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

#### 7.4 Impact on amenity of neighbours

7.4.1 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'. In addition, Policy DM9 of the Development Management Policies LDD sets out 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*'.

7.4.2 The horticultural use would be located in the south western corner of the site, in close proximity to the boundaries with Clarendon Lodge, the existing residential care home. The resultant use would also include the erection of two individual poly tunnels and a potting enclosure. The activities associated with a horticultural use would be unlikely to generate excessive noise or disturbance to justify refusal, particularly given that the applicant has advised that they would be growing fruit and vegetables for their own personal use and therefore activity would be limited. Furthermore, it is emphasised that using the land for horticultural purposes in itself would not constitute a change of use from the existing agricultural use of the site. With regard to the structures, both the poly tunnels and potting enclosures would be single storey, of modest height and would be set in from the boundaries. As such, it is not viewed that these would be overbearing or result in any loss of light to neighbouring properties.

7.4.3 To the west of the site, it is proposed to keep alpacas, and it is not considered that this would generate any significant level of disturbance to neighbouring dwellings. It is also emphasised that using the land for the grazing of alpacas, would constitute an agricultural use, and this in isolation, would not require planning permission. The applicant has confirmed that the alpacas would not require shelters, and in the event that a shelter was required, they would be taken off site.

7.4.4 The eastern portion of the site would be used for the keeping of horses. The number of horses to be kept would be limited to four (with only four stables provided on the land) and they would be primarily grazing the land. This type of activity would be unlikely to generate noise and disturbance to neighbouring properties and is considered to be very much akin to an agricultural use. Likewise, it is considered that the keeping of four horses would be unlikely to generate a significant level of odour, particularly given the relatively enclosed nature of the site.

7.4.5 A stable block and hay store would be erected and would be located to the east of the site. These would be low key, single storey structures which would be sited away from neighbouring properties. Consequently, it is not considered that any harm would occur in this regard. To ensure that an intensification of use of the land would not occur, a condition

would be attached to the consent, requiring the stables to be used solely for the stabling of four horses and for no other purposes whatsoever.

7.4.6 It is noted that objections have been received from neighbours, raising concerns about the intensification of use of the site and that there would be an increase in noise and disturbance. However, for the reasons outlined above, it is considered that the proposed use would not result in any significant level of disturbance which would justify refusal of the application.

7.4.7 In summary, the proposed development would be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

## 7.5 Highways, Access and Parking

7.5.1 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.

7.5.2 With regard to access, the site would continue to be accessed via the existing vehicular access from Little Green Lane. The submitted plans indicate that there is sufficient space to turn around on site and exit in a forward gear. Whilst a turning head has been shown on the submitted plans, the applicant has advised that this is for illustration purposes and formal hard surfacing would not be used. In addition, the existing gates would be re-sited such that these would be set back further into the site. This would prevent any larger vehicles waiting to enter the site from causing an obstruction to the adjoining highway whilst the gates are opened. Herts Highways have raised no objection to the details provided. A condition shall be attached requiring the gates to be re-siting prior to the first use of the site.

7.5.3 It is noted that residents have raised concerns regarding the intensification of use of the site as a result of the proposed use. Concerns raised note that the proposed use would lead to a notable rise in traffic and associated vehicle movements, and that Little Green Lane is a narrow, rural lane which would be unable to cope with additional traffic movements. With regard to the proposed use, the Highway's Officer advises that the proposals would not result in a significant increase in the number of trips to and from the site, and the proposed development would have a negligible impact on the surrounding highway as a result. As noted previously, the use would be for the benefit of the applicant only, with the horticultural use being to grow fruit and vegetables for personal consumption and the horses and alpacas being the applicant's own. This in itself, would therefore limit the number of visitors to the site.

7.5.4 The Highways Officer does note that the achievable levels of visibility have not been demonstrated on the submitted plans, however, also notes that visibility is considered to be achievable in accordance with the Manual for Streets guidance. In response, officers sought further clarification from the Highways Officer as to whether the visibility splays should be clearly marked on the submitted plans or whether these should be conditioned. In response, the Highways Officer has advised that the access to the site is already existing and that the vehicle trips associated with the development are unlikely to result in a material increase in additional vehicle trips to and from the site. As such, no significant or serve impacts on the transport network have been identified from a highway's perspective. In addition, the Highways Officer advises that the visibility splays required for this access are achievable and that the trimming of verge to maintain the visibility at this access falls upon Hertfordshire Highways. As a result, Hertfordshire Highways Fault Reporting has been consulted to assess and maintain the vegetation around the existing access for the visibility splays to be maintained and deemed safe with recognition to the proposed development.

7.5.5 With regard to off street car parking, Appendix 5 of the Development Management Policies LDD does not specify the number of spaces which should be provided. In this case, the

proposed use is for the benefit of the applicant and it is not anticipated that there would be visitors to the site. As such, this would limit the number parked vehicles which would be on site at any one time. Notwithstanding the above, there is sufficient space on site for vehicles to park on site without causing obstruction to Little Green Lane. As such, no objections are raised in this regard.

7.5.6 In summary, given that the Highways Officer has raised no objection with regard to the proposed development and given the nature of the use, it is not considered that significant harm would not occur to the safety of the adjoining highway. In addition, it is considered that there is sufficient provision for vehicles to park on site without causing obstruction to Little Green Lane. The development is considered acceptable and in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 7.6 Wildlife and 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.

7.6.2 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.

7.6.3 The initial comments made by Herts Ecology note that no ecological assessment has been undertaken. However, the Ecology Officer is not aware of any species data for the site. Additionally, no trees or hedgerows would be removed to facilitate the development. However, given that the development would impact on a significant area of undeveloped grassland, a habitat survey should be undertaken,

7.6.4 In response, a habitat survey has been undertaken. This confirms that the site consists of grassland which is species poor and has been found to be in poor condition, given the dominance of coarse grasses. The report has found that there are no baseline habitats present that rare considered irreplaceable and the Ecology Officer has advised they have no reason to dispute these findings. Consequently, no objections are raised in this regard.

7.6.5 In their initial comments, Herts Ecology have advised that if the development is found to be acceptable, a number of informatives should be added to the consent reminding the applicant of what to do should any protected species be found during the course of the development.

## 7.7 Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% biodiversity value. This is subject to exemptions as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.7.2 In this case, the application constitutes a major application by reason of the site area exceeding 1 hectare. During the course of the application, an assessment of the habitats at the site has been undertaken and an associated Statutory BNG Matrix has been submitted. The Ecology Officer has advised that they have found no constraints associated with the habitat survey undertaken on site, of which assesses and quantifies the sites baseline habitat value at 8.55 Area Habitats Units. It is set out in the accompanying report that the

site habitats are of low distinctiveness/ecological value and there are no irreplaceable habitats present, within or adjacent to the site.

- 7.7.3 The proposed habitats on site total 9.43 habitat units, which equates to a 10.27% net gain. A 2100 square metre area of modified grass land will be enhanced to form 'other neutral grass land'. The Ecology Officer advises that given it has now been demonstrated that the required biodiversity net- gain can be achieved, no objections are raised. However, it is suggested that a condition requiring the submission of a Landscape and Ecological Management Plan should be added. This should demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on site will be created, enhanced and monitored.

## 7.8 Trees and Landscaping

- 7.8.1 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'.
- 7.8.2 There are existing protected trees on site and the boundary of the site with Little Green Lane is screened by significant vegetation. Given the proposed buildings would not require ground works and are located a distance from the trees and boundaries, it is not considered that any harm would occur to existing trees. The development is considered to be acceptable in this regard.

## 7.9 Drainage

- 7.9.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.
- 7.9.2 This application is classed as a major planning application by reason of site area and therefore the LLFA have been consulted. They have assessed the application and confirm they raise no objections to the development. The development is therefore considered acceptable and in accordance with Policy DM8 of the Development Management Policies LDD.

## 7.10 Other Matters

- 7.10.1 It is noted that objections have been received which raise concerns that the proposed development represents a 'disguised plan' to change the use of the land and remove it from the Green Belt. In addition, comments note that the development would mark the beginnings of a residential development. Whilst the concerns raised by residents are noted, it is emphasised that the application must be assessed on its own individual planning merits and based on the plans and information which have been submitted as part of this application. This application relates exclusively to a change of use of the land to horticulture, grazing of land for alpacas and for the keeping of horses. It cannot be determined based on

fears as to what may happen in the future. Any grant of planning permission does not remove or change the Green Belt boundary.

- 7.10.2 A further comment submitted has noted that separate planning applications were refused in 1999 for erection of a dwelling and erection of an agricultural dwelling and polytunnels and that these are material planning considerations. In response, this is a materially different scheme which does not relate to the provision of a residential dwelling. Whilst polytunnels were included, these were not in the same siting as previously. Furthermore, the context of the site has been altered since 1999 with the development of other sites within the vicinity and the policy context has also changed. No objections have been raised from the Conservation Officer or from Herts Highways and thus there is no reason to refuse the application.

## **8 Recommendation**

- 8.1 That subject to no new material considerations being raised, 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:

SK-01-Rev A SK-02 Rev K, SK-003 Rev 01, SK-004 Rev 02, SK-005-Rev 01, SK006-REV 01,

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the openness of the Green Belt, and the character and appearance of the Croxley Green Conservation Area and Listed Buildings; in accordance with Policies CP1, CP9, CP10, CP11 and CP12; of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM6, DM9, DM13 and Appendix 5; of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to the commencement of development, a Landscape and Ecology Management Plan shall be submitted and approved in writing by the Local Planning Authority. This shall demonstrate how the habitat enhancement and creation and subsequent target habitat conditions on site will be created, enhanced and monitored. This shall include:
- (a) non technical summary;
  - (b) the roles and responsibilities of the people or organisation (s) delivering the Landscape and Ecology Plan
  - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - (d) management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the development and;
  - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to and approved in writing by the Local Planning Authority:

Reason: This is a pre-commencement condition to ensure that the net gain for biodiversity are delivered and maintained in the interests of local biodiversity in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first use of the site, the entrance gates shall be re-positioned as shown on plans SK-02-Rev K and SK-06 Rev A.

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

- C5 The stables hereby permitted shall be used solely for the keeping of four horses and shall not be used for commercial purposes including the use as a livery or riding school.

Reason: To protect the openness of the Green Belt and in the interests of residential amenity, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011).

- C6 The polytunnels hereby permitted shall only be used for agricultural purposes. If the polytunnels cease to be used for more than 12 concurrent calendar months, they shall be demolished and wholly removed from the site within a month, and the ground shall be returned to grass in the first possible planting season.

Reason: To protect the openness of the Metropolitan Green Belt, in accordance with Policy CP11 of the Core Strategy (adopted October 2011).

- C7 The potting shed shall only be used for agricultural purposes.

Reason: To protect the openness of the Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011).

- C8 Once erected, the stables and hay store hereby permitted shall be permanently positioned in the location shown on plan SK-02 Rev K and shall not be moved or repositioned to any other location within the application site.

Reason: To protect the openness of the Green Belt and the setting of the Grade II Listed Building, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy and Policies DM1, DM2 and DM3 of the Development Management Policies LDD.

- C9 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Design Stage Report 24/07/2024 Revision A (Ref: EC0111).

Reason: To ensure that the net gain for biodiversity are delivered and maintained in the interests of local biodiversity in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the first use of the stable building, hay store and potting enclosure, full details of their colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details.



Reason: To ensure that the external appearance of the building is satisfactory and to protect the setting of the Listed Building in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD.

- C11 The fencing hereby permitted shall not be erected other than in accordance with the approved details as shown on Drawing Number SK-02 Rev K and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C12 No external lighting shall be installed on the application site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, the openness of the Metropolitan Green Belt and to meet the requirements of 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).

## 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 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/businesslicences.aspx> by telephoning 0300 1234047
- 15 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.
- 16 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.
- 17 If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

- 18 In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”
- 19 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.













## PLANNING COMMITTEE – 12 September 2024.

### **24/0918/FUL – Construction of single storey front and rear extensions, conversion of garage into habitable accommodation and construction of new shed at 19 ASH CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DN**

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 16/09/24 Agreed Case Officer: Alannah Stringer  
Extension

Reason for consideration by the Committee: The application is brought to Committee as the agent for application is a Councillor.

Recommendation: That planning permission be GRANTED subject to conditions.

To view all documents forming part of this application please go to the following website:

[24/0918/FUL | Construction of single storey front and rear extensions, conversion of garage into habitable accommodation and construction of new shed | 19 Ash Close Abbots Langley Hertfordshire WD5 0DN \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0918/FUL|Construction%20of%20single%20storey%20front%20and%20rear%20extensions,%20conversion%20of%20garage%20into%20habitable%20accommodation%20and%20construction%20of%20new%20shed|19%20Ash%20Close%20Abbots%20Langley%20Hertfordshire%20WD5%200DN)

#### **1. Relevant planning history**

- 1.1 8/270/90 - (Outline) Residential development, Divine Saviour Convent. Permitted 30.08.1990.
- 1.2 8/48/91 - Erection of 17 four bedroom dwellings. Permitted 23.05.1991.
- 1.3 8/592/91 - Revision to siting of houses on plots 14 & 15 of previously approved development - Permitted 25.11.1991
- 1.4 8/560/92 - Erection of 17 dwellings (revision to details approved under ref. 8/48/91) - Permitted 10.12.1992

#### **2. Site description**

- 2.1 The application site is located on Ash Close, a residential cul-de-sac off Gallows Hill Lane. Ash Close is characterised by large, detached dwellings of similar architectural style set back from the highway, with integral garages and large front drives which are part laid to lawn, and part hardstanding.
- 2.2 The south side of Ash Close curves around to the east. The south-eastern section of Ash Close comprises of 4 detached dwellings with a gravelled shared access to individual gravel driveways with varied soft landscaping.
- 2.3 12 Ash Close is set to the north-eastern corner of the south-eastern section of Ash Close and comprises of a gable ended pitched roof with dark tiling. To the front elevation, an open porch canopy is set beneath the front roof slope between a dormer which projects from a catslide roof to the east side, and a two storey projection with a ground floor bay window to the west side. The front elevation is finished in mixed brick to the ground floor and red tiling to the first floor of the two storey projection. The front building line is staggered.

## **PLANNING COMMITTEE – 12 September 2024.**

- 2.4 To the front of 12 Ash Close is a large, landscaped area. There is parking provision for 4 vehicles and the front garden is primarily laid to lawn. A number of trees are located to the front of the property.
- 2.5 The rear elevation of the host dwelling is finished in mixed brick and white fenestration. Above the ground floor windows is red brick detailing. Immediately adjoining the rear elevation is a patio which wraps around the east elevation to the side gate. The rear garden is north-facing and primarily laid to lawn and has an existing shed set adjacent to the rear (north) boundary. The north and east boundary treatments are timber fencing, the west boundary is hedging, with some mixed soft landscaping.
- 2.6 To the east of the host dwelling is Little Orchard Close, there is no immediate neighbour to the east and the properties located on Little Orchard Close are a minimum of (approximately) 14m from the existing host dwelling, separated by soft landscaping, boundary treatments and the highway.
- 2.7 To the west of the host dwelling is 17 Ash Close. 17 Ash Close projects approximately 3.4m beyond the front building line of the host dwelling, and the host dwelling extends approximately 3.6m beyond the rear building line of 17 Ash Close. It is noted that 17 Ash Close has an existing rear conservatory which is set back from the rear elevation of the host dwelling by approximately 1m. The host dwelling is set approximately 1m from the shared boundary and 2m from the main dwelling of this neighbour.
- 2.8 To the south, 28 Ash Close faces west, and the north elevation of this neighbour is set approximately 18.5m from the front elevation of the host dwelling.

### **3. Description of proposed development**

- 3.1 This application seeks full planning permission for the construction of single storey front and rear extensions, the conversion of garage into habitable accommodation and construction of new shed.
- 3.2 The proposed single storey rear is flush to the flanks of the existing host dwelling; the proposed extension measures approximately 3.4m in depth, 3.5m to the monopitch ridge, 2.4m to eaves and 10.5m in width. The proposed rear extension comprises of a monopitch roof with 4 Velux rooflights finished in black and tiling to match the existing; aluminium sliding doors finished in black; and the exterior is to be finished in brickwork to match the existing. No fenestration is proposed to either flank of the proposed single storey rear extension.
- 3.3 The existing patio area is replaced by the proposed single storey rear extension; a replacement patio area at ground level of approximately 3m depth is proposed adjacent to the proposed extension.
- 3.4 The proposed single storey front extension would replace the existing porch canopy, and measures at approximately 1.4m depth, 3.6m height to monopitch ridge, 2.3m to eaves and 1.4m in width. The proposed development has a mono pitched roof with 1 Velux rooflight finished in black and is set between the existing two-storey front projection and catslide roof. The front elevation of the proposed front extension would be finished with brick slips to timber framing.
- 3.5 The proposed garage conversion does not increase the footprint of the property; the proposed conversion includes the removal of the existing garage door which is to be replaced with brickwork to match the existing dwelling and three aluminium windows finished in black.

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- 3.6 The relocation of the east side access door is proposed to provide external entry to the proposed utility room. The previous access would be bricked to match the existing, and a new door and access will be constructed on the same elevation, approximately 7m to the north of the existing.
- 3.7 All existing white fenestration is to be replaced with black aluminium fenestration; no other additional fenestration is proposed.
- 3.8 The proposal also includes the replacement of the existing shed with a larger shed measuring approximately 4m depth, 2.4m height and 2.4m width. The proposed shed is to be set on a concrete base. The existing concrete based is to be enlarged. The proposed shed is recessed from the boundaries.

### 4. Consultee responses

4.1 National Grid – [No response received]

4.2 Abbots Langley Parish Council – [Comment]

*Members note the presence of mature trees on the boundary with Little Orchard Close and request officers include a requirement that the trees be inspected and protected as necessary prior to approval/*

4.3 Landscape Officer – [No Objection]

*There are trees on the site protected by Tree Preservation Order (TPO273). The submitted plans and tree report indicate that no protected trees would need to be removed to facilitate the development. However, site photos would appear to suggest that some pre-development clearance work of trees has recently taken place in the vicinity of the proposed extension. These trees were not protected by TPO, however a condition requiring some replacement tree planting should be applied.*

*The tree report demonstrates that no further tree removals should be required, a compliance condition should also be applied requiring the applicant to comply with the tree protection measures outlined in the submitted report.*

### 5. Neighbour consultation

5.1 Site Notice Posted: 16.07.2024. Expired: 06.08.2024.

5.2 Press Notice Published: [Not Required]

5.3 No. consulted: 10. No. of responses: 2.

5.4 Summary of responses: [2 Objections Received]

*Concerns are raised regarding the following:*

- *The impact of development works on existing trees and vegetation bordering Little Orchard Close.*
- *The potential use and adaptations to the development.*
- *The size/bulk of the proposed single storey rear extension.*

## **PLANNING COMMITTEE – 12 September 2024.**

- *The removal of boundary screening prior to application and the change of view from Little Orchard Close.*
- *How the construction process is to be managed.*

### **6. Reason for Delay**

Committee Cycle. Extension Agreed.

### **7. Relevant Local and National Planning Policies**

#### **7.1 Legislation**

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

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

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

The Environment Act 2021.

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

The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

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Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

### 8. Analysis

#### 8.1 Design and impact on the Host Dwelling and Street Scene

- 8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets.'
- 8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 8.1.3 As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking.
- 8.1.4 The proposed single storey rear extension would have a total depth of approximately 3.4m, which is within the guidance for detached dwellings set out in Appendix 2 of the DMP LDD. Whilst the proposed rear extension is flush to the flanks of the existing host dwelling, the 2m spacing between the host dwelling and the neighbour set to the west, 17 Ash Close, is retained and the exterior is to be finished in materials to match that of the existing creating a sense of cohesion. Furthermore, by virtue of the proposed extensions position to the rear of the dwelling, this aspect of the development would not be readily visible from the street scene.
- 8.1.5 Whilst neighbour concerns are acknowledged, and partial views of the extension would be visible from Little Orchard Close, the proposed rear extension is confined to a single storey and is not considered to be excessively prominent in relation to the scale of the existing dwelling and rear amenity space being of less depth than the 4m guidance figure referenced in Appendix 2. Therefore, owing to its single storey nature and subservience to the host dwelling it is not considered to result in an incongruous or overly prominent form of development. As such, it is considered that the proposed single storey rear extension would not result in demonstrable harm to the character of the host dwelling or wider street scene.
- 8.1.6 The proposed single storey front extension would have an approximate depth of 1.4m, width of 1.4m and maximum height of 3.6m. The proposed single storey front extension would be set between an existing 2 storey projection which has a pitched roof extended from the front slope of the gable roof. The host dwelling also has a catslide roof to the east side of the gable roof which extends over the existing integral garage, and a front dormer projecting from the catslide roof. The addition of a front extension is not considered to be of detriment to the character of the host dwelling given the existing variation in roof forms facing the highway and within the street scene.
- 8.1.7 The monopitch roof to the proposed front extension would be in keeping with the variation evident and does not differ substantially from the form of the existing porch canopy. Furthermore, it is noted that a number of residential dwellings on Ash Close have replaced the original porch canopy with an enclosed front porch. As such, the proposed single storey

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front extension is considered in keeping with the street scene and is congruent with the character of the existing host dwelling.

- 8.1.8 The proposed conversion of the garage to habitable accommodation does not involve any changes to the footprint of the property. The existing garage door is to be removed, and the front elevation is finished in brickwork to match that of the existing dwelling. Within the front elevation, 3 black aluminium windows are proposed. The proposed garage conversion is considered in keeping with the alterations to, and conversions of, garages evident within the street scene, including that of 28 Ash Close. Furthermore, there are examples of black fenestration within the street scene and on neighbouring properties. As such, this aspect of the development is not considered to be of detriment to the street scene nor detract from the character of the host dwelling.
- 8.1.9 As above, given the context of the neighbouring properties and wider street scene, the replacement of all windows with black aluminium windows is considered acceptable.
- 8.1.10 The proposed relocation of the access door to the east elevation and replacement patio area is not visible from either the street scene or Little Orchard Close, and therefore would not result in a detrimental impact.
- 8.1.11 The proposed shed and enlarged concrete base is not readily visible from the street scene, however some views of the proposed shed may be available from Little Orchard Close. As the proposed shed is set approximately 10m from the east boundary to Little Orchard Close and is limited in height, this aspect of the development is not considered to impose harm to the character of the host dwelling or street scene.
- 8.1.12 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, street scene or wider area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

### 8.2 Impact on Neighbours

- 8.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.2.3 The proposed single storey rear extension would have a total depth of approximately 3.4m, which is within the 4m guidance for detached dwellings set out in Appendix 2 of the DMP LDD. Whilst neighbour comments are acknowledged, it is considered that the 3.5m maximum height of the proposed single storey rear extension is appropriate given the scale of the existing dwelling. The roof slopes down to 2.4m eaves height and the proposed single storey rear extension is flush to the side elevations of the host dwelling and recessed from the boundaries which would mitigate the perception of bulk and mass. Additionally, given the orientation of the properties and the north facing gardens, it is not considered that the rear extension would cause an additional loss of light. Furthermore, no fenestration is proposed to either flank of the proposed single storey rear extension.
- 8.2.4 Comments regarding the privacy of Little Orchard Close are noted, however it is considered that as the rear extension is confined to a single storey, is orientated away from the

## PLANNING COMMITTEE – 12 September 2024.

residential dwellings on Little Orchard Close, and the proposed development is set a significant distance from the front elevations of those residential dwellings which are facing the rear garden of the application site, that no adverse harm or reduction of privacy would occur.

- 8.2.5 To summarise: owing to the proposed rear extensions single storey nature, subservience to the host dwelling, confinement of fenestration to the rear elevation and general topography of the site it is not considered to result in an excessively prominent form of development in relation to neighbouring properties and would not result in any adverse impact of residential amenity of any neighbouring occupier.
- 8.2.6 To the front of the host dwelling the conversion of the garage to habitable accommodation and the addition of a front extension (porch) is proposed. The proposed garage conversion retains its existing footprint and the proposed window serving the garage conversion is set to the front elevation and faces onto the application sites front amenity space/ driveway and 28 Ash Close. The proposed front extension replaces the existing porch canopy with a porch which measures at approximately 1.4m depth, 3.6m height to monopitch ridge, 2.3m to eaves and 1.4m in width. The proposed development includes the addition 1 Velux rooflight finished in black to the monopitch roof.
- 8.2.7 Whilst it is noted that proposed development includes the addition of fenestration to the front elevation of the property as part of the garage conversion and single storey front extension no view of private amenity space is available. Although the proposed fenestration faces 28 Ash Close, the view is limited to the flank of this neighbour's double garage and is partially obscured by trees and other soft landscaping. As such, the proposed garage conversion and front extension are not considered to result in any demonstrable harm to neighbouring privacy or amenity. Furthermore, given the location of the proposed single storey front extension and the retention of the original footprint of the existing garage and topography of the site, it is considered the development would not cause a loss of light.
- 8.2.8 The proposed shed and enlarged concrete base is set to the rear of the application site, recessed from the north and west boundaries. As the proposed shed is set approximately 10m from the east boundary to Little Orchard Close and is limited in height, it is not considered that the proposed development would result in any overlooking or loss of privacy in this regard to any neighbouring property.
- 8.2.9 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 8.3 Highways and parking provision

- 8.3.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 8.3.2 The host dwelling is comprised of 4 bedrooms: Appendix 5 advises that a four-bedroom dwelling should have 3 assigned car parking spaces. The proposed development does not include the addition of any bedrooms, however the proposed conversion of the garage to habitable accommodation would lead to a reduction of 1 parking space. The proposed development includes provision for 4 parking spaces, which exceeds the guidelines set out in Appendix 5. As such, the proposal is considered acceptable in this regard.

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### 8.4 Wildlife considerations

8.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

8.4.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

### 8.5 Mandatory Biodiversity Net Gain

8.5.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

8.5.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

### 8.6 Rear amenity

8.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

8.6.2 The proposed development would not increase the number of bedrooms and as such there would be no additional requirement for rear amenity space. The proposed development would retain approximately 150sqm of rear amenity space which exceeds the indicative level of rear amenity space for a 4 bedroom property, as set out in Appendix 2 of the DMP LDD.

### 8.7 Trees and landscape

8.7.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.



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- 8.7.2 The Landscape Officer has noted that pre-development clearance work has taken place in the vicinity of the proposed extension and the Officer has requested a condition regarding the replanting of trees on the site. Given that the trees that have been cleared were not protected, and a vast amount of soft landscaping has been retained to the front and rear of the property, it is not considered appropriate to attach such a condition to the planning permission.
- 8.7.3 However, given the location of the TPOs present on the site, it is considered appropriate to attach a condition pertaining to compliance with the tree protection measures outlined on the plans submitted (TRDC 001 – Arboricultural Impact Integration Assessment).

### 9. Recommendation

- 9.1 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: 100 REV D, TRDC001 (Arboricultural Impact Integration Assessment).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- 8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 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 ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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

{b (a)} Making a Non-Material Amendment

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

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

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

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

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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 effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for

## **PLANNING COMMITTEE – 12 September 2024.**

the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.



View from 4 Little Orchard Close:













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## PLANNING COMMITTEE – 12 September 2024

**24/1018/FUL - Construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights internal alterations and alterations to fenestration detail at 44 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LR.**

Parish: Batchworth Community Council                      Ward: Moor Park and Eastbury  
Expiry of Statutory Period: 16.09.2024 (Extension of time agreed)      Case Officer: Lauren Edwards

Recommendation: That Planning Permission be GRANTED.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council unless Officers are minded to refuse the application, for the reasons set out at 4.1.2.

To view all documents forming part of this application please go to the following website:

[Construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights; erection of rear gables and rear terrace balcony, internal alterations and alterations to fenestration detail at 44 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LR \(threeivers.gov.uk\)](https://threeivers.gov.uk)

### 1 Relevant Planning

- 1.1 W/1090/55 – House and garage – Permitted and implemented.
- 1.2 8/611/80 – Two storey side and single storey rear extension – Permitted.
- 1.3 8/422/81 – Erection of gates and railings – Permitted and implemented.
- 1.4 8/574/81 – Two storey side extension – Permitted and part implemented.
- 1.5 8/482/87 – Single storey rear extension – Permitted and implemented.
- 1.6 23/0840/FUL - Construction of part single, part two storey front/rear extensions; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights and rear balconies; erection of front/rear gables, alterations to land levels; relocation of entrance door, internal alterations and alterations to fenestration detail – Refused for the following reasons:

*R1 The proposed extensions, by virtue of their design and significant scale, would result in prominent additions and the substantial demolition of the existing pre-1958 dwelling (including key characteristic features) which positively contributes to the Moor Park Conservation Area. The proposed extensions would therefore unacceptably erode and result in the total loss of large parts of the dwelling to such an extent that they would fail to preserve the character and appearance of the house and would result in a loss of openness across the site. The resultant impact would diminish the positive contribution currently offered by the dwelling and therefore would as a direct result harm the character and appearance of the Moor Park Conservation Area. The proposed development would result in less than substantial harm under paragraph 201 of the NPPF, however, no public benefits have been demonstrated to outweigh the harm. As such the proposal is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2021).*

*R2 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the adjacent Fir Tree at No.48 Russell Road, given the proximity of the proposed development to the root protection area of the tree and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and paragraph 131 the NPPF (2021).*

*R3 In the absence of sufficient information, it has not been demonstrated that the proposed development which results in significant roof alterations would not have an adverse impact on any protected species which may be present within or use the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

- 1.7 23/1550/FUL - Construction of part single, part two storey front/rear extensions; conversion of garage into habitable accommodation; loft conversion including rear dormer windows and side/rear rooflights; rear balcony; erection of front/rear gables, alterations to land levels; relocation of entrance door, internal alterations and alterations to fenestration detail-Refused for the following reasons:

*R1 The proposed extensions, by virtue of their design and significant scale, would result in prominent additions and the substantial demolition of the existing pre-1958 dwelling (including key characteristic features) which positively contributes to the Moor Park Conservation Area. The proposed extensions would therefore unacceptably erode and result in the loss of large parts of the dwelling to such an extent that they would fail to preserve the character and appearance of the house and would result in a loss of openness across the site. The resultant impact would diminish the positive contribution currently offered by the dwelling and therefore would as a direct result harm the character and appearance of the Moor Park Conservation Area. The proposed development would result in less than substantial harm under paragraph 201 of the NPPF, however, no public benefits have been demonstrated to outweigh the harm. As such the proposal is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2023).*

*R2 In the absence of sufficient information it has not been demonstrated that the development would not have a detrimental impact on biodiversity and protected species on the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on biodiversity and protected species which is contrary to Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).*

## **2 Description of Application Site**

- 2.1 The application site contains an attractive detached two storey dwelling sited on the western side of Russell Road, Moor Park. The application dwelling is a pre-1958 property built in an Arts and Craft style.
- 2.2 The application dwelling has been previously extended with the addition of a two storey side extension to the southern side of the existing dwelling which also extends above the original front garage projection with a catslide roof. The application dwelling also has an existing single storey rear extension, the roof of which is 'cut in' between the main rear elevation and main roof form of this element in order to provide outlook for the first floor window.

- 2.3 Land levels within the application site slope upwards from the highway towards the rear. To the front of the application site is a tarmac carriage driveway. To the rear is a patio with a large sloping area of lawn.
- 2.4 The neighbour to the north at No.42 is a two storey detached dwelling built in a mock Georgian style. This dwelling has two rearward gable features which extend roughly in line with the existing single storey rear projection at the application dwelling.
- 2.5 The neighbour to the south, No.48, is a two storey detached dwelling. The rear elevation of this neighbour is angled slightly away from the application site and has an existing single storey rear projection. There is no 'No.46' Russell Road.
- 2.6 The application site falls within the Moor Park Conservation Area. There is a TPO tree to the site frontage (TPO469 - Cedar).

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

- 3.1 This application seeks full planning permission for the construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights; internal alterations and alterations to fenestration detail.
- 3.2 The proposed part single, part two storey rear extension would have a depth of 6.5m in line with the existing single storey rear projection at ground floor level and 4.5m at first floor level. The extension would be set in 1.3m from the southern flank and 1.3m from the northern flank at first floor level. The proposed two storey rear extension would have a double hipped roof form set down 0.5m from the main ridge. A crown roof would be added to the single storey element with a maximum height of 4m.
- 3.3 A lower ground floor basement would be constructed which would extend underneath the single storey rear extension and central portion of the main dwelling. Two lightwells would also be constructed to the rear which would each have a width of 5m and a depth of 3.2m in line with the flanks. Railings would enclose these features which would have a height of 1m above ground level. The basement would be 3m below ground level.
- 3.4 The existing eyelid dormer to the front would be replaced with a front dormer which would have a curved form with a height of 1.7m, width of 2m and a depth of 1.2m.
- 3.5 Loft accommodation is proposed which would be served by the roof of the two storey rear extension and six rear rooflights (four within the inward roof slopes of the two storey rear projection).
- 3.6 The existing garage would be converted and the door replaced with a 5 casement window.
- 3.7 Amended plans have been received to reduce the width of the first floor rear extension, setting it in from both flanks and altering the proposed roof form from a triple pitch to a double hip.
- 3.8 This application follows the refusal of application reference 23/1550/FUL. The applicant engaged in pre-application discussions following the refusal and the differences between the current proposal and the refused scheme are summarised below:
- Omission of the majority of the alterations to the front elevation which previously included part single, part two storey extensions to the whole elevation. The form of the existing front elevation now remains save for the alterations to the existing eyelid dormer described at 3.4 above.
  - Reduction to the width of the two storey rear extension at first floor level and omission of rear dormers.

- Introduction of a basement.
- Submission of further bat surveys and a basement impact assessment.

## 4 Consultation

### 4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council: (First comments - Objection)

*This is a massive overdevelopment resulting in the destruction of the original host dwelling. Six roof lights are shown on the roof plan, yet there is not a plan for the fourth floor/ loft area.*

*This building will NOT conserve or enhance the street scene. There is no benefit to outweigh the harm. BCC are currently awaiting further information from Moor Park 1958.*

4.1.3 Batchworth Community Council: (Second comments: Call in unless Officers minded to refuse)

With reference to application No 24/1018/FUL, we have now received comments from Moor Park 1958 Ltd. We fully concur with the objections put forward and request this application is called into committee unless officers are minded to refuse.

4.1.4 Conservation Officer: [Objection].

*This application is for the construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights; erection of rear gables and rear terrace balcony, internal alterations and alterations to fenestration detail.*

*The property is located in the Moor Park Conservation Area. The property is a pre-1958 dwelling which has been subject to later extensions. Despite the extensions, the original scale, form and appearance of the dwelling remains appreciable, and the property makes a positive contribution to the character and appearance of the Conservation Area.*

*There would be no objection to sympathetically extending the property at two-storeys to the rear. However, the proposed scale and appearance of the proposed extensions would not be sympathetic to the host dwelling.*

*The proposed rear extensions appear disproportionate to the host building. The large basement extension would result in the rear elevation being three-storeys in scale and would not reflect the prevailing building scale within the Conservation Area. The basement extensions project beyond the rear building line and would have balustrading to the flat elements at ground floor and full height glazing to the elevations, this would exacerbate the bulk and visual impact of the basement. There may be scope for a basement, but it should not be visible. The depth of the ground floor extension combined with the basement additions would project more than 8m from the original rear elevation and would not be a subservient addition to Number 44.*

*The scale of the two-storey element would result in an overly dominant and bulky addition to the rear; the span of the extension means that the height and width of the roof would not relate proportions of the host dwelling. It may be more appropriate to mimic the proportions of the northern gabled projection to the front elevation as this would better harmonise with the scale/proportions of the property. There is an attractive canted bay under a gabled roof to the rear elevation, this is a positive feature and there is a strong preference to retain it.*

*The single storey extensions would relate poorly to the host building due to its position within the rear elevation and the untraditional roof form. The quantity of glazing as well as the arrangement and position of the fenestration would appear at odds within the rear elevation. It would also not relate to the traditional appearance and proportions of the fenestration to the front.*

*I acknowledge that the scheme has been amended since the initial submission, but this does not go far enough to address previous concerns.*

*There would be no objection to the conversion of the garage to a habitable room and the dormer would be a modest addition to the front elevation. However, there are concerns regarding the proposed enlargement of the first-floor window, altering original apertures would erode the character of the pre-1958 dwelling. I recommend that the existing opening is retained to preserve the architectural interest of the property.*

*The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 208.*

#### 4.1.5 Moor Park 1958 Ltd: [Objection]:

*The Directors of Moor Park (1958) Limited strongly object to the proposals contained in this application.*

*It is noted that changes have been made to reduce the impact on the Conservation Area set out in the refusal notices of previous applications but, the proposal now includes substantial basement works extending the built area further to the rear of the dwelling than that contained in previous applications which were refused, and resulting in a site coverage of about 22%, as opposed to that set out in the Moor Park Conservation Area Appraisal of 15%. The proposal also results in substantial bulk being created to the rear of the property which will be unneighbourly and result in a reduction in sunlight to and overshadowing of adjoining properties.*

*It is also noted that the plans contain various errors which ought to be rectified prior to consideration of the application. For example, the floor plans show windows either side of the centre front gable section being altered, whilst the elevation only shows one being altered. The front elevation also shows the front door being altered, but there is no indication as to how this is changing from the existing. There is also a dormer windows shown on the floor plans which is not shown on elevations. The description of the application makes no reference to the provision of new windows at first floor level in both the north and south flank elevations, but the plans do! There is also an inconsistency in this as the elevations of north flank wall show four new windows at first floor level, whilst the floor plan only shows three.*

*The proposal will result in substantial harm to this pre-1958 house and the Moor Park Conservation Area, and has not addressed the principle issues resulting in the refusal of previous applications, in that the proposed extensions by virtue of their design and significant scale result in prominent additions as well as the substantial demolition of the existing pre-1958 dwelling (including key characteristic features) which positively contributes to the Moor Park Conservation Area. The proposal fails to preserve the character and appearance of the house and will results in a loss of openness of the site and harm the character and appearance of the Moor Park Conservation Area. It would also result in a detrimental impact on adjoining neighbours and should be refused permission.*

#### 4.1.6 Moor Park 1958 Ltd (second response): [Objection maintained].

*Thank you for your letter of the 22<sup>nd</sup> August informing us that revised plans had been received in respect of Application 24/1018/FUL for 44 Russell Road. Whilst we note that the revised plans that appeared on your website on the 23<sup>rd</sup> August address the comments we previously made about errors contained within the drawings, they do not address any of the major issues raised in respect breach of policy. The issue of the substantial breach of the site coverage set out in the Moor Park Conservation Area Appraisal and the size and bulk of the proposed development, remain. These aspects of the proposal have a substantial detrimental impact both on the character of the pre-1958 building and on the Conservation Area.*

*The current proposal therefore would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered.*

*With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 208.*

*Accordingly, we would request that our earlier comments to you (submitted on the 15<sup>th</sup> July) in respect of the negative impact of this proposed development are taken into consideration when determining the application.*

4.1.7 TRDC Tree and Landscape Officer: No response received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 5

4.2.2 Responses received: 0

4.2.3 Site Notice: Expired 21.07.2024.

4.2.4 Press notice: Expired 26.07.2024.

## **5 Reason for Delay**

5.1 Committee cycle.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 Legislation

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

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

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

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

6.1.5 The Environment Act 2021.



## 6.2 National Planning Policy Framework and National Planning Practice Guidance

In 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 Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5.

## 6.4 Other

Moor Park Conservation Area Appraisal 2006.

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

## **7 Planning Analysis**

### 7.1 Impact on the character and appearance of the host dwelling and the locality including the heritage asset

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.1.2 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.

- 7.1.3 The application dwelling is a pre-1958 dwelling and retains many of its original features and form. The character of the existing dwelling is highly responsive to the Arts and Crafts style with the inclusion of features such as the chimney, tile hanging to the wider gable and the herringbone brickwork above the window. The existing porch is also very responsive to the architectural style. The existing extension over the garage is relatively wide however has a catslide roof and eyelet dormer window which are typical features of the Arts and Crafts Style. Whilst the existing front extension detracts to a degree from the original dwelling, it maintains a subservient appearance when read against the dwelling as a whole. Importantly, the original form of the dwelling is still legible. As such the existing dwelling is considered to make a positive contribution to the character and appearance of the Conservation Area.
- 7.1.4 The current proposal includes the introduction of a front dormer window in place of the existing recessed eyelet window. It is noted that the proposed dormer would protrude from the outer plane of the catslide roof. However the remaining form of this element would remain unaltered. Owing to the overall proportions of the proposed dormer it would appear as a subordinate addition to the host dwelling. Furthermore the curved roof form positively responds to the architectural character of the existing dwelling. The Conservation Officer also raises no objections to this element. Overall it is not considered that this element undermines the contribution the existing dwelling makes to the character of the Conservation Area.
- 7.1.5 The proposed garage door would be replaced with a five casement window to facilitate its conversion. Subject to the use of matching materials and the incorporation of the detailing shown above the window itself it is not considered that this alteration would result in harm to the character of the host dwelling. Similarly the proposed replacement first floor front window and front door are not considered to be unacceptable subject to the use of matching materials.
- 7.1.6 Thus, contrary to previous proposals the proposed scheme as now submitted no longer undermines the characterful features to the front of the existing dwelling or the positive contribution to the character of the Conservation Area.
- 7.1.7 It is noted that the proposed two storey rear extension would result in increased accommodation at ground and first floor level. Furthermore, it would facilitate the provision of loft accommodation. It is also noted the Conservation Officer considers that the rear extensions would appear disproportionate additions to the host dwelling and relate poorly to its character. They have concluded the development results in less than substantial harm. However, for the reasons set out below Officers have reached an alternative planning judgement.
- 7.1.8 However, at ground floor level the proposed extension would infill the existing 'L' shaped rear elevation. It would also be set in from the southern flank and would not be readily visible from the streetscene. The proposed first floor rear extension would have a depth of 4.5m however would be set in from both main flanks with two hipped roof forms which reduce the overall apparent bulk of the extensions. The proposed roof would also be set down from the main ridge. Given its siting, scale and design the proposed rear extension as now submitted would no longer subsume the rear elevation of the application with a significant portion of the host roofslope still legible in addition to the outer parts of the rear elevation remaining legible due to the first floor set in to both sides and ground floor set in to the southern flank. Whilst it is noted that the proposed rear extension would increase the overall size of the application dwelling, as set out above, it would no longer subsume the rear elevation. Furthermore a characterful central bay feature would be incorporated to respond to the character of the existing rear and the first floor fenestration either side would also be respectful to the hierarchy of windows expected at upper floors. Overall, the proposed extension would not detract from the character of the host dwelling to an unacceptable degree such that it would preserve its contribution to the character and appearance of the Conservation Area.

- 7.1.9 The proposal also includes a basement with lightwells and balustrading. The basement would be fully subterranean. Whilst some views of the lightwells may be had directly at the rear the only readily visible elements would be the balustrade. The basement would not be read as an additional storey. The balustrading would be of limited height (1m) and subject to a requirement for further details of their design are not considered to appear as incongruous additions to the host dwelling.
- 7.1.10 The proposed rear rooflights would be subservient in scale and would be conditioned to be flush with the outer plane of the roofslope. Additionally the rooflights in the two storey rear projections would be on the inward roofslopes thus would not be readily apparent and in any event would be subordinate in scale and number.
- 7.1.11 It is necessary to consider whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
  - Buildings should not cover more than 15% of the plot area.
  - 1.5m being kept clear between flank walls and plot boundaries
- 7.1.12 The proposal would increase the existing plot coverage from 15% to 21%. The purposes of this guidance is to protect the open and spacious character of the Conservation Area. Given that the proposed ground floor extension would be in line with the existing rear projection and the development does not result in any built form closer to the boundaries than existing it is not considered that there would be any significant loss of openness. Furthermore with the exception of the lightwells the extensions are on existing hardstanding and the rear wall would not extend excessively rearwards with a large garden retained. The plot width coverage would remain unchanged from existing and 1.5m spacing would be retained to the boundary at first floor level and does not bring built form closer to the boundaries than existing.
- 7.1.13 Due to the number of the internal first floor walls which are proposed to be removed and that a basement is proposed it is considered reasonable to attach a condition relating to controls over the extent of demolition. This condition would restrict the extent of demolition solely to the walls / roofs as shown on the submitted plans and would require a contract of demolition to be submitted prior to the commencement of works.
- 7.1.14 In summary, on the basis of the scheme now submitted the proposal would preserve the character of the host dwelling and maintain its contribution to the Conservation Area. As such it would not lead to less than substantial harm to the designated heritage asset. The amended development would therefore accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Moor Park Conservation Area Appraisal (2006) and the NPPF (2023).

## 7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and

relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.

- 7.2.3 The proposed rear extension would increase the overall depth of the flank at first floor level adjacent to the neighbour at No.42. However would not project beyond the existing rear elevation of this neighbour nor would it intrude a 45 degree splay line when taken from the point on the boundary level with their rear elevation. Additionally the proposed rear extension would be pitched away from the boundary, hipped to the rear, the first floor element would not extend as deep as the ground floor and would be set down from the main ridge. Overall it is not considered that this element would result in an unacceptable overbearing impact or loss of light to this neighbour.
- 7.2.4 The proposed two storey rear extension would intrude a 45 degree splay line with the neighbour at No.48 as the existing dwelling is set beyond the rear of this neighbour. However this neighbour is favourably sited to the south of the site and its rear elevation is orientated slightly away from the site. It is acknowledged that the proposed rear extension could give rise to some reduced light to the windows in the rear of this neighbour immediately adjacent to the site and the section of garden adjacent to the boundary. Additionally there would be some visual impact as experienced from some of their rear windows and garden. Notwithstanding this the neighbouring property sits in a relatively substantial plot. When considering the overall scale of the plot, the orientation of this neighbour, that the proposed extension would be pitched away from the neighbour, hipped to the rear, set in from the flank and would be set down from the main ridge it is not considered that the proposed rear extension would give rise to such unacceptable loss of light or an overbearing impact so as to result in detrimental harm to their amenity justifying refusal of planning permission.
- 7.2.5 By virtue of its siting within the existing front projection, set in from both boundaries, together with its subordinate nature, it is not considered that the proposed front dormer would result in unacceptable harm to neighbouring amenity by virtue of an overbearing impact or loss of light. The views afforded would be similar to those which existing an as such would not give rise to unacceptable overlooking.
- 7.2.6 The proposed rear rooflights would face sky wards and those proposed in the rear projections would be in the inward roofslope of the rear projections. Overall given their siting are not considered to result in any unacceptable overlooking.
- 7.2.7 A condition would be added to ensure the proposed first floor flank windows are fitted with obscure glazing and are top level opening only in order to prevent unacceptable overlooking.
- 7.2.8 The proposed basement would be fully subterranean save for the railings enclosing the lightwells which would only have a height of 1m above ground floor level. As such it is not considered that unacceptable harm to neighbouring amenity would occur from this element.
- 7.2.9 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Highways & Parking

- 7.3.1 Core Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The proposed development would not impact the parking provision of the site. The application dwelling would retain a driveway large enough to accommodate at least three parking spaces and would therefore be acceptable in this regard.

#### 7.4 Rear Garden Amenity Space

- 7.4.1 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.
- 7.4.2 Appendix As a result of the proposed extensions the dwelling would have 6 bedrooms. As such would require 147sqm of amenity space. The application site would retain over 650sqm of amenity space and as such would comply with Appendix 2 in this respect.

#### 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. The proposed development would not involve the removal of any trees or lie in close proximity to trees.
- 7.5.2 Paragraph 136 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 180 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.
- 7.5.3 The application site is located within a Conservation Area and as such all trees are protected. Additionally there is an individually protected Cedar tree (TPO 469) within the frontage.
- 7.5.4 The previous application submitted via 23/1150/FUL was accompanied by an Arboricultural Impact Assessment. This report notes incursion into the RPA of RPAS of T001-T008. However the report considers that the level of encroachment would be acceptable subject to compliance with the method statement set out within the same report. The report also submits details of tree protection fencing. This report has been resubmitted with this application however has not been updated to reflect the amended development. Whilst the proposal now includes a basement there would be no increase in the footprint of the extensions now proposed compared with those previously submitted. Thus it is considered that subject to a condition requiring the submission of a revised AIA the development would be acceptable in this respect in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

#### 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 Application reference 23/1150/FUL was accommodated by a Preliminary Roost Assessment. The PRA submitted outlined the need for further follow up surveys to be carried out however these were not done prior to the submission of 23/1150/FUL and the LPA are unable to condition follow up surveys. Therefore in the absence of the follow up surveys this constituted a reason for refusal.
- 7.6.3 Following the refusal of the previous application the required follow up surveys have been undertaken. The survey confirms the property as having a bat roost. However provides measures for mitigation/compensation. It is considered that subject to a condition requiring

compliance with these measures that the development would be acceptable in accordance with Policy DM6. The previous reason for refusal has therefore been overcome.

## 7.7 Mandatory Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

## 7.8 Flood Risk and Drainage

7.8.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

7.8.2 The submission of a Flood Risk Assessment (FRA) is not a validation requirement for this application, however, it is recognised that the Moor Park Conservation Area Appraisal encourages the submission of a FRA where basements are proposed. This application has been accompanied by a Basement Impact Assessment prepared by Nimbus engineering consultants. The site is at a low level of flooding risk. In any event the assessment submitted also confirms that the proposed basement level will be above the on site ground water level thus would not interrupt the flow of groundwater. As such the proposed development would be acceptable in accordance with Policy DM8 of the DMP LDD.

## 8 **Recommendation**

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: TRDC 001 (Location Plan), 23056-23-02, 23056-23-03, PL001/2 REV D, PL002/02 REV C, PL003/2 REV D, PL004/2 REV D and PL005/2E

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 Unless specified on the approved plans, new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

- C5 The development hereby permitted shall be carried out in accordance with the compensation and mitigation measures as set out within the submitted bat survey report prepared by Crossman associates (Reference G1140.001) dated 10 July 2024. All required measures shall be permanently maintained thereafter.

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).

- C6 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority.

This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on drawing numbers PL 002/2 C, PL 003/2 D PL005/2 Rev E to be retained (i.e. hatched in grey (marked as existing)) will be maintained throughout the erection of the extensions hereby permitted with only those walls

and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown over the blue dashed lines) to be removed.

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

Reason: This condition is a pre commencement condition to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

## Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 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 ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

{\b (a)} Making a Non-Material Amendment

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the



new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.





## PLANNING COMMITTEE – 12 SEPTEMBER 2024

### **24/1093/PIP – Permission in Principle Application: Erection of a block of six apartments with associated access, bin and bike store, parking and landscaping works AT LAND ADJACENT TO 62-84 AND 99-121, SYCAMORE ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS**

Parish: Croxley Green  
Expiry of Statutory Period: 22.08.2024

Ward: Dickinsons.  
Case Officer: Suzanne O'Brien

Recommendation: That PERMISSION IN PRINCIPLE IS REFUSED.

Reason for consideration by the Committee: The application has been brought to committee as the application has been called in by three committee members. It has been called in due to the loss of open space, previous decisions of the Local Planning Authority and the level of public interest.

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=SGB5QSQF0F100>

#### **1 Relevant Planning and Enforcement history**

- 1.1 8/162/93 - Flat development comprising fourteen 2 bedroom flats with associated parking and creation of new access road. Refused
- 1.2 8/163/93 - Flat development comprising twelve 2 bedroom flats with associated parking and creation of new access road. Refused
- 1.3 05/1055/OUT - Outline Application: Erection of two storey building comprising eight apartments – Refused - 21.10.2005

Refused for the following reasons:.

- R1 The proposed development would involve the loss of an open space which was provided as part of the original development and has subsequently become an established feature of the area and has been used and enjoyed by local residents for many years. The loss of such an open space would have a detrimental effect on the character and appearance of the area. This fails to meet the requirements of Policies GEN1, GEN3, H14, L9 and Appendices 1 and 2 of the Three Rivers Local Plan 1996 – 2011.
- R2 The proposed development is adjacent to the Metropolitan Green Belt. The development of the site would be detrimental to the visual amenities of the Metropolitan Green Belt failing to satisfy the requirements of Policy GB1 of the Three Rivers Local Plan 1996 – 2011 and Planning Policy Guidance Note 2 (Green Belts).

The subsequent planning appeal was dismissed in relation to R1.

- 1.4 20/2737/FUL - Erection of a block of six apartments and a terrace of three residential dwellings, with the associated access from Sycamore Road, parking and landscaping – Refused - 30.04.2021

Refused for the following reasons:

- R1 The proposed development by reason of its design and layout would be detrimental to the visual amenities, spacing, setting and general open character of the area,

harming the 1960's character of the area and locality. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018), and NPPF.

R2 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).

1.4.1 Planning refusal 20/2737/FUL was dismissed at appeal (appeal reference: APP/P1940/W/21/3276715; decision dated 10 March 2022). The Planning Inspector identified that:

'Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood'.

1.4.2 The Planning Inspector's decision will be expanded on in greater detail within the Analysis Section of this report (Attached as **Appendix A**).

## **2 Description of Application Site**

2.1 The application site has an area of 0.3Ha and is located on the south eastern side of Sycamore Road. The site is currently open land and has an individual TPO tree within the centre of the site and a group TPO to the northern boundary.

2.2 The site is relatively flat with little change in land levels and currently mostly comprises of a large grassed area enclosed by a low level chain link fence and hedging. Mature trees are also evident within and around the perimeter of the site. The lower part of Sycamore Road adjacent to the application site contains flatted development. The blocks of flats follow a similar building line, set back from the highway, with green amenity space to the rear. Parking bays are also evident within this vicinity providing parking for the flatted units. Soft landscaping and spacing is provided by way of verges with mature trees and front gardens within the area with the parcel of land subject to this application being the only larger area of open amenity space adjacent to existing development. This open space makes a positive contribution to the character and appearance of this part of the street scene.

2.3 To the north and east of the site are three storey flat roofed flatted developments with parking bays to the frontages, a garage block and areas of soft landscaping. To the western side of the site are two storey dwellings. The southern side of the site abuts the Grand Union Canal.

## **3 Description of Proposed Development**

3.1 This application seeks permission in principle for the erection of 6 residential units on land adjacent to 62-84 and 99-121 Sycamore Road.

3.2 The application has been supported by an illustrative Site Plan; this provides indicative information to demonstrate how the development could be delivered on site including siting, parking, bike store, access and landscaping details. The Site Plan indicates the creation of public open space to the front of the site, however, this will not form part of the assessment of the proposal as detailed later in this report.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### 4.1.1 Croxley Green Parish Council: Objection.

Croxley Green Parish Council objects to the application. CGPC agree with the previous decision of the Inspector who refused permission on the site as it conflicts with Policies CP1 & CP12 of the Three Rivers Core Strategy, Appendix 2 & Policy DM1 of the Three Rivers Development Management Policies and Policy CA1 of the Croxley Green Neighbourhood Plan.

In addition, the application will result in harm to the wider character of the area and a loss of green space widely used not just by the residents of the existing flats but those other residents of Croxley Green who live nearby. There are also further concerns over parking and access to the site.

There is a strong sense of public objection to this application and their concerns are shared by CGPC.

#### 4.1.2 Hertfordshire County Council - Highway Authority: [No objection]

##### Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

HCC as the Highway Authority would request that the technical details consent, as part two of the permission in principle application, shall include full details (in the form of scaled plans and / or written specifications) to illustrate the following:

- i) Proposed highway works
- ii) Widths of internal carriageway
- iii) Visibility splays
- iv) Turning head and swept path a suitable size for the largest anticipated vehicle to enter the site

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

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) 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.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

## Comments/Analysis

### Description of Proposal

Permission in Principle Application: Erection of a block of six apartments with associated access, bin and bike store, parking and landscaping works

### Site and Surroundings

Sycamore Road is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)), Sycamore Road is classified as a P2/M1 (e.g. Residential Street). The site is currently an open space adjacent to the Grand Union Canal. The surrounding area is mostly residential and is located 2.3km to the west of the centre of Watford and is less than 1km to the east of Croxley Green. A footway fronts the site and the nearest bus stop is approximately 450m away on Watford Road, whilst Croxley Green underground station is approximately 1.1km from the site; along with a variety of shops in Croxley Green. The canal path along the Grand Union Canal, which is considered a shared use footway, and is therefore open to cyclists, is located at the rear of the site also. Therefore, the Highway Authority are satisfied the site is in a suitably sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).



## Access and Parking

As the application is a Permission in Principle, details of the exact vehicular access and any proposed highway works are not fully set out in the provided plans. Drawing number PA-SR-KH-201 and the Design and Access Statement suggest there are to be highway works involved at the access from the highway into the existing flats and the application site. The existing access and informal parking area which is used by the existing flats is highway land, meaning that any alterations to create formalised parking and a carriageway to allow access into the application site would require Section 278 works within the highway. As per the above condition, details of the proposed works should be provided during the second part of the application when technical details are provided.

Any carriageway, internal and as part of the access from the highway, should measure 5.5m to ensure two vehicles can pass each other. HCC would be supportive of the alterations to the access onto Sycamore Road to make the bellmouth a more standard size with a 6m radii alongside tactile paving and crossing points for pedestrians, especially if the front of the site is to remain as an open green space for the public. Visibility splays of 2.4m x 43m should be dimensioned on plans of the proposed altered access. Regarding matters within the site, HCC agrees in principle with the access into the site from the adjacent highway land but would request that a turning head be added to the internal layout to allow for the largest anticipated vehicle to enter the site to turn around, most likely a TRDC refuse vehicle measuring 12m in length. Swept path analysis drawings should also be provided showing that this size vehicle can enter and exit the site in forward gear. Overall, HCC does not object to the development in principle, but would request the above amendments and details before planning permission is decided once part two of the Permission in Principle is provided.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that cycle parking and electric vehicle charging should also be included when full details are provided. HCC are satisfied with the dimensions of the proposed parking spaces being 2.5m x 5m, in line with the Place and Movement Planning Design Guide, as well as the 6m behind the parking spaces to allow for manoeuvring.

## Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m.

## Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. The addition of a turning head within the site for large vehicles such as a fire tender would alleviate concerns regarding emergency access.

## Conclusion

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

4.1.3 Environment Agency: No objection:

## **Environment Agency Position**

Based on a review of the submitted information, we have **no objection in principle**. However, due to the sites proximity to the Grand Union Canal, the applicant should submit a Flood Risk Assessment (FRA), which demonstrate the following:

- The exact location of the flood defence, in relation to the development (including any buried elements such as foundation and/or anchor ties).
- Provision of an 8m undeveloped buffer zone, if an 8m buffer zone is not considered feasible, the applicant must provide sufficient environmental justification as to why this cannot be achieved.
- Submission of a condition survey demonstrating that the flood defence is currently in sufficient condition and that it will be maintained for the lifetime of the development.

If the flood defence condition is insufficient, its condition must be improved before we can consider the proposal acceptable. This can be achieved through maintenance, upgrade or replacement. Where the flood defence is 3rd party owned/maintained (i.e. not EA owned or maintained), the applicant must provide an asset maintenance plan to ensure the culvert will be maintained post construction.

- Provide evidence that the proposed works will not increase the likelihood of structural failure to the flood defence due to additional loading which poses the risk of collapse, increasing flood risk. This can be demonstrated through loading calculations, vibration information, and foundation/piles drawings as appropriate.

#### **Informative – Flood Risk Activity Permit (FRAP)**

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](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.

#### **Advice to Local Planning Authority (LPA)**

##### **Connection to mains foul drainage (no foul drainage assessment submitted)**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer

2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)

### 3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24-hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules.

### **Use of Sustainable Drainage Systems (SuDS)**

Support for the use of SuDS to ensure development does not increase flood risk elsewhere is set out in paragraph 173 of the National Planning Policy Framework.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reedbeds and seasonally flooded grasslands can also be particularly attractive features within public open spaces.

SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. As such, virtually any development should be able to include a scheme based around these principles. In doing so, they'll provide multiple benefits and will reduce costs and maintenance needs.

Further information on SuDS can be found in:

- the CIRIA C697 document SuDS manual

- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS

### **Advice to Applicant**

#### **Water Resources**

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

#### **Residential developments**

The supply of water in the area is under serious water stress (as identified in our report:

Water stressed areas – 2021 classification). All residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within the Building Regulations &c. (Amendment) Regulations 2015. This standard or higher may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

#### **FRA advice**

Although the majority of the site the development is proposed on is within flood zone 1 (low probability of flooding), the area is in close proximity to the designated main river. We are unable to fully assess the flood risks until a site-specific FRA is submitted.

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flooding information that we have available. Please contact [HNL enquiries@environment-agency.gov.uk](mailto:HNL enquiries@environment-agency.gov.uk) for flood data. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastalchange#site-specific-flood-risk-assessment-all>

#### **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 [HNL Sustainable Places@environment-agency.gov.uk](mailto:HNL Sustainable Places@environment-agency.gov.uk).

Further information on our charged planning advice service is available at; Planning and marine licence advice: standard terms for our charges - GOV.UK (www.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.

#### 4.1.4 Canal and River Trust: No objection.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust is a statutory consultee where application sites for Permission in Principle fall within our notified area (Town and Country Planning (Permission in Principle) Order 2017 (as amended) article 5J and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) Schedule 4 para za). The Trust has now reviewed the application and offers the following advice:

The Trust hereby notifies Three Rivers District Council that **it wishes to be consulted in respect of any technical details consent application for the site identified above**, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 article 18(1A).

We note that the NPPG (PiP para 20) encourages the inclusion on a Permission in Principle of details of what is expected to be included in a technical details consent application. The matters which the Trust wish to see addressed at the Technical Details Consent stage are largely as identified in our response to the previous planning application, your ref: 20/2737/FUL (copy attached) and as outlined below and we ask that they be included in your notes if permission in principle is granted.

- Layout, height and design of any proposed building and car parking areas.
- Landscaping, including assessment of any existing planting adjacent to the site and whose root systems may extend into the site.
- Boundary treatment
- Lighting
- Drainage – details of foul and surface water drainage strategy and details of any necessary mitigation measures.

These comments are based on the limited information currently available and further information may be required depending upon the height, design and proximity of any proposed development to the site boundary with the canal.

The Trust would be happy to provide more detailed pre-application comments and advice for this site prior to the submission of the technical details consent application to yourselves and the developer.

Should Permission in Principle be granted we request that the following informatives are appended to the decision notice:

1. The applicant/developer is advised to review the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained and that the works comply with the code. More details can be found via our website: <https://canalrivertrust.org.uk/business-andtrade/undertaking-works-on-our-property-and-our-code-of-practice> and for any queries, please contact the Trust’s Works Engineering Team on 0303 040 4040.S

2. Sites which have a shared boundary with the canal may have the potential to discharge surface water to the canal with the prior agreement of the Trust. Applicants may wish to contact the Trust for further advice in respect of this matter, prior to the Technical Detail stage. If you have any queries please contact Chris Lee, Utilities surveyor ([chris.lee@canalrivertrust.org.uk](mailto:chris.lee@canalrivertrust.org.uk))

4.1.5 Landscape Officer: No response received.

4.1.6 National Grid: [No Objection]

#### Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

#### Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

## 4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 41

4.2.2 Responses received: 60 objections received.

4.2.3 Site Notice: Expired 16 August 2024

4.2.4 Press Notice: Not required.

4.2.5 Summary of objections:

Previous applications have been refused due to adverse impact on character and appearance of area due to loss of open space that provides a community space;

Development will diminish an space that provides a cherished recreational area that is used for communal activities – especially important during COVID and provides a safe haven for many for social gatherings; Nothing has changed since previous applications and appeal decisions dismissing applications for development of the site; Impact on local wildlife habitat including bats, badgers, foxes and deer; Development would impact on surface runoff and increase flood risk; The open space is integral to community, is a cherished recreational area that has been around since 1963; The pitched roof design would conflict with the flat roofed aesthetic; Increase noise from additional traffic; Would remove secure boundaries affecting residents security; Would add more pressure on area already affected by parking pressures; Would involve removing land under lease which would affect emergency access; Land is maintained and funded by residents of flats; Site is integral to the community feel of Sycamore Road and Valley Walk; Development would result in the loss of Neighbourhood Green Space that provides spatial relief; Would erode the verdant space and spacious character of the site and corridor with the canal; Loss of privacy to existing residents; Will add to noise and congestion; Development would conflict with Policies within Local Plan and Neighbourhood Plan; Development would be within root protection areas of existing trees; Open space is good for mental health and should be preserved and not built on; Building on the green space will make existing residential properties feel hemmed in; Building on the land will be contrary to a condition requiring open space as part of the original permission; No affordable housing proposed to be delivered; This is not grey belt land; Would result in loss of 6 parking spaces that would end up with displaced cars parked in the road where there are already too many cars parked; Flooding concerns; Impact on house prices; Development would hinder progress in already struggling economy; Canal and towpath have Green Belt protection; Sunlight infringement; Parking would annexe the existing green space from residents.

## **5 Reason for Delay**

5.1 Committee Cycle.

## **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, S70 of Town and Country Planning Act 1990) and The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In 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 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 PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 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. Policies SA1 is relevant.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1, HO1, HO2 and HO3 and Appendix B

### 6.4 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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.

The Environment Act 2021.

## 7 **Planning Analysis**

### 7.1. Permission in Principle Nature of Development

7.1.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP Order) that provides opportunity for an applicant to apply as to whether permission in principle is acceptable for a site, having regard to specific legislative requirements and, in accordance with ref. Paragraph 012 Reference: 58-012-20180615 of the NPPG, as to whether **the location, land use and amount of development** proposed is acceptable.

7.1.2 The permission in principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The current application is only at permission in principle stage.



7.1.3 In relation to the type of development that can be considered under permission in principle the PPG (paragraph 049; reference 58-049-20180615) advises that 'Non-residential development may also be given permission in principle providing housing occupies the majority of the floorspace of the overall scheme. Non-housing development should be compatible with the proposed residential development, and may include, for example, a small proportion of retail, office space or community uses'.

7.1.4 This scheme proposes a building consisting of 100% residential use. The Site Plan does indicate that the site outlined in red on the location plan would include public open space. As set out within the PPG the Local Planning Authority can only assess the principle of housing on the site as outlined in red on the location plan. The provision of community uses such as publicly accessible open space is not a material planning consideration under the assessment of this stage of the permission in principle process. As such, the inclusion of part of the site as publicly accessible open space as shown on the Site Plan will not form part of the assessment of this application.

## 7.2 Principle of Residential Development

7.2.1 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy,
- ii. The sustainability of the development and its contribution to meeting local housing needs,
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites, and
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.2.2 Due to the nature of the application type, the following analysis assesses whether the location, land use and amount of development proposed is acceptable.

## 7.3 Location

7.3.1 With regards to the assessment of location this relates solely to whether the site is in a suitable location for housing based on the principles set out in the place shaping policy PSP2 and Core Strategy Policy CP2, as set out above. The application site is within Croxley Green which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas of Key Centres. Policy PSP2 advises that Key Centres will provide approximately 60% of the District's housing requirements over the plan period. PSP2 outlines that development should predominately be on sites within the urban area on previously developed land.

7.3.2 The application site is not previously developed land however given the location of the site within the Key Centre of Croxley Green and its setting within an existing residential area, there is no in principle objection to residential development on the site from a sustainability perspective in relation to the provisions of Policy CP2 and PSP2 of the Core Strategy. In assessing the application for development not identified as part of the District's housing supply, the Council will have regard to the location and sustainability of the development. Although the development would not be on previously developed land, given the infill nature of the proposal within an urban location, there are no in principle objections to residential development of the application site in relation to Policy CP2 of the Core Strategy.

## 7.4 Impact of Land Use and Amount on Character and appearance

- 7.4.1 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.
- 7.4.2 Policy CP1 of the Core Strategy requires development to take into account the need to 'protect and enhance our natural, built and historic environments from inappropriate development' and to 'promote buildings and public spaces of a high enduring design quality that respect local distinctiveness'.
- 7.4.3 Policy CP12 of the Core Strategy states that development should, '...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.' In terms of new residential development, Policy DM1 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area.
- 7.4.4 Policy CA1 of the Croxley Green Neighbourhood Plan (2018) relates to new developments and advises that;
- 'New development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design'
- 7.4.5 The application site is located within Character Area 5 of Appendix B of the Neighbourhood Plan. Appendix B references the landscaped nature of Sycamore Road stating: 'At the eastern end of Sycamore Road and Valley Walk is an estate of 1960s flat roofed terraced houses and flats with a landscaped green at the eastern end'.
- 7.4.6 The planning history for this site proposing residential development on the site is extensive dating back to 1993 with four refused planning applications and two dismissed appeals. In 2005 planning refusal 05/1055/OUT was dismissed; the Planning Inspector identified harm in two respects. Firstly the impact on the character and setting of the area contrary to the planning policies at the time and secondly the loss of the parcel of land which was said to fulfil a 'recreational and social function.
- 7.4.7 An application for the construction of six apartments and a terrace of three residential dwellings was submitted in 2020 (20/2737/FUL). The application was refused on the grounds that the design and layout would be detrimental to the visual amenities, spacing, setting and general open character of the area, harming the 1960's character of the area and locality.
- 7.4.8 Refusal 20/2737/FUL was dismissed on appeal. The Planning Inspector set out in detail within their decision (attached as **Appendix A**) the contribution the application site makes to the amenities and character of the street scene and residents stating:
- '5. The appeal site is a mainly grassed area within a residential area. The neighbourhood has a postwar twentieth century character, given its angular, flat-roofed dwellings in typically two storey terraces and three to four storey blocks, set within a fairly spacious and verdant framework of green areas in the neighbourhood. These include verges, the appeal site, gardens and pockets of green, including an approximately triangular-shaped space with trees to the south-west. These elements contribute to the characterisation of the neighbourhood in Appendix B of the Croxley Green Neighbourhood Plan (NP) as 1960s housing of unusual style, similar to Span housing in a landscaped setting, including a 'green' that includes the appeal site.

- '6. The appeal site is not designated as a public open space in the local development plan. Nevertheless, it reads 'on the ground' as having an established function and character as a neighbourhood green space given the following combination of factors.
- '7. It is a substantial part of an approximately L-shaped area of grassed space that fronts onto Sycamore Road and flows around a T-shaped block of dwellings to the north-east. Dwellings face towards three sides of the site. In combination with the edge of the adjoining canal corridor to the south-east, the site provides verdant views from the road and various dwellings. As a grassed area with trees and hedging without buildings on it, the site provides visual and spatial relief from built-up elements.
- '8. The presence of a barbecue, picnic table and informal tree swing indicate community use of the appeal site. Residents' descriptions of local people of various ages socialising outdoors and appreciating wildlife on the site further reinforce the impression of a neighbourhood outdoor space enjoyed by local residents. The description of the site as having a recreational and social function in the 2005 appeal dismissal further points to the established nature of this identity.'

7.4.9 The Planning Inspector identified that the application site provides a neighbourhood outdoor space enjoyed by local residents and identified through the dismissal of the application that this space is a feature that should be protected. It is noted that the land is within private ownership and is not allocated open space identified within the Local Plan. The private ownership of the site was identified by the Planning Inspector but the Inspector still confirmed that the site reads 'on the ground' as having an established function and character as a neighbourhood green space. The character, use and contribution of the site has not materially changed since the determination of the appeal in 2022. The characteristics of the site are therefore considered to be material in the assessment as to whether the proposed use of the site for residential development and amount of development would be acceptable.

7.4.10 In relation to impact on the character of the area the Planning Inspector for the appeal identified:

'11. However, that said, the proposed substantial three storey apartment block towards the front of the site, together with the terraced row of houses towards the canal, and associated external works and domestic paraphernalia, would noticeably erode the verdant and spacious character of the site and the green of which it is part. It would reduce the amount of 'doorstep' outdoor space visible from the street, that is seen as established, community outdoor space by residents. This would reduce opportunity for community interaction and the family character of the area. Furthermore, the proposal would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor. This would lessen the sense of green infrastructure in the locality.

'12. Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood.

'13. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (CS), Appendix 2 and Policy DM1 of the Three Rivers Development Management Policies Local Development Document, and Policy CA1 of the Croxley Green Neighbourhood Plan, which together seek, among other things, to ensure that development complements and where appropriate enhances local character.'

7.4.11 The current application is supported by a Site Plan which indicates that the frontage of the site would remain undeveloped and be provided as public open space. This plan is indicative only and any public open space could not be secured at Stage 1 of the permission

in principle process. This application seeks to identify whether the site as a whole, as outlined in red on the Location Plan, is suitable for residential development. As identified within the previous refusals and subsequent appeal decisions the existing use as green amenity space provides a verdant postwar style landscape that, in conjunction with its relationship with the surrounding existing development, makes a material positive contribution to the character and appearance of the street scene and area.

- 7.4.12 The proposed use of the site for residential development with residential paraphernalia, irrespective of where the built form would be positioned within the site, would erode the existing verdant green space. The proposed use for residential development would irreversibly change the character and appearance of the site to the detriment of the visual amenities of the street scene and character of Sycamore Road and community who enjoy this visual amenities of this space. Any reduction in the verdant character of this space would serve to diminish its value and contribution as a neighbourhood community outdoor space.
- 7.4.13 In terms of the amount of development and impact on character and appearance the proposed development would result in a net gain of six dwellings on the site.
- 7.4.14 The precise layout and scale of the proposed development would be a matter for technical details consent. At this stage, few details are available on the exact nature of the housing that is being proposed (apart from an illustrative plan which indicates a block of flats to the southern part of the site and public open space). Based on the limited information submitted under Part 1 of the Permission in Principle application process an assessment of the visual effect of the design and layout of the proposal on the character and appearance of the area cannot be determined. Nevertheless, while the submitted layout is indicative, it demonstrates that there would be a loss of open character of the site and incursion of built form and residential paraphernalia that would be detrimental to the open verdant character of the site. Further the indicative siting of the block of flats to the south of the site would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor.
- 7.4.15 As such, it is considered that the proposed residential use and amount of development including the associated residential paraphernalia including access, parking, turning facilities etc. would result in significant demonstrable harm to the visual amenities of the street scene and character of the area. The proposed use and amount of development would therefore be contrary to Policies CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 Development Management Policies LDD and Policy CA1 of the Croxley Green Neighbourhood Plan.

## 7.5 Other Matters

- 7.5.1 Matters pertaining to design, appearance, layout, scale, impact on residential amenities, flooding, parking, biodiversity and affordable housing, would be considered at technical details stage.

## 7.6 CIL

- 7.6.1 A CIL Additional Questions form must be submitted with any future formal planning application. For further details, including of the process to claim exemptions and relief (which must be submitted prior to works taking place on site), please see <https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>

## 7.7 Planning Balance / tilted balance

- 7.7.1 The NPPF at paragraph 47 says that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This development proposal is in conflict with Policies

CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 Development Management Policies LDD and Policy CA1 of the Croxley Green Neighbourhood Plan and should therefore be refused planning permission unless there are material planning considerations that outweigh the presumption in favour of the development plan in section 38 (6) of the Planning and Compulsory Purchase Act 2004.

7.7.2 The NPPF makes it clear at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

- approving development proposals that accord with an up to date development plan without delay, or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.7.3 In respect of 'out of date' above, Footnote 8 of the NPPF sets out that this includes, for applications involving housing, situations where (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years. In this respect, it is important to note that TRDC cannot deliver a five year supply and can only demonstrate a 1.9 year supply at this time. Furthermore, TRDC's housing delivery test indicates that the delivery of housing was below 75%. Therefore, for applications involving housing the policies that are most important for determining the application (Core Strategy CP2, CP3 and CP4) are out of date.

7.7.4 In respect of 'areas or assets of particular importance', Footnote 7 of the NPPF sets out that these are relating to habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

7.7.5 In assessing this application there are no identified conflicts with policies protecting areas/assets. As such, it is necessary to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11(b)(ii)). While it is accepted that the NPPF guidance is a 'material consideration' relevant to the determination of this application, it is submitted that, on all the evidence, it is not of sufficient weight to override the presumption (S.38(6)) in favour of a determination of the application in accordance with development plan including Policy CP3 of the Core Strategy.

7.7.6 As identified in the preceding paragraphs the proposed use and amount of development would result in demonstrable harm to the visual amenities of the street scene and character of the area.

7.7.7 Although there is a pressing need for housing in the District, Officers are of the view that the provision of only six residential units would not materially contribute to the overall housing need within the District. As such, only moderate weight can be given to the uplift of six dwellings towards the councils housing supply including the minor economic benefits

which would arise from construction and future occupiers integrating into the local economies. As the securing of affordable housing contributions are not a material consideration at this stage of the assessment process no weight can be attributed to contributions towards of affordable housing. Further as the provision of public open space is not to be secured at this stage of the application, no weight can be attributed to this the open space as shown on the indicative site plan.

7.7.8 Significant weight is attached to the identified harm that would result from the proposed use and amount of development on the application site. Given the totality of harm identified, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.

7.7.9 The weight attached to the impact on the character of the area was supported by the Planning Inspector in the 2022 appeal decision for the construction of nine units on site where the Inspector stated:

'19. On the evidence before me, I consider that for the purposes of making my decision there is a supply shortfall of deliverable housing sites in the district of in the region of three years.

'20. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.

'21. The proposal would contribute to local housing supply in the form of six apartments and three terraced dwellings, with associated socio-economic benefits in the area during and after construction. There is potential to deliver biodiversity gain through wildlife-friendly landscaping and management, albeit tempered by loss of the attraction to some wildlife of the unbuilt character of the site. Also, a contribution towards off-site affordable housing is proposed. Together the proposal's benefits carry moderate weight. That said, I have identified harm in relation to the character and appearance of the area and the adequacy of affordable housing provision, which carries significant weight.

'22. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.

'23. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.'

7.7.10 The proposal would be contrary to Policies CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 Development Management Policies LDD and Policy CA1 of the Croxley Green Neighbourhood Plan and there are no other considerations which outweigh this finding. The application for permission in principle should therefore be refused.

## **8 Recommendation**

8.1 It is recommended that permission in principle be REFUSED for the following reason:

R1 The residential use and amount of development proposed would erode and result in the loss of the verdant green character of the site, resulting in demonstrable harm to the 1960s character and appearance of the area and locality, including the canal. The loss of verdant character would diminish the value and positive contribution the existing site provides as a neighbourhood community outdoor space. The proposed use and amount of development would therefore be contrary to Policies CP3 and

CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 Development Management Policies LDD (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018) and NPPF.

## **8.2 Informatives**

- 11 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

### **Attached**

Appendix A – Appeal Decision for planning refusal 20/2737/FUL

**Appendix A**

**Appeal Decision for Planning Refusal 20/2737/FUL**





## Appeal Decision

Site Visit made on 15 February 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> March 2022**

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**Appeal Ref: APP/P1940/W/21/3276715**

**Land Adjacent To 62-84 & 99-121 Sycamore Road, Croxley Green, Rickmansworth**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Dudley Mills, Kebbell Homes against the decision of Three Rivers District Council.
  - The application Ref: 20/2737/FUL, dated 1 December 2020, was refused by notice dated 30 April 2021.
  - The development proposed is the erection of a block of six apartments and a terrace of three residential dwellings, with the associated access from Sycamore Road, parking and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form and decision notice, in the absence of one on the application form.
3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

### Main Issues

4. The main issues in this case are:
  - The effect of the proposed development on the character and appearance of the area; and
  - Whether the proposal would make adequate provision for affordable housing.

#### *Character and appearance*

5. The appeal site is a mainly grassed area within a residential area. The neighbourhood has a postwar twentieth century character, given its angular, flat-roofed dwellings in typically two storey terraces and three to four storey blocks, set within a fairly spacious and verdant framework of green areas in the neighbourhood. These include verges, the appeal site, gardens and pockets of green, including an approximately triangular-shaped space with trees to the south-west. These elements contribute to the characterisation of the

- neighbourhood in Appendix B of the Croxley Green Neighbourhood Plan (NP) as 1960s housing of unusual style, similar to Span housing in a landscaped setting, including a 'green' that includes the appeal site.
6. The appeal site is not designated as a public open space in the local development plan. Nevertheless, it reads 'on the ground' as having an established function and character as a neighbourhood green space given the following combination of factors.
  7. It is a substantial part of an approximately L-shaped area of grassed space that fronts onto Sycamore Road and flows around a T-shaped block of dwellings to the north-east. Dwellings face towards three sides of the site. In combination with the edge of the adjoining canal corridor to the south-east, the site provides verdant views from the road and various dwellings. As a grassed area with trees and hedging without buildings on it, the site provides visual and spatial relief from built-up elements.
  8. The presence of a barbecue, picnic table and informal tree swing indicate community use of the appeal site. Residents' descriptions of local people of various ages socialising outdoors and appreciating wildlife on the site further reinforce the impression of a neighbourhood outdoor space enjoyed by local residents. The description of the site as having a recreational and social function in the 2005 appeal dismissal<sup>1</sup> further points to the established nature of this identity.
  9. Within this context, the setback of the appeal site from the street and its location towards the end of a cul-de-sac to some extent contains its prominence to a localised area within the housing estate.
  10. Also, some outdoor space including the north-eastern leg of the approximately L-shaped area of grassed space would remain. Together with this, the retained street tree row in front of the site and perimeter trees along the canal corridor, the incorporation of large sycamore tree T3<sup>2</sup> as a focal point within the proposed development, and new tree planting would help preserve some verdancy.
  11. However, that said, the proposed substantial three storey apartment block towards the front of the site, together with the terraced row of houses towards the canal, and associated external works and domestic paraphernalia, would noticeably erode the verdant and spacious character of the site and the green of which it is part. It would reduce the amount of 'doorstep' outdoor space visible from the street, that is seen as established, community outdoor space by residents. This would reduce opportunity for community interaction and the family character of the area. Furthermore, the proposal would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor. This would lessen the sense of green infrastructure in the locality.
  12. Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood.

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<sup>1</sup> Appeal Ref: APP/P1940/A/05/1193800.

<sup>2</sup> As numbered on the tree survey within the appellant's Arboricultural Advice Note.

13. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (CS), Appendix 2 and Policy DM1 of the Three Rivers Development Management Policies Local Development Document, and Policy CA1 of the Croxley Green Neighbourhood Plan, which together seek, among other things, to ensure that development complements and where appropriate enhances local character.

#### *Affordable housing provision*

14. Small housing sites have an important role<sup>3</sup> 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<sup>4</sup>, 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.

15. 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 UU<sup>5</sup> 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.

16. 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.

#### **Other Matters**

17. I appreciate that the Planning Officer's Report to Planning Committee found insufficient harm to recommend refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.

18. Concerns have been raised by some local residents regarding flood risk, parking and highway safety. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

#### **Planning Balance and Conclusion**

19. On the evidence before me, I consider that for the purposes of making my decision there is a supply shortfall of deliverable housing sites in the district of in the region of three years.

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<sup>3</sup> As set out in paragraphs 1.7, 1.8 and 1.11 of the Council's Appeal Statement.

<sup>4</sup> As per Footnote 2 of Appendix A of the Planning Officer's Report to Planning Committee 22 April 2021.

<sup>5</sup> Paragraph 1.1.

20. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.
21. The proposal would contribute to local housing supply in the form of six apartments and three terraced dwellings, with associated socio-economic benefits in the area during and after construction. There is potential to deliver biodiversity gain through wildlife-friendly landscaping and management, albeit tempered by loss of the attraction to some wildlife of the unbuilt character of the site. Also, a contribution towards off-site affordable housing is proposed. Together the proposal's benefits carry moderate weight. That said, I have identified harm in relation to the character and appearance of the area and the adequacy of affordable housing provision, which carries significant weight.
22. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
23. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
24. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

*William Cooper*

INSPECTOR







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## PLANNING COMMITTEE - Thursday 12<sup>th</sup> September 2024

### **24/1101/FUL Construction of single storey front extension, conversion of garage into habitable accommodation and alterations to frontage to provide additional parking, at ALDERS, 64 GROVE FARM PARK, NORTHWOOD, HA6 2BQ**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 03.09.2024  
(20.09.2024 Agreed Extension)

Ward: Moor Park and Eastbury  
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Batchworth Community Council following a re-consultation for the reasons set out at 4.1.2.2 below.

To view all documents forming part of this application please go to the following website: [24/1101/FUL | Construction of single storey front extension, conversion of garage into habitable accommodation and alterations to frontage to provide additional parking. | Alders 64 Grove Farm Park Northwood HA6 2BQ \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1101/FUL|Construction%20of%20single%20storey%20front%20extension,%20conversion%20of%20garage%20into%20habitable%20accommodation%20and%20alterations%20to%20frontage%20to%20provide%20additional%20parking.%20|Alders%2064%20Grove%20Farm%20Park%20Northwood%20HA6%202BQ)

## **1 Relevant Planning History**

- 1.1 8/207/76 - Erection of 63 dwellings with garages – Permitted.
- 1.2 8/17/78 - 2 Houses, Permitted.

## **2 Description of Application Site**

- 2.1 The application site contains a two-storey detached dwelling on Grove Farm Park. The existing dwelling has a dark tiled gabled roof form with a front cat slide element over the existing garage. Within the cat slide is mono pitched dormer window. Across the ground floor front elevation is an existing bay window and mono pitched roof serving a porch canopy beneath. The dwelling does not appear to have been previously extended.
- 2.2 The dwelling sits on a corner plot and to the front is an existing area of hardstanding forward of the garage, with the rest occupied by a large area of soft landscaping. To the rear of the dwelling is an amenity garden predominantly laid as lawn with an area of hardstanding extending from the rear elevation.
- 2.3 The wider context of Grove Farm Park consists of a number of detached dwellings of similar architectural style and design, some of which appear to have been extended or altered.

## **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the construction of single storey front extension, conversion of garage into habitable accommodation and alterations to frontage to provide additional parking.
- 3.2 The proposed front extension would replace the existing bay window and mono pitched roof and would have a depth of approximately 3m, the extension would remain minimally set back from the existing forward garage projection by approximately 0.3m. The extension would have a mono pitched roof at a total height of approximately 3.7m sitting minimally beneath the first-floor windows cill height. The extension would slope to an eave's height of approximately 2.9m which would sit just below the height of the forward garage projection. Within the front elevation two new windows and a new main entrance door with glazing panels either side are proposed. Two rooflights are proposed within the front pitched roof slope. The extension would serve as a home office, entrance hall, utility and toilet.

3.3 The proposal also includes the conversion of the existing garage, this would be facilitated by the replacement of the garage door with a four-casement window in the front elevation. The remaining space would be bricked infilled to match the existing. The conversion would facilitate the relocated kitchen. Within the rear elevation of the dwelling an existing door and window are proposed to be replaced with a bifold door at ground floor level.

3.4 Amended plans were requested and received during the course of the application to set back the front extension from the garage projection and reduce the height of the extension to sit below the first-floor windows. Clarification was sought on the parking provision to the site frontage. The applicants are now proposing a slight increase to the level of hardstanding to the frontage in order to provide a policy compliant level of parking. This was added to the description and a reconsultation issued.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid – [No response received]

4.1.2 Batchworth Community Council –

4.1.2.1 Initial comments: BCC has no objection to this application.

4.1.2.2 Further comments following re-consultation:

*Batchworth Community Council objects to this application on the following grounds.*

- The installation of Velux windows on the ground floor front roof extension, it is out of keeping and detrimental to the street scene.*
- The driveway extension to provide parking for three cars significantly reduces the amount of landscaping at the front of the property.*
- If parking for three vehicles is required, then the garage should be retained.*
- The open aspect of the frontage to the properties is a common feature of Grove Farm Park.*
- BCC has also noted that no Tree Root Protection plan was submitted before irreparable damage was done to the mature, healthy conifer tree on the boundary and the silver birch in the front garden.*

*BCC requests a call in to the committee unless officers are minded to refuse.*

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted:8                      No of responses received: 3 [Objections]

4.2.2 1 objection received during initial consultation.

4.2.3 2 objections received during reconsultation.

4.2.4 Site Notice Posted: 24/07/2024, Expired: 14/08/2024

4.2.5 Press Notice: [Not required]

4.2.6 Summary of Responses:

Object to front extension.

Harm visual amenity and character of cul-de-sac.

Loss of front gardens to hardstanding replicates inner city areas and suburban character of GFP will be lost.

Open green frontages key characteristic of GFP.

Sufficient car parking spaces needs to be assured.

Adjacent land use impacted by cutting of branches of a mature conifer to the side of property on public land.

If tree destabilised due to no branches on one side, then another mature tree needs to be planted in its place.

Sets precedent for changing front of house in significant way.

90cm rooflights will result in light pollution.

Fundamental change to uniformity and nature of estate.

On street parking already an issue.

Front office suggests a business, visitors, clients, deliveries.

- 4.2.7 **Officer Comment** - Comments from the neighbours are noted. The impact of the proposed development on the character and appearance of the streetscene will be assessed in a later section of this report. With regards to the comment that the front office might suggest a business, the front extension would appear to serve as a home office with no suggestion that this would be used for any other purpose other than ancillary to the dwellinghouse. Comments from the Parish are noted. The velux windows were proposed during the initial consultation, given the alteration to the roof form requested by the LPA these now sit within the slope. The impact of the increased hardstanding to the frontage will be reviewed in a later section of this report. Comments regarding the trees are noted, however, there are no trees on or adjacent to the site that are protected by a Tree Preservation Order and as such a Tree Protection Plan would not be required.

## **5 Reason for Delay**

- 5.1 No delay.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

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

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

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

The Environment Act 2021.

### **6.2 Planning Policy and Guidance**

#### National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

## The Three Rivers Local Development Plan

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

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

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

### Other

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

## **7 Planning Analysis**

### **7.1 Design and Impact on the Host Dwelling and Street Scene**

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking.
- 7.1.4 Appendix 2 of the DMP LDD sets out that applications for single storey front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the streetscene.
- 7.1.5 The proposed single storey front extension would replace the existing bay window and mono pitched porch canopy to the front of the dwelling. Given the dwellings prominent position on the corner plot it is acknowledged that the extension would be readily visible. The extension as amended would remain set back from the prominent garage projection which is evident to a number of properties within Grove Farm Park and its roof would remain set below the first-floor windows and height of the garage. Whilst it would be a visible addition, the extension is considered to remain proportionate in scale to the host dwelling, and the roof would follow the slope of the garage which would further retain its character within the streetscene.
- 7.1.6 Whilst front extensions are not a common feature within Grove Farm Park, there are some examples where front extensions have been permitted and, in this case, there would be sufficient spacing maintained between the front building line of the extension and the

boundary with the public footway and highway such that this addition would not increase the visual prominence of the dwelling to an unacceptable degree. Given the set back from the garage and in light of the above assessment the proposed extension is not considered to appear overly prominent or incongruous within the streetscene such to justify a refusal of permission in this regard. In addition, the extension is proposed to be finished in materials to match the existing dwelling which would further retain its character within the street.

- 7.1.7 Comments from the parish are noted with regards to the front rooflights. The front rooflights were proposed under the original scheme, sitting in the flat roof section. Following amendments requested by the LPA which included a reduction in height and omission of the flat section these rooflights now sit within the pitched section of the roof. They are considered to be proportionately spaced within the roof and are not considered to detract from the character of the host dwelling or wider streetscene to an unacceptable degree. Whilst it is acknowledged that front rooflights on ground floor front projections are not a prevalent feature within the immediate streetscene, No. 63a Grove Farm Park has rooflights within its main front roofslope, which sits on the opposite side of the highway to the application dwelling upon entry to the estate.
- 7.1.8 There are other examples of garage conversions within the streetscene and as such there is no in principle objection. The window whilst large, would remain set in from both flank walls and is considered to be proportionate and of a style that would match the existing fenestration. As such it is not considered that this would result in demonstrable harm to the character or appearance of the host dwelling or wider streetscene.
- 7.1.9 The bifold doors to the rear would not be visible from the streetscene and would reflect the existing doors within the rear elevation. As such it is not considered that this would result in any harm to the character of the dwelling or streetscene.
- 7.1.10 Comments raised by the Parish and neighbours are with regards to the increased hardstanding within the frontage are noted. Whilst the hardstanding would increase and therefore visually alter the appearance within the streetscene, it is considered that sufficient soft landscaping would be retained to the frontage and to the side of the dwelling such that this would not appear out of character. In addition, it is noted that there is a degree of variation with regards to the level of hardstanding to site frontages within Grove Farm Park with a number of properties having little to no soft landscaping including No's. 5, 62 and 63 Grove Farm Park which sit opposite the site and would appear to have no soft landscaping within the frontage. Whilst officers acknowledge the prominent position of the application dwelling on a corner plot, the increase in hardstanding is not considered excessive when viewed in the context of adjacent properties and the level of soft landscaping that is being retained, particularly on the prominent corner position
- 7.1.11 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or wider streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

## 7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

- 7.2.3 The proposed front extension would not project beyond the existing garage projection, nor would its height exceed the current ridge line of the garage and as such would be largely screened from view of the neighbour at No. 65 Grove Farm Park. Given the separation maintained and the set back from the front elevation it is not considered that this extension would result in demonstrable harm to the residential amenities of the occupiers of this neighbouring dwelling.
- 7.2.4 The dwelling is sited on a corner plot, and therefore is separated from The Bungalow, No. 5 and No. 63 Grove Farm Park by virtue of the highway. Given the separation maintained the front extension is not considered to result in any harm to the residential amenities of the occupiers of these neighbouring dwellings.
- 7.2.5 The new fenestration and main entrance door within the front extension would largely overlook the application sites frontage, it is acknowledged that there may be views beyond this towards No. 5 Grove Farm Park, however given the separation distance maintained it is not considered that this would give rise to additional overlooking of any neighbour beyond that of the existing ground floor fenestrations within the front elevation.
- 7.2.6 The proposed garage conversion would be facilitated by the removal of the garage door and its replacement with a window. As above, the window would largely overlook the applications site frontage, and by virtue of the separation from the highway it is not considered that this would result in unacceptable overlooking of any neighbour beyond that of the existing fenestration on the front elevation of the dwelling. Thus, it is not considered that the garage conversion would result in demonstrable harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.2.7 The new bifold doors within the rear elevation would predominantly overlook the application sites rear amenity space and given the siting at ground floor are not considered to increase overlooking of any neighbour beyond that of the existing situation.
- 7.2.8 The alterations to the site frontage are not considered to result in any harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.2.9 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.3.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

#### 7.4 Mandatory Biodiversity Net Gain

- 7.4.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 7.4.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

#### 7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. Comments from the neighbours and the Parish are acknowledged with regards to the removal of a conifer and silver birch tree from the application sites frontage. These trees were not present at the time of the officer site visit having been removed prior to the submission of the application as they were not protected. In addition to the above, it is noted that there are a number of existing mature trees that remain in situ to the side of the dwelling along the public footway with the entrance to Grove Farm Park. Having considered the above, the proposal is considered acceptable in this regard.

#### 7.6 Rear amenity

- 7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.6.2 The proposed development would not increase the number of bedrooms and as such there would be no additional requirement for rear amenity space. The existing amenity space would be retained, which is considered to be sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.

#### 7.7 Highways, Access and Parking

- 7.7.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.7.2 The proposed development would not increase the number of bedrooms within the dwelling and as such there would be no additional requirement for off street parking provision. However, it is acknowledged that the conversion of the garage would result in the loss of existing off-street parking. As amended, the application is proposing a slight increase to the level of hardstanding within the site frontage to accommodate 3 spaces within the site frontage. It is understood that the dwelling is a four-bedroom dwelling which would require 3 assigned spaces within the dwelling's curtilage. The amended frontage layout has sufficient space to provide the policy compliant level of parking and as such the proposal is

considered acceptable in this regard. The extended parking area will be secured prior to occupation by way of a suitably worded condition to ensure that adequate provision is made for off street parking provision.

- 7.7.3 Comments from the Parish are noted. However, given that the site is capable of providing a policy compliant level of parking within the frontage it would not be reasonable to request that the garage be retained. The increased level of hardstanding is not considered excessive in the context of the application site as set out in an earlier section of this report and there are other examples within the streetscene of garage conversions.
- 7.7.4 Policy DM8 is also relevant and sets out that development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.7.5 The proposed alterations to the site frontage would be laid to fall so that surface water falls within the site boundary. It is not clear whether the material would be permeable and as such this will be dealt with by way of a suitably worded condition.

## **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: WREN NAJ 44 2024, WREN NAJ 44B 2024 REV B, TRDC01 (Location Plan)

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the conversion of the garage hereby permitted, the extended parking area as more particularly shown on plan number WREN NAJ 44B 2024 REV B shall be constructed in a permeable material in accordance with the approved plan. The parking provision shall be maintained in that condition thereafter.

Reason: In the interests of highway safety and to ensure sufficient onsite parking is provided in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- 8.2 Informatives



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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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 ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

{b (a)} Making a Non-Material Amendment

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

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

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must

include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

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## PLANNING COMMITTEE - Thursday 12 September 2024

**24/1161/FUL – Change of use of land to residential use in association with Fortunes Farm including extension and conversion of existing stable block to home office and gym at FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 30.09.2024

Ward: Leavesden  
Case Officer: Lauren Edwards

**Recommendation:** That the application be delegated to the Head of Regulatory Services to consider any new material planning considerations raised and PLANNING PERMISSION BE GRANTED

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

To view all documents forming part of this application please go to the following website:

[24/1161/FUL – Conversion and extension of existing stable block to home office and gym at FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1161/FUL-%20Conversion%20and%20extension%20of%20existing%20stable%20block%20to%20home%20office%20and%20gym%20at%20FORTUNES%20FARMHOUSE,%20HIGH%20ELMS%20LANE,%20ABBOTS%20LANGLEY,%20WATFORD,%20HERTFORDSHIRE,%20WD25%200JY)

### 1 Relevant Planning History

- 1.1 08/1087/FUL - Erection of single storey building consisting of four stables and one hay store with associated hardstanding and waste storage – Refused for the following reason:

*R1 The proposed development would, by reason of its length, depth and extent of hard standing inappropriately spread urbanising development across the site to the detriment of the openness of the Metropolitan Green Belt contrary to Policies GB1 and GB7 of the Three Rivers Local Plan 1996 – 2011.*

*R2 The proposed development would by reason of its proximity to the adjacent Oak tree, detrimentally prejudice the continued survival of this tree identified as having local amenity value contrary to Policy N15 of the Three Rivers Local Plan 1996 – 2011.*

### 2 Description of Application Site

- 2.1 The application site is a large triangular shaped plot located on the northern side of High Elms Lane, Abbots Langley. The application site has long driveway leading from High Elms Lane to the main dwelling. The main dwelling is a two storey detached dwelling with gable features and characterful detailing. The site has an existing tennis courts and garden to the north east within the curtilage of the dwelling.
- 2.2 To the south of the dwelling and east of the access is a parcel of land separated from the main curtilage by fencing. This land contains an existing detached wooden stable building and does not fall within the residential planning unit of the application site.
- 2.3 The application site is located within the Metropolitan Green Belt.

### 3 Description of Proposed Development

- 3.1 The application seeks full planning permission for the change of use of land to residential use in association with Fortunes Farm including conversion and extension of existing stable block to home office and gym.

- 3.2 The proposal includes the infilling of the existing eaves overhang to increase the footprint of the main building. The existing open sections between the main portions of the existing building would also be infilled (these gaps are currently contained under one continuous roof form but are open sided). New pitched roofed canopies would be constructed over the two entrance doors.
- 3.3 PV panels would also be added to the eastern roofslope.
- 3.4 The building would be converted for use as a gym, store and home office. A row of new paving slabs would be laid around the perimeter of the building.
- 3.5 Two new parking spaces would also be provided to the south of the building which would be accessed from the main driveway.
- 3.6 Amended plans have been received to omit porch projections and to show the extent of hardsurfacing around the building. Furthermore the red line of the application site has been amended to solely pertain to the building and a small area around its perimeter. Post and rail fencing is also proposed around the edge of the red line boundary. The development description has been updated and a 21 day re-consultation undertaken.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: Had no comment to make.

4.1.2 National Grid:

*No objection, informative note required*

*We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.*

*What you need to do*

*To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:*

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.*

*If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](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.*

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 3                      No of responses received: 1

4.2.2 Summary of response:

- The previous owner of the site has confirmed that they only used the stables for their own animals.

4.2.3 Site Notice: Expired 31.08.2024.

4.2.4 Press notice: Not required.

4.2.5 Summary of Responses: [No responses received]

## **5 Reason for Delay**

5.1 No Delay.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

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

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

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

The Environment Act 2021.

### **6.2 Planning Policy and Guidance**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

#### The Three Rivers Local Development Plan

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

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

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

#### Other

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

## **7 Planning Analysis**

### **7.1 Impact on Metropolitan Green Belt**

- 7.1.1 The application site is located within the Metropolitan Green Belt.
- 7.1.2 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
- 7.1.3 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence. With regard to extensions to buildings in the Green Belt the NPPF stipulates that provided extensions or alterations of a building do not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. Inappropriate development by definition is harmful to the Green Belt.
- 7.1.4 The requirements of the NPPF are considered to reflect adopted policies of the Three Rivers District Council Local Plan. Core Strategy Policy CP11 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 document relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.1.5 Policy DM2 accords with the NPPF in relation to requirements for extensions to buildings. This policy also seeks to preserve openness and safeguard against encroachment for the re-use of buildings.
- 7.1.6 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it states that exceptions to this are:
- a) Buildings for agriculture and forestry;
  - b) Provision of appropriate facilities (in connection with the existing use of land or 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 buildings**
  - d) The replacement of a building, provided that 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.

7.1.7 Paragraph 155 of the NPPF also allows for certain other forms of development provided they preserve openness. These are:

a) mineral extraction;

**b) engineering operations;**

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

**d) the re-use of buildings provided that the buildings are of permanent and substantial construction;**

**e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and**

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

7.1.8 The proposal includes an extension to the existing building which is understood to be original. However, this would infill the existing eaves overhang and connect the existing three main sections of the building. As such the extensions would infill within the existing extent of the building. Therefore, the extensions would not be disproportionate to the original building. The extensions are, in isolation, therefore considered to be appropriate and as such would not impact openness.

7.1.9 The proposal also includes the conversion of the building into a home office, gym and store. A condition would be added to ensure the gym/home office is only used by the occupants of Fortunes Farm thus would limit the potential for any excessive intensification of its use. Whilst the building lies outside of the residential planning unit and therefore cannot be considered as an ancillary building overall the use would be comparable to this. . The proposed hardstanding would be contained close to the footprint of the building and therefore would not give rise to encroachment of urbanising form into the open part of the site. As such the re-use of the building would therefore preserve openness and therefore would meet the exception of Paragraph 155 (d).

7.1.10 As the existing parcel of land on which the existing building is sited does not form part of the residential planning unit. Therefore cannot be considered as an ancillary building to the residential use. Thus change of use of the building and land are required. The NPPF allows for this so long as the proposal would preserve openness. For the reasons outlined above the use of the building would preserve openness and the extent of hardsurfacing would also be limited. As part of the application the red line boundary has been altered to pertain solely to the building and the immediate area around its perimeter. Post and rail fencing would be installed on the inward field side of the red line to prevent the spilling of residential usage into the open part of the field thus limiting the impact on openness and safeguarding the most open parcel of land from encroachment. A condition would secure the installation of

the fencing and the red line extent would restrict the use of the remaining part of the field from becoming residential curtilage without express planning permission.

- 7.1.11 The proposed parking space would be considered as an engineering operation. Whilst it would include the addition of hardstanding this is not considered excessive in the context of the site such that there would be any significant adverse impact on openness.
- 7.1.12 In summary, the proposed development would meet the exceptions as set out within the NPPF and would therefore not comprise inappropriate development in the Green Belt. Overall would comply with Policy CP11 of the Core Strategy (October 2011), Policy DM2 of the Development Management Policies Document (October 2013) and the NPPF (December 2023).
- 7.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene.
- 7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.2.3 The proposal includes the extension of the eastern elevation of the building such that it would infill the existing eaves overhang and the existing gaps between the 3 main stable blocks. It is noted that some views of the building are possible from High Elms Lane. However the building remains set back over 20m into the site. Given this in addition to the infill nature of the extensions and that overall the building would retain a rural appearance without excessive glazing, subject to the use of matching materials, it is not considered that the resultant building would appear incongruous within the context of the site or area.
- 7.2.4 The new hardstanding would be contained to close to the perimeter of the building therefore mitigating any undue urbanising appearance. Furthermore the parking spaces would not appear as incongruous additions within the residential setting of the site.
- 7.2.5 The proposed building would be converted to a home office, store and gym. Whilst the rooms would be larger than an average home office or gym the ancillary nature of the use would need to be considered as a matter of fact and degree. When considered in the context of the size of the application site and dwelling the accommodation provide would be proportionate. The home office would support the homeowner's business to allow them to work from home. As set out above the red line boundary of the application site has also been amended to contain the change of use of land solely to the building and its immediate perimeter to safeguard excessive encroachment of residential usage into the open field and maintain the appearance of the use as being akin to an ancillary building.
- 7.2.6 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.3 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' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 The closest residential neighbours to the building are located adjacent to the application dwelling which is some 70m from the building itself and Orchard House which is located approx. 50m to the south across High Elms Lane. Given the separation distances and that the proposal does not result in any significant increase in the infill nature of the proposed extensions it is not considered that the proposed development would result in any unacceptable harm to neighbouring amenity.
- 7.3.3 As such the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.4 Rear Garden Amenity Space Provision
- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.4.2 The proposal would not result in the provision of any additional bedrooms or loss of existing amenity space.
- 7.5 Wildlife and Biodiversity
- 7.5.1 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.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.
- 7.6 Mandatory Biodiversity Net Gain
- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

## 7.7 Trees and Landscaping

7.7.1 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.

7.7.2 The application site is not located within the Conservation Area nor are there any protected trees on or near the site. It is noted that there are a number of mature trees on site however owing to the infill nature of the proposed extensions and location of the proposed parking spaces south of the most significant trees it is not considered reasonable to require the submission of further details in this respect.

## 7.8 Highways, Access and Parking

7.8.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.8.2 The proposal would not result in the creation of any additional bedrooms. The existing driveway/frontage of the dwelling provides adequate parking however the proposal does include the provision of two additional parking spaces which would increase the site's overall provision of on site parking.

## 8 **Recommendation**

8.1 That the application be delegated to the Head of Regulatory Services to consider any new material planning considerations raised and 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: SK-100D and SK-101D

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).



- C4 The resultant building hereby permitted shall not be occupied at any time other than for the private use of the occupants of the dwelling known as Fortunes Farm and shall not be used as an independent dwelling or for commercial business purposes at any time.

Reason: The creation of a separate and independent unit or commercial use would not comply with the Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the first occupation of the development hereby permitted the fencing shall be installed as more particularly shown on plan number SK-101D. The fencing shall be retained in that condition thereafter.

Reason: To prevent the spilling of residential usage into the open part of the field thus limiting the impact on openness and safeguarding the most open parcel of land from encroachment in accordance with Policies CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

## 8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently

required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 15 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.

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## PLANNING COMMITTEE – 12 September 2024

### PRELIMINARY REPORT

24/0476/OUT: Outline Application: Comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at Land East Of Green Street And North Of Orchard Drive Chorleywood

Parish: Chorleywood  
Expiry of Statutory Period: 16 July 2024  
Extension agreed to: 31 October 2024

Ward: Chorleywood North and Sarratt  
Case Officer: Adam Ralton

#### **Recommendation:**

- (1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

**NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.**

**Reason for consideration by the Committee:** The application has been called in to committee by three Members of the Planning Committee unless Officers are minded to refuse, to discuss the impact on the Green Belt, AONB and Highways, and by Chorleywood Parish Council regardless of the recommendation. In addition the proposal represents a departure from the Development Plan.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SAWJUVQFJ7K00>

### **1 Relevant Planning History**

- 1.1 20/0002/EIAS: Environmental Impact Assessment Scoping Opinion Request - Development of up to 800 No. Residential Dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 1.2 20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Refused** in March 2023. Appeal lodged but subsequently withdrawn.
- 1.3 20/0898/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Refused** in March 2023. Appeal lodged but subsequently withdrawn.
- 1.4 24/0538/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the Site, delivering up to 675 no. residential dwellings (Use Class C3), a new two-form entry primary school, associated access, and supporting amenity

space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Under consideration.**

- 1.5 The following application has been submitted to Buckinghamshire Council for its consideration. The site falls outside of Three Rivers District, but is considered relevant to the current application given the proximity of the site, the ownership of the site, and the references to this adjacent site within the supporting documents forming part of the current application:

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

## **2 Description of Application Site**

- 2.1 The application site is part of an undeveloped greenfield site to the north of Chorleywood. It has an area of approximately 9.6ha and is currently used as grazing land. The wider parcel of land contains a barn in the north eastern corner. The site generally slopes downward toward the south-east and includes a localised dry valley within the centre of its slope.
- 2.2 The west, south and eastern boundaries of the site are marked by vegetation (including a mixture of trees and hedgerows). The northern boundary of the site is not marked out on site, and takes a route through the existing open agricultural field. The northern boundary of the wider land parcel is marked by the low fencing which encloses a private footpath. The site is clearly visible from the private footpath, and in glimpsed views through the vegetation alongside Green Street and the public footpath to the rear of Orchard Drive. The site is also visible from houses fronting Darvells Yard and Woodlands Lane, and in longer range views from Chorleywood Common.
- 2.3 The land to the north of the wider parcel of land is open grassland, with a flatter topography than the application site. Public footpath Chorleywood 011 runs around the St Clement Danes school site, touching the wider parcel's north eastern corner. The western boundary of the application site is alongside Green Street. Green Street links Chorleywood to the south with the A404 to the north. The southern boundary of the site is adjacent to public footpath Chorleywood 014, with the gardens to houses fronting Orchard Drive beyond this. Chorleywood 014 runs east to west at the rear of properties on the northern side of Orchard Drive and Orchard Close, and adjoins Chorleywood 32a which leads to Common Road. The eastern boundary of the site is alongside the boundaries of the rear gardens of dwellinghouses at Darvells Yard, Woodlands Lane and Chenies Road (A404).
- 2.4 The development site would be accessed via Green Street, which links the A404 to the north with the junctions of Station Approach and Shire Lane in Chorleywood to the south. Green Street in the immediate area of the application site has the characteristic of a rural lane, with the northern part of the road containing a limited number of buildings set back from the road including three clusters of converted agricultural buildings. Beyond these clusters of houses, there is open land to either side of Green Street with the application site to the east and open land forming the Chiltern Hills Golf Course to the west. The street is generally lined by trees or hedgerows until the junction with Orchard Drive, after which Green Street has the appearance of a suburban residential street, with detached and semi-detached two storey dwellinghouses on either side of the street, wide grass verges and footway on either side of the carriageway. This character remains as Green Street continues



to drop down to the junction with Station Approach and Shire Lane beyond which is the main Key Centre of Chorleywood.

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

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

- 3.1 This application seeks outline planning permission for the comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

- 3.3 The detailed application drawings (in particular drawing SK24C) show the position of the proposed point of vehicular access to the site. This would be approximately 120m north of the junction of Orchard Drive and Green Street and would provide vehicular and pedestrian access into the site. There would also be a shared footway/cycleway into the site toward the north, approximately 115m south of the existing private footpath to St Clement Danes School. The detailed plans (Drawing SK41 within the Transport Assessment) show this would be 3.5m wide, with access restricted using 4x lockable bollards. There would also be points of access to/from the site from the public footpath (Chorleywood 014) to the south-east corner of the site.
- 3.4 The submitted illustrative masterplan and the land use and access parameter plan (GSE300-PA-06-01) set out the provision of roads and walking/cycling routes within the site, including one circulatory road looping through the site, with footways adjacent to the carriageways. The illustrative masterplan also provides details of the potential position of an area of open space from the centre of the site to the south-east, which would include soft landscaping and drainage features.
- 3.5 This application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance explains that “the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process”. The regulations set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The guidance also confirms that “the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development”.
- 3.6 The application is supported by the following documents which have been considered as part of this assessment:
- Environmental Statement
    - Volume 1 (dated March 2024) comprising main text with chapters covering the Introduction, Site and Designations, Proposed Development, Consultation and Alternatives, EIA Approach, Socio Economics, Air Quality, Traffic and Transport, Cultural Heritage, Ecology, Water Environment, Noise and Vibration, Landscape and Visual, Human Health, Climate Change and Assessment Mitigation and Implementation Summary.
    - Volume 2 - technical appendices.
    - Volume 3 - non-technical summary.
  - Covering Letter (dated 25 March 2024)
  - Design and Access Statement (Savills/Farrells, 20 March 2024)
  - Biodiversity Checklist (signed 15 March 2024)
  - Ground Investigation (Paddock Geo Engineering P23-356pra, March 2024)
  - Preliminary Contamination Risk Assessment (Paddock Geo Engineering P23-356pra\_6.5, March 2024)
  - Statement of Community Involvement (SP Broadway, March 2024)
  - Town Planning Statement including Affordable Housing Statement (Savills, March 2024)
  - Transport Assessment (Origin, Report ORI-J-10578, V1, March 2024)
  - Chorleywood Housing Market Assessment (Savills, March 2024)
  - Landscape Framework Plan (Drawing 0886.1.1, March 2024)
  - Proposed building height parameter plan (Farrells, 23 January 2024)
  - Green Infrastructure Framework parameter plan (Farrells, 23 January 2024)
  - Land Use and Access parameter plan (Farrells, 23 January 2024)
  - Access and Extended Footway Plan (Origin, SK24 Rev C)

- Illustrative Masterplan (undated/un-numbered drawing)
- BNG Metric

3.7 As set out in the history section of this report, this application has been submitted following the refusal of two planning applications for residential development in March 2023. This current application is comparable to planning application 20/0898/OUT (which sought outline planning permission for up to 300 houses), and the main differences between that application and the current are summarised as follows:

- The illustrative layout has been revised, changing the illustrative configuration of roads and blocks of buildings within the site, as well as changing the position and areas of the central amenity space and drainage.
- Supporting documents have been updated where necessary because of the changes to the illustrative site layout, changes to legislation or due to the passage of time since their original production. These include amendments to the landscape strategy and to the drainage and biodiversity strategy.

3.8 Furthermore, a second application has been submitted for a development of up to 675 houses. Both that application and this current application fall to be determined on their own individual merits.

## 4 Consultation

### 4.1 Summary of Consultation Responses:

Active Travel England	9.1.1	Insufficient information
Affinity Water	9.1.2	Comment received
Buckinghamshire Council	9.1.3	No response received
Chilterns Conservation Board	9.1.4	Object
Chorleywood Parish Council	9.1.5	Object
Chorleywood Residents Association	9.1.6	Comment received
Environment Agency	9.1.7	No comment
Hertfordshire County Council – Archaeology	9.1.8	Insufficient information
Hertfordshire County Council – Fire and Rescue	9.1.9	No response received
Hertfordshire County Council – Highway Authority	9.1.10	<i>Awaited</i>
Hertfordshire County Council – Lead Local Flood Authority	9.1.11	<i>Awaited</i>
Hertfordshire County Council – Minerals and Waste	9.1.12	No objection
Hertfordshire County Council – Growth and Infrastructure	9.1.13	Comment received
Hertfordshire County Council – Public Health	9.1.14	Comment received
Hertfordshire County Council – Water Officer	9.1.15	Comment received
Hertfordshire Constabulary	9.1.16	Comment received
Herts and Middlesex Wildlife Trust	9.1.17	No response received
Herts Ecology	9.1.18	No objection
National Highways	9.1.19	No objection
Historic England	9.1.20	Concerns
National Grid	9.1.21	No response received
Natural England	9.1.22	Object
NHS Herts and West Sussex ICB	9.1.23	Comment received
Three Rivers District Council - Conservation Officer	9.1.24	Harm identified
Three Rivers District Council - Environmental Health	9.1.25	No objection
Three Rivers District Council - Landscape Officer	9.1.26	Comment received

Three Rivers District Council - Landscape Consultant	9.1.27	Comments received
Three Rivers District Council - Leisure Development Team	9.1.28	No response received
Three Rivers District Council - Local Plans Team	9.1.29	Comment received
Three Rivers District Council - Housing Team	9.1.30	Comment received
Thames Water	9.1.31	No objection
Transport For London	9.1.32	No objection

4.1.1 All consultation responses are provided at Appendix 1 at the end of this report.

## 4.2 Public/Neighbour Consultation Responses

4.2.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Site notices have been displayed in various locations around the site, including at the existing entrance to the site serving the agricultural building and the footpath to St Clement Danes School, on posts at either end of the public footpath to the south of the site (Chorleywood 014), at the junction of Green Street/Shire Lane/Station Approach and at the eastern entrance to footpath Chorleywood 011 adjacent to the A404. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 408 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.2.2 Approximately 598 responses have been received, comprising 595 objections, 2 representations and 1 letter of support.

4.2.3 Site Notice: Displayed 11 April 2024 (expired 12 May 2024).

4.2.4 Press Notice: Published 12 April 2024 (expired 13 May 2024).

4.2.5 Summary of letters of support:

- There is a massive housing shortage, this is in a sustainable location.
- Very low housing delivery in the area, most definitely lower than 1.9 years.
- No sign of a local plan.

4.2.6 Summary of Representations:

- This development is suitable for the inclusion of swift bricks within the walls which provide nest cavities for a number of birds.
- The proposed 20 bird boxes are wholly insufficient for a development of this size.

4.2.7 Summary of Objections:

### IMPACT ON GREEN BELT

- Development is inappropriate in the area and the village, runs against NPPF and TRDC policies.
- There are no very exceptional circumstances for this proposal.
- Need to protect Green Belt land.

### IMPACT ON LANDSCAPE

- Obliteration of AONB.
- Views destroyed.
- Impacts the special character and distinctiveness of the AONB.

### IMPACT ON HERITAGE

- Proposal would be visible from conservation area and will be a blight on the green nature of the area.

#### IMPACT ON HIGHWAYS

- Traffic is already a major issue in the area.
- More traffic will use back lanes.
- Green Street will be dangerous for school children to navigate.
- Impact on Heronsgate Road and Shire Lane has been ignored.
- All users would be forced onto single track roads to reach M25 and other routes, and exits from Chorleywood will become bottlenecks.
- No consideration of refuse collections.
- Traffic assessment doesn't consider the true peak times.
- Traffic assessment doesn't account for the narrow bridge under the railway or narrow pavement.
- No assessment of impacts on traffic and safety at railway station.
- Public footpaths unsuitable for more intensive use.
- Little regard has been given to the ability of the Green St/Station Approach junction to accommodate additional pedestrian, cycle and vehicle traffic generated as part of the proposals. The junction is substandard and cannot accommodate larger vehicles.

#### IMPACT ON INFRASTRUCTURE

- Chorleywood suffers from flooding, bad road surface, power cuts, there is no infrastructure to support an increase in population.
- The development will attract families to the local schools, causing others to drive out of the village.
- Primary schools are already oversubscribed.
- Who will pay to build and run the new school.
- Density at 31 dwellings per hectare is twice the density of Chorleywood.
- Local GP services are already stretched.
- There could be a water shortage.
- Insufficient tube capacity.

#### IMPACT ON ENVIRONMENT

- Loss of Green Belt and conservation area, destroy natural beauty and views to countryside, destroy habitat of many animals.
- Risk of sink holes.
- Will have direct impact on flora and fauna. No consideration given to skylark, or impacts of light and noise pollution.
- Will harm bats and newts.
- Proposal will increase air pollution.
- Would result in a net loss of biodiversity.

#### OTHER

- The harm the scheme would inflict would far outweigh any benefits.
- Scale and density out of keeping with the village.
- Concern about increase in crime and antisocial behaviour.
- Increased parking pressures in the village and at the station.
- Will turn Chorleywood into an urban environment.
- Should only be approved as part of a wider plan that takes account of other development projects, transport infrastructure and amenities.
- Unrealistic to expect people to walk with shopping bags from the local shops to the site.
- Very similar to previous schemes which were rejected.
- Not in the best interests of the village's sustainability.
- Unclear if affordable housing would actually be affordable.
- The applicant argues the need for housing, this should be determined through the preparation of a local plan, not by ad hoc planning applications.

4.2.8 Responses were also received from the following local organisations/groups (responses generally summarised):

#### 4.2.8.1 Campaign to Protect Rural England Hertfordshire

I write with regard to the above applications to which CPRE Hertfordshire objects strongly for the reasons noted below. This follows a previous consultation response to applications 20/0898/OUT and 20/0882/OUT, which were for the same linked sites, submitted by CPRE Hertfordshire on 3rd July 2020.

The present applications are effectively a re-submission of the previous proposals which were refused planning permission on 28th March 2023 and reference may be made to our previous comprehensive submission as noted above. The Planning Statements for each application are effectively identical, as they were in 2020, varying only in this submission in the slightly reduced number of units and the proposed provision of a two-form entry primary school in application no. 24/0538/OUT.

CPRE Hertfordshire believes that there has been no effective change in conditions or the circumstances affecting the sites. We remain firmly opposed to the present applications, support fully the Council's previous decisions with regard to these very similar proposals and re-iterate our concerns as follows.

1. CPRE Hertfordshire objects to these applications for inappropriate development in the Green Belt and the Chilterns National Landscape (formerly AONB), contrary to the policies of the National Planning Policy Framework (NPPF), the current Three Rivers Development Plan and the Chilterns AONB Management Plan.

2. The sites are currently open farmland on the eastern side of Green Street, outside the Chorleywood settlement boundary and not included in either the adopted Three Rivers Site Allocation Local Development Document, nor the emerging Three Rivers Local Plan. The sites lie entirely within the Green Belt and the Chilterns National Landscape (formerly AONB) where, under the provisions of the NPPF and the Three Rivers Development Plan, the applicant has to demonstrate very special circumstances sufficient to clearly outweigh the harm to the Green Belt caused by inappropriate development.

3. In these cases, there is the additional harm caused to the Chilterns National Landscape whose significant is such that there continues to be consideration of its designation as a National Park and further extension in area. We noted previously the findings of the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, with regard to the then Chilterns AONB: "In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn't just accept this as sadly unavoidable."

4. The Final Report continues to state: "The 'exceptional circumstances' provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation."(pages 102 and 107). CPRE Hertfordshire believes that the circumstances affecting the Chilterns National Landscape have become even more relevant in the last five years due to the continuing development affecting open countryside throughout the County.

5. The documentation accompanying both applications is, as previously, extensive but the essential decision remains with the planning balance as indicated in the NPPF paragraph 11(d) (Presumption in favour of sustainable development) and footnote 7, and Sections 13 (Protecting Green Belt land) and 15 (Conserving and enhancing the natural environment). Our previous submission (03.07.20) outlines the legal interpretation of the relevant sections

of the NPPF and debate continues with regard to the significance of future housing need and provision in designated Green Belt.

6. What is not in doubt is the clear position stated in Section 15 of the NPPF regarding National Landscapes (formerly AONB) which states in paragraph 163: “When considering applications for development within... Areas of Outstanding Natural Beauty (now ‘National Landscapes’), permission should be refused for major development other than in exceptional circumstances.”

7. The Applicant attempts to argue that in the cases of both the Green Belt and Chilterns National Landscape, these designations do not provide clear enough reasons for refusing the proposed developments. CPRE Hertfordshire profoundly disagrees with these assertions with regard to both the purposes of the Green Belt as noted in Section 13 of the NPPF, and the value and critical importance of National Landscapes as identified in Section 15.

8. With regard to Green Belt purposes, the Applicant accepts that the proposed development is on the urban fringes of Chorleywood but suggests that this is not “unrestricted sprawl” which is clearly wrong. Green Belt policy is precisely aimed at preventing sprawl and the magnitude of these proposals comprises an egregious example of inappropriate development and encroachment into open countryside, as is accepted by the Applicant.

9. We disagree profoundly that “the proposed development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB (sic)”. A proposed development of up to 675 units within the Chilterns National Landscape will self-evidently have a substantial impact on the surrounding open countryside.

10. The Applicant asserts that “the majority of the reasons (for the previous refusals of planning permission) related to the absence of a section 106 agreement to secure required obligations (seq)”. This is a deeply misleading statement.

11. Reasons 1, 2 and 3 refer to the undoubted harm which would be caused to the Green Belt, Chilterns National Landscape and the wider rural character and appearance of the area by the proposed major development. These are well supported, robust and policy based reasons for refusal and the remaining seven reasons for refusal relate to planning obligations and requirements which may or may not be satisfied by subsequent negotiations between the Council and Applicant.

12. The list of obligations are little more than would be expected of any development of the magnitude proposed, including educational provision. The “very special circumstances” required to be demonstrated by the NPPF should relate to specific conditions and circumstances of the site and not a general lack of housing, services and facilities which can be provided in a wide variety of more suitable locations.

13. In summary, we maintain our strong opposition to these proposed developments, as initially expressed in July 2020, and fully support the local community concerns and previous Council decisions. We urge the Council to continue to refuse permission for these speculative and inappropriate developments.

#### 4.2.8.2 The Chiltern Society:

First, to get a bit of frustration out of the way. The Developer here is playing games and wasting everyone’s time. Withdrawing a proposal after rejection by TRDC, then presenting a new proposal, little changed from before. So, we are back to square one. We think TRDC should take a dim view of this unprofessional behaviour from the Developer.

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

This proposal for 300 homes appears a step towards the full development of 675 homes, so the comments below follow those submitted for Application 24/0538/OUT.

### **General**

What has changed? In terms of the new application, very little, so the comments below are broadly similar to those presented a year ago. However, there has been a change to the NPPF, which we believe provides the basis for a stronger case against speculative development. For example, there are changes to the status of the housing need measurement using the 'standard method' and, amendments to setting of Green Belt boundaries. The Local Plan has completed Regulation 18 consultation, and the Neighbourhood Plan is fully in place.

Although the Local Plan is not yet adopted, we believe the Reg 18 consultation together with the Neighbourhood Plan capture the voice of the local people sufficient to show that the proposed speculative development should be soundly rejected.

The draft Local Plan shows the local housing need can be met without the proposed site being developed. The Neighbourhood Plan expresses a strong view against uncontrolled, large scale, or poorly placed development, and minimising the loss of greenfield sites by, where possible, using previously developed sites. It also expresses a view to ensure development is sympathetic to, and improves, the look and feel of the Parish.

Overall, the proposed development is not 'sustainable'. It encroaches on National Landscape/Green Belt land; transport requirements exceed what the area can deliver; there is little provision for safe active travel; infrastructure and services are already at capacity and the character of the area cannot be enhanced by such a development.

The proposed development with "all matters reserved except for access" means that there can be significant change to the nature of the development over time. This shows a lack of commitment by the Developer to the scheme and its key parameters, including those for affordable housing and a primary school. These examples and the highly selective nature of the submission are reasons for rejection.

### **National Landscape (formerly AONB) and Green Belt**

National Landscape (AONB) and Green Belt land is highly protected as it is nationally important and defines the character of the area. A major development of 675 or 300 high-density houses, urban in its nature, is completely inappropriate and would be highly damaging to the character and openness of the area and levels of mitigation for a dominant development such as this will never mitigate, conserve, and improve or remedy the harm caused.

Development on National Landscape land requires "exceptional circumstances" (NPPF para 183) to be proven. This is a higher bar than Green Belt alone. "Exceptional circumstances" can be taken as meaning no other possible alternative can be found. The Developer has not shown any evidence that this is the case, so in our view "exceptional circumstances" do not exist in this case.

The Developer's assertion that "...the proposed development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB" is strongly contested and the submission fails to provide convincing evidence to the contrary.



Regarding development in AONB/Green Belt, the direction of travel from the Government is to conserve and enhance open land, whilst this proposal seeks to go in the opposite direction by 'urbanising' highly protected land.

To support their case, the Developer references other National Landscape sites where major developments have been approved – but there are probably more examples where there has been refusal!

### **Road Transport & Active Travel**

The submission addresses the A404, a narrow East-West corridor route connecting to the M25. This route, which serves many local villages, is already at capacity in peak hours. The Developer's assessments cover time periods 07:15 to 08:15 and 16:15 to 17:15 (weekdays) The road has a longer peak period than suggested, extending to 09:30 in the morning covering schools' drop-off and 15:00 to 18:30 in the evening covering the schools' pick-up and 'home from work' traffic.

Further, irrespective of modelling, which addresses only theoretical use, the reality is that roads which are close to capacity will go quickly into gridlock when it's raining (more traffic), when accidents occur, during roadworks and with parked cars and vans restricting the highway, etc. Congestion is already frequently occurring today.

Account must also be taken of the many developments recently approved around the A404 corridor; Little Chalfont (c400 homes), Newland Park Chalfont St Peter (100+ homes) and Sarratt (c100 homes) which will also severely add to the congestion on this access route to the M25.

A404 congestion is today forcing traffic to use alternative 'rat-runs' through the narrow single-track country lanes. These narrow lanes, which serve North-South travel are a characteristic of the area and are frequently gridlocked today with peak hour schools runs, delivery vans, and the impact of diverted traffic when A404/M25 and other major roads are congested. Recent road closures have shown the sensitivity to high traffic levels on these narrow lanes with grid-lock conditions occurring throughout the day.

The Developer has not attempted to model the traffic conditions on all the roads important to Chorleywood residents.

There is little or no proposals for active travel.

### **Impact on Other Infrastructure**

There are serious negative impacts to the infrastructure serving Chorleywood. Significant concerns include the provision of medical services and wastewater treatment is already over capacity (quote "Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal"). Local flooding has already occurred. Village parking is already at capacity as is parking at Chorleywood Station. The Chiltern Line and Met Line are over capacity in peak hours.

The provision of school places is a major concern. The Developer mentions under capacity in local schools but fails to mention that this current spare capacity is at schools outside safe walking or cycling distance. School-run traffic will increase significantly and will add stress to the narrow lane issues mentioned above. Chorleywood's narrow lanes do not support safe walking or cycling or indeed any significant extra road transport.

### **Biodiversity & Ecology**

Both developments will significantly adversely impact the biodiversity and ecology of the area due to their scale and high-density urban character. For example, the engendered Skylarks are resident in the area. By the Developer's admission biodiversity net gain can

only be achieved by off-site measures. This is totally unacceptable for a National Landscape/Green Belt area.

### **Summary**

The use of highly selective data casts doubts on the veracity of the whole submission and with “all matters except for access” as reserved matters demonstrate a lack of commitment by the Developer to the key parameters of the submission.

The National Landscape and Green Belt status of the land offers a high level of protection, and a development of this scale is totally inappropriate and will cause considerable harm to the environment, openness, biodiversity, and character of the area whilst stretching local infrastructure and services which are already at capacity.

The assessment on the impact on transport is inadequate. The assessment timeslots are incorrect, and no account is taken of the impact to the extra traffic in the narrow lanes that form the character of the area. The narrow A404 serving a number of local towns and villages is an already congested East-West corridor near capacity. There is no assessment of the impact on the local narrow lanes which are already frequently gridlocked at peak times (e.g., access to J17 M25)

Local infrastructure, schools, parking, rail travel and medical and water/wastewater services are all at capacity and will not support this development.

The Chiltern Society, therefore, recommends refusal of the application.

## **5 Reason for Delay**

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

## **6 Relevant Planning and related Legislation, Policy and Guidance**

### **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.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

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.

Countryside and Rights of Way Act 2000

Levelling-up and Regeneration Act 2023

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 2017, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021

## 6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are ‘material considerations’ relevant to planning decision making. The NPPF is equally clear that “existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework” (NPPF Annex 1: 225).

A number of NPPF chapters are relevant to the consideration of this application, with the most important being:

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 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
- 16 – Conserving and enhancing the historic environment

## 6.3 The Three Rivers Local Development Plan

The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children’s Play Space), DM13 (Parking), Appendix 2 (Design Criteria) and Appendix 5 (Parking Standards).

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). The following policies are relevant to the current proposal: 1, 2, 4, 5, 8, 9, 10, 13, 15.

Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.

The Waste Core Strategy and Development Management Policies 2011–2026

The Waste Site Allocations Development Plan Document 2011–2026

#### 6.4 Other

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

Chilterns Building Design Guide 2010.

Chorleywood Common Conservation Area Appraisal (2010)

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

### **7 Planning Analysis**

#### 7.1 Principle of Development – Impact on the Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

7.1.2 Development Management Policy DM2 notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded full weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.

7.1.3 The NPPF at para 142 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Para 143 states that Green Belt serves five purposes:

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

7.1.4 Para 145 states that “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are

fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”. This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.

- 7.1.5 Para 150 states that “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access...”
- 7.1.6 Paragraph 152 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Para 153 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.1.7 Para 154 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.
- 7.1.8 Paragraph 155 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
  - b) engineering operations;
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.1.9 This application, submitted in outline form, proposes the construction of a residential development, necessarily involving the construction of a substantial number of new buildings, car parking areas, roadways, lighting and hard and soft landscaping works including tree removals.

- 7.1.10 In respect of paragraph 155, the proposed development does not fall into any of categories a, c, d, or f. As regards categories b and e, whilst the proposed development involves considerable engineering operations and a material change of use, these are primarily associated with and contingent upon the construction of buildings and roads to form the development and not to be undertaken for any other purpose. In any event, the resultant land levels, and built form consequent upon the engineering works on the site, and the use would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 155.
- 7.1.11 In *R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 the court held that the concept of openness referred to “the underlying aim of Green Belt policy...“to prevent urban sprawl by keeping land permanently open...and is also linked to the purposes to be served by the Green Belt...it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept.” Having regard to the above, it is considered that the proposed development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any of the exceptions in paragraph 154 or 155 of the NPPF. Furthermore, it would not fit within any exception set out in the statutory development plan. It would constitute inappropriate development contributing to urban sprawl and failing to safeguard the countryside from encroachment, in conflict with the purposes of Green Belt set out in NPPF 143. It would also harm the visual amenities of this part of the Green Belt for the reasons set out in more detail below. The NPPF 152 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.12 The benefits of the case as put forward by the applicant to support their case for Very Special Circumstances are outlined at section 7.20 below.
- 7.1.13 As noted above, paragraph 153 of the NPPF states that “Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”. Accordingly, before establishing whether a case for very special circumstances exists or not, it will be necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.
- 7.2 Principle of Development - Impact on the Chilterns National Landscape and the surrounding area
- 7.2.1 The application site is located wholly within the Chilterns National Landscape (CNL) (formerly Chilterns AONB). The Levelling Up and Regeneration Act (2023) amends the Countryside and Rights of Way Act 2000, amending S85 (general duty of public bodies etc) to insert the following:
- “In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”
- 7.2.2 Policy DM7 of the Development Management Policies LDD states:
- “In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:
- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
  - ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area

iii. Detracts from the public enjoyment of the AONB landscape.

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

7.2.4 At paragraph 182 the NPPF states:

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

7.2.5 At paragraph 183 the NPPF states:

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

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

7.2.6 Footnote 64 notes that in respect of paragraph 182/183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

7.2.7 Therefore, as part of the NPPF assessment it is necessary to establish whether the development subject of this application is major development having regard to footnote 64. This application proposes development on a previously undeveloped green field and Green Belt site, and whilst access is the only matter for consideration, the development would by necessity include access roads, formal and informal amenity spaces and other infrastructure to support the 300 houses. On this basis, it is considered as a matter of planning judgement that the nature and scale of this development, in addition to its setting on an undeveloped site, is a major development. Therefore the requirements of Paragraph 183 of the NPPF would need to be met in full.

7.2.8 Whilst submitted in outline, the quantum of the development (ie up to 300 houses with associated infrastructure) is clear and indicative layout drawings have been provided to show how the development might be set out.

7.2.9 Chapter 13 of the ES refers to Landscape and Visual impacts. At 3.5.3 it discusses inherent design mitigation measures that will avoid and reduce landscape and visual impacts. These include retaining the existing hedgerow to the west of the site, setting back development from Green Street to retain a green context along the road, incorporating a planted northern boundary, incorporating a green corridor to the south of the site, incorporating public open space and green infrastructure, a landscape pattern which responds to local topography, and the use of advanced planting to achieve early design aims.

- 7.2.10 It notes that the landscape character of the site is of high sensitivity. During construction, landscape effects would be temporary with construction lasting for around three years. It notes that during construction, the only significant effects on landscape character will relate to the site itself and its immediate setting, with construction having a moderate adverse effect on the landscape character area (NCA 11 Chilterns and HCC Heronsgate Heights) and a minor adverse effect on the landform, due to localised earthworks. Construction would result in moderate adverse effects on users of footpath Chorleywood 014 and the private footpath to St Clement Danes school. Minor adverse effects will be had from views of the construction site from private gardens surrounding the site.
- 7.2.11 The report suggests that at 15 years, the only significant direct landscape effects would be within the site itself, with the change of use from improved pasture fields to an area of housing having a moderate adverse effect on the current rural land use and character. Lighting impacts are considered to have a minor adverse impact. The only significant impacts on landscape features would be on tree and hedgerow vegetation, with a moderate beneficial effect. The removal of 25m of hedgerow along Green Street would be compensated for by woodland pattern reinforcement to the remaining 250m of western boundary and 1167 linear metres new planting. Other effects are not considered in the report to be significant. Whilst 9.64ha pasture would be removed, this would be compensated for by the incorporation of significant areas of green infrastructure.
- 7.2.12 The report acknowledges a direct adverse effect on the landform of the site, suggesting it would be minor as the development would respect the sloping landform of the site.
- 7.2.13 Visual effects are expected to be on users of the footpath because its current rural context is replaced by a green corridor with housing beyond. The report suggests the changes could be neutral, particularly in the summer, with the new leafier context. Private views from rear gardens and upper windows on houses facing Orchard Drive would include parts of the site and may result in a moderate adverse effect on the current rural view but in the summer increased vegetation would mean a neutral impact.
- 7.2.14 The report notes that beyond these areas in the immediate vicinity of the site, the proposed development will scarcely be seen. No significant cumulative effects on landscape are expected to result. Whilst there would be combined views of the site in conjunction with the adjacent driving range scheme, vegetation will provide good screening. The conclusion sets out that the development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB.
- 7.2.15 The Chilterns Conservation Board (CCB) have been consulted in respect of the impacts on the AONB and their response is detailed at paragraph 9.1.4 below. The CCB raise objections to the proposal on the basis that they consider the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB. Natural England have also provided comments on the proposal and in respect of the submitted LVIA at 9.1.22 and raise objection on the basis that the proposal will have a significant impact on the purposes of designation of the Chilterns AONB. They also consider that the submitted LVIA has not assessed the special qualities of the AONB. The LPA has also sought independent advice from a consultant in respect of the applicant's Landscape and Visual Impact Assessment and the site layout within the illustrative masterplan, and their comments are at paragraph 9.1.27. They raise a number of concerns in respect of the methodology for undertaking the LVIA, highlight that the LVIA provides no consideration of the effects of the proposed development on the Chilterns National Landscape, and no considerations as to the effects of the proposed development on the Green Belt. They suggest the schemes would equate to considerable harm to the landscape and visual resource of the area.
- 7.2.16 At paragraph 7.20 below the applicant's case for exceptional circumstances to justify this development in the Chilterns National Landscape are set out.



- 7.2.17 Given that any design and layout matters are likely to be fundamental to the acceptability of this development in the Chilterns National Landscape, it is likely that officers would, in the event outline planning permission is to be granted, consider it reasonable and necessary to secure by condition details of design principles which demonstrate regard has been had to the Chilterns Building Design Guide, to ensure any development is respectful of the CNL location. It is considered necessary and appropriate that design principles be secured as part of the grant of any outline planning permission to ensure that a sensitive approach is established now which has full regard to the characteristics of the National Landscape. Officers consider that it would be essential for this to carry through to any Reserved Matters submission in the event outline planning permission is granted.
- 7.3 Impact on the character and appearance of the locality
- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.2 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character Chorleywood has".
- 7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative parameter plan has been submitted which indicates a maximum building height of 12.5m (ie 3 storeys) for buildings running parallel to Green Street, and stepping into the site to the south of the existing dip in the landscape which is to be used to contain SUDS, Green Infrastructure and Open Space. All other buildings would be up to 10m (ie 2.5 storeys).
- 7.3.4 The provision of a new vehicular access would impact the character and appearance of Green Street, introducing an urbanising feature along what currently has the characteristics of a rural lane. Formation of access points would result in the loss of some vegetation. However, it is noted that replacement planting and enhancements to existing landscaping could be sought at the reserved matters stage. The development would include the introduction of new bus stops with flags and shelters, which could also add to the urbanising impact of the development.
- 7.3.5 As noted previously, the final design of the proposed development would be an essential consideration, with the LPA placing great importance on any development having regard to the important characteristics, features and design context of the Chilterns National Landscape. This application does not consider Appearance or Layout (which are reserved for consideration at a later date).
- 7.4 Affordable Housing and Housing mix
- 7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All

new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.

- 7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.
- 7.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC has set out a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and have a restriction to ensure this. Given the First Homes guidance, TRDC will now require 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate.
- 7.4.4 Therefore, the development of 300 houses would be expected to make an affordable housing contribution of 135 houses, of which 34 would be First Homes, 95 would be Social Rent and 7 intermediate. The affordable housing must be secured at the outline stage.
- 7.4.5 The submitted Planning Statement sets out that the development would seek to deliver 45% of the development (ie up to 135 houses) as affordable housing, meeting the 25%/70%/5% tenure split set out above. This would comply with the minimum requirement the necessary tenure mix required by CP4.
- 7.4.6 In respect of housing mix, the 2020 Local Housing Needs Assessment suggests the highest need for three bedroom market houses, two bedroom affordable home ownership houses and 1 bedroom social/affordable rented houses. The indicative housing mix at table 3.1 of the Town Planning Statement suggests 40% of market housing would be three bedroom, with a fairly even split of 30%-35% of one/two/three bed units for affordable housing. The final details of this can be secured by condition attached to any outline planning permission for future agreement, to ensure the council's needs are met. Regard must also be had to Policy 4 of the Chorleywood Neighbourhood Development Plan which requires dwellings suitable for elderly/disabled persons or smaller dwellings suitable for first time buyers/downsizers to be provided.

## 7.5 Impact of proposal on heritage assets

- 7.5.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets".
- 7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:  
"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.5.3 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.”

7.5.4 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.”

7.5.5 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...”

7.5.6 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, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

7.5.7 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

7.5.8 Chorleywood Neighbourhood Development Plan policy 1 states that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.

7.5.9 The Environmental Statement includes a chapter on Cultural Heritage (Chapter 9) which assesses the potential effects of the proposed development on the historic environment.

7.5.10 Impact on the setting of the Chorleywood Common Conservation Area

7.5.11 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes “The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area”. The appraisal sets out that “the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common”. It states that “To the west of the Common again the variations in land levels create an interesting feature within the Conservation Area. The layout of the dwellings, by Old Common Road and their varying heights relate to the topography of the land level creating an interesting landscape as viewed from the common”.

The appraisal states “views within, into and out of the Common and surrounding areas can add to the character and appearance of the conservation area. It is important that these views are maintained and not disturbed by inappropriate forms of development”.

- 7.5.12 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.5.13 The Cultural Heritage chapter of the submitted ES suggests that the proposed developable area is set to the west of the site, maximising the distance between the conservation area and built elements of the scheme. Planting will limited glimpses from the conservation area. The report recognises that the significance of the CA and its sensitivity is high, and the magnitude of change would be medium. It states that there is likely to be a permanent, long term effect on the CA that is of moderate significance and adverse nature, equivalent to a low to medium degree of less than substantial harm.
- 7.5.14 The LPA’s conservation officer (9.1.24) and Historic England (9.1.20) have both raised objections to the proposal relating to its impact on the Chorleywood Common Conservation Area and its setting. The conservation officer raises an objection on the basis that the proposal would result in a low to medium level of less than substantial harm to the setting of the Chorleywood Common Conservation Area. This is because there are clear views of the site from the eastern part of the Common looking north west, and views will be lost and replaced with a view of the housing development. The urbanising effect to the setting of this part of the conservation area and the environmental changes including the change of use, light spill and movement are all attributes of the proposal that would detract from the setting of the conservation area and the appreciation of its significance. Historic England raise concerns that the development by reason of its form, scale and density would detract from the overall rural character and appearance of the wider landscape and cause harm to the setting and significance of the Chorleywood Common Conservation Area. They assess the level of harm as a low level of less than substantial harm.
- 7.5.15 Impact on the setting of the adjacent Listed Buildings
- 7.5.16 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. To the north of the site fronting Green Street are the grade II listed Great Greenstreet Farmhouse and two grade II listed barns.
- 7.5.17 The Cultural Heritage chapter of the submitted ES suggests that the site’s current contribution to the significance of these listed buildings is low. It suggests that there is likely to be a permanent long term effect on the Great Greenstreet Farmhouse and barns of minor significance and suggests the design of the proposed development would provide mitigation. The Conservation Officer considers the proposal would not harm the significance of the adjacent listed buildings.
- 7.5.18 Impact on Archaeology
- 7.5.19 In respect of Archaeology the submitted Cultural Heritage chapter sets out that the below ground archaeological resource is considered to have a high sensitivity to change, and the magnitude of change is considered to be large with the significance of the environmental effect on the below ground archaeological resource across the site, without mitigation, being major. In respect of mitigation, intrusive archaeological investigations are proposed across the site, and each phase of the proposed development will be mitigated through a programme of fieldwork following an agreed Written Scheme of Investigation.
- 7.5.20 The County Archaeological advisor comments on this point within their consultation response (9.1.8) and requests trial trenching be undertaken prior to any decision being taken, given the geophysical survey report notes anomalies which may represent heritage assets. Trenching would enable them to assess the significance of any assets and also

review other areas that are blank. This information would also allow an informed design for the masterplan which appropriately considers the historic environment.

- 7.5.21 As part of the assessment, it will be necessary to establish the harm that might arise from the development on underground heritage assets. If the lack of information is considered to result in a potential level of substantial or less than substantial harm, this would need to be weighed against the public benefits of the proposal.

## 7.6 Highways Impacts

- 7.6.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.

- 7.6.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

- 7.6.3 The NPPF at para 114 sets out that in assessing specific applications for development it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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

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

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

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

- 7.6.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.
- 7.6.8 This application includes a number of highways works and as explained above, whilst the application is submitted in Outline form, matters of access are for full consideration as part of the application. The impact of the proposed highway works are to be assessed by Hertfordshire County Council as the Local Highway Authority, and National Highways as the Highway Authority for the strategic road network. Active Travel England are also a statutory consultee considering how active travel is incorporated into the development.
- 7.6.9 This application would include the following works to the highway:
- Formation of pedestrian and cycle access to the site from Green Street south of the existing cattle barn.
  - Formation of vehicular access (including pedestrian and cycle) to the site from Green Street north of the junction with Orchard Drive
  - Alterations to Green Street to provide right turn lane for vehicles travelling from Chorleywood to enter the site.
  - Alterations to the junction with Orchard Drive to provide revised pedestrian crossing arrangement.
  - Widening of footway along Green Street to 4m from the northernmost access to the site down to Orchard Drive, with the footway to be 3m south of this, and provided as a footway/cycleway.
  - Additional bus stops introduced on Green Street close to site entrance.
  - Provision of tactile paving and wider footway at Gilliat's Green.
  - Renewal of highway markings of existing pedestrian crossings at junction of Green Street/Station Approach
  - Provision of new parallel crossing north of Green Street service roads (opp No. 51 and 58).
  - Contribution toward additional cycle parking at Chorleywood Station and an additional ticket gate.
- 7.6.10 At the time of writing Hertfordshire County Council as Highway Authority have not provided comments on the application. They have sought additional clarification from the applicant's Highways Consultant and are awaiting receipt of that information. Concerns have been raised in respect of highways matters by members of the public and the Parish Council and those concerns are being reviewed by the County Council alongside the applicant's submissions.
- 7.6.11 The submitted information has been reviewed by National Highways (Para 9.1.18), and TfL (9.1.31) and their consultation responses are reported.
- 7.6.12 National Highways have raised no objections to the proposal, confirming the presented trip generation, distribution and assignment are acceptable, and overall numbers of trips predicted to reach the strategic road network are reduced.
- 7.6.13 Transport for London have requested improvements to walking and cycling infrastructure to the station from the site to accommodate increased trips, and increased cycle parking at the station. They have also requested a financial contribution, to be secured by S106, towards new ticket gates at Chorleywood Station. Subject to the costs of the entrance gate being secured by S106, TfL have no objections.

## 7.7 Vehicle Parking

7.7.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions set out in Appendix 5.

7.7.2 As previously noted, this application is submitted in outline with matters of access for consideration. The site's layout would be considered at a later date as a reserved matter and it is expected that the proposed car parking layout and provision would be dealt with at that time. Having regard to the number of dwellings proposed on site, it is acknowledged that a significant number of car parking spaces would be required (at least 300). It is considered that the quantum of spaces could be accommodated within the site.

## 7.8 Impact on amenity of neighbouring occupiers

7.8.1 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.

7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.

7.8.3 The application is submitted in outline, with matters of access for consideration. However, the application is accompanied by an illustrative masterplan which suggests a form of development where a significant buffer distance could be maintained between the rear gardens of properties fronting Orchard Drive and Woodlands Lane, and the houses within the development site.

## 7.9 Pollution – Air Quality

7.9.1 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;

7.9.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
- Introduce new point sources of air pollution e.g. furnaces.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.

7.9.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or

- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.9.4 The Environmental Statement includes a Chapter on Air Quality, informed by an air quality assessment. This shows that with the baseline pollutant concentrations and proposed traffic generation onto the existing road network, the impact of new vehicle emissions from the proposed development would be negligible. Mitigation measures could be used to reduce impacts at the construction phase. The Environmental Health officer has reviewed the submission and raises no objections subject to a condition requiring a dust management plan to be submitted for approval.

#### 7.10 Pollution – Noise and vibration

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 sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.10.3 The Environmental Statement includes a chapter on noise and vibration impacts and any potential mitigation measures. The Environmental Health Officer has considered the submission and their comments are reported.

#### 7.11 Pollution – Light

7.11.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

7.11.2 Chapter 13 of the Environmental Statement reviews the landscape and visual impacts, including lighting, and a lighting impact assessment has been submitted (Lighting Assessment/Strategy by WSP dated March 2024) which suggest lighting will only be required during hours of darkness where needed for safety and security, with levels of illumination in keeping with the dark wider landscape. With the recommended principles in place and establishment of additional boundary habitat, where there are views of lighting this would cause minor adverse effects. Views from the AONB to the north are expected to be viewed alongside areas of existing lighting, resulting in a minor adverse impact. At the Reserved Matters stage, further details of any proposed site lighting and the lighting strategy can be reviewed, to ensure this is sensitive to the landscape, the rural context and the ecological context of the site.

#### 7.12 Pollution – Land Contamination

7.12.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.



- 7.12.2 The application is accompanied by a preliminary contamination risk assessment which suggests a maximum low risk level. It is recommended that intrusive soil investigation be undertaken, and this could be secured by condition. Such a condition is recommended by the Environmental Health Officer.
- 7.13 Impact on Wildlife, Biodiversity and Agricultural Land
- 7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.13.2 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.
- 7.13.3 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.13.4 Footnote 62 states "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality".
- 7.13.5 Paragraph 185 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.13.6 Policy CP1 of the Core Strategy (adopted October 2011) advises that; "all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to" (amongst other things) (f) "protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats". Policy CP9 of the Core Strategy (adopted October 2011) advises that; "The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces".
- 7.13.7 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.
- 7.13.8 The applicant has submitted an Agricultural Land Classification which concludes the land is Grade 3B land which is not considered best and most versatile land.
- 7.13.9 In respect of biodiversity, the submission includes Biodiversity Net Gain calculations which show a 23.05% increase in habitat units and 124.49% increase in hedgerow units. The gain is achieved with the creation of both on-site and off site habitats. Herts Ecology have reviewed the proposed BNG, and raise concerns about the viability of providing meaningful BNG off-site within an otherwise formal sports complex. Sufficient information has been received to determine the application and achieving the gains would be secured by the mandatory condition, S106, and a requirement to provide a habitat management and monitoring plan.

7.13.10 In respect of protected species, Herts Ecology have reviewed the submitted reports and do not consider that protected species would represent a fundamental ecological constraint to the proposals. Mitigation measures are proposed and these could be secured by planning condition. Concerns are raised in respect of the scheme generating further recreational pressure on Chorleywood Common Local Nature Reserve and mitigation of those additional pressures being proposed. Officers consider this could be secured by condition.

#### 7.14 Impact on trees and landscaping

7.14.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.

7.14.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.

7.14.3 The NPPF sets out at para 186c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

7.14.4 The application is accompanied by an Arboricultural Report which sets out that trees will need to be removed within the roadside belt to create the access to the site, but other than these no other trees would be removed. The potential for a scheme to deal with the number of Ash trees and the potential impacts of Ash Dieback is also considered. Whilst the development

7.14.5 The Tree and Landscape Officer notes that the site boundaries would be retained or supplemented with new planting, and the proposal would allow for substantial new tree, shrub and hedge planting, and raises no objections in respect of Arboricultural impacts.

#### 7.15 Energy Use

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. The policy states that from 2016, applicants will be required to demonstrate

that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.15.4 The application is accompanied by an Outline Energy and Sustainability Strategy (ES Appx 3.1). This sets out that the proposed development is predicted to exceed Part L 2021 carbon emission reduction requirements. As this application does not seek approval for the appearance or layout of the proposed buildings, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

#### 7.16 Flood Risk and Drainage

7.16.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.16.2 The application has been accompanied by a Flood Risk Assessment and this is in the process of being reviewed by the Lead Local Flood Authority. Their comments have not been received.

7.16.3 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that there are no constraints within their remit at the site and therefore they raise no comments but encourage the use of Sustainable Drainage Systems and water efficiency measures.

7.16.4 Affinity Water have advised that the proposed development site is located within an Environment Agency defined Source Protection Zone and have advised that any pollution found at the site should be suitably monitored and remediated. They have also advised for the need for a Ground Investigation to be undertaken should any excavations be required below the chalk groundwater table.

7.16.5 Thames Water have confirmed that they have identified an inability of the existing foul water network infrastructure to accommodate the needs for the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all foul water network upgrades are completed or a phasing plan agreed.

#### 7.17 Refuse and Recycling

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

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

7.17.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the

rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

- 7.17.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.
- 7.17.4 In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 7.17.5 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.17.6 In respect of domestic waste, it is considered that further details regarding the storage and management of waste on site would be considered at the reserved matters stage.

#### 7.18 Infrastructure Contributions

- 7.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180 (plus indexation).
- 7.18.2 Transport for London have requested a financial contribution be secured of £500,000 (index linked to 2021) to enable an additional ticket gate to be installed at Chorleywood Station. This would enable the development to mitigate its impacts in terms of the additional demand at Chorleywood Station, and encourage the use of sustainable means of transport. Their comments also state that additional cycle parking in and around the station should be provided.
- 7.18.3 It is anticipated that Hertfordshire County Council as Highway Authority will require contributions and highways works to be secured. Further details will be provided once received.
- 7.18.4 The Hertfordshire and West Essex Integrated Care Board have requested £387,572 toward General Medical Services.

#### 7.19 Referral to Secretary of State

- 7.19.1 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. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning

application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.19.2 Furthermore, in accordance with the comments received from Natural England, in the event TRDC is minded to grant planning permission it would be necessary under S28I of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permissions, the terms on which it is proposed to grant it and how the authority has taken account of Natural England's advice and allow a further 21 days before the operation can commence.

## 7.20 Benefits of the Scheme

7.20.1 The applicant has suggested the following planning benefits would be realised from the scheme and this forms the applicant's case for very special circumstances (Green Belt), exceptional circumstances (AONB/CNL) and public benefits (heritage harm). These benefits are summarised below and presented for information with no weighting given at this time:

- Sustainable Location for Development – Chorleywood is one of the most sustainable settlements in the District with a range of services and facilities serving the local population and is an appropriate location for future development. The site is on the urban fringe of Chorleywood and is well-connected to Chorleywood Station and other public transport links and the village core. The development would make efficient use of this highly sustainable location, contribute to the vitality and viability of the existing settlement and promote sustainable transport modes to reduce the reliance on the car.
- Meeting Housing and Affordable Housing Need – there is a serious shortfall in supply and delivery of market and affordable housing. The proposal would deliver 300 homes and the housing mix would focus on 1, 2 and 3 bedroom properties, meeting local housing need for smaller homes suitable for first time buyers and downsizers as set out in the Chorleywood Neighbourhood Plan as well as family housing. The delivery of 300 houses would equate to 0.4 years supply of the Council's housing need based on the current target of 764 homes per year. The proposal would also deliver 45% (135) affordable homes with a policy compliant tenure split, meeting the policy requirement percentage overall.
- Provision of Local Community Facilities – The proposal will guarantee the delivery of new high quality sporting and community facilities for the local community at the Chiltern Hills Golf Course (CHGC) site to the west of the application site.
  - Through cross-subsidisation of the proposed development, Chorleywood Common Youth Football Club would be given provision of new football pitches and a permanent clubhouse for their use. Chorleywood Golf Club would be granted a long-term lease at a peppercorn rent. CHGC benefits from planning permission for an 18 hole golf course and clubhouse with outbuildings, car park and access. Buckinghamshire Council are considering a planning application to amend previous planning permissions at the site to allow for recontouring of the site to include a golf driving range/practice area and green plateau for use as football playing pitches, the erection of a temporary clubhouse to serve the football club for 5 years. The site is well located to serve the football club. Due to increased demand the club has a shortage of playing pitches. The proposal would create a community sports hub which would not only serve existing players and members of the club but would allow the club to expand its offering and meet local demand which it is currently unable to do. This would enable football for all and facilitate new sports clubs beyond football (running, cycling, fitness for example). It would generate new revenue streams for the club, allowing staff to be employed.
  - Chorleywood Golf Club is a small community club, founded in 1890 as the first golf club in Hertfordshire. It is currently located at the 9 hole course on Chorleywood Common but has an aging membership and difficulties operating a golf course from the common. The common offers a number of difficulties as a golf course, including

being insecure from damage, poor quality, causing danger to public users, car park congestion, inability to police Green fees, restrictions of Sunday afternoon golf, and absence of practice facilities. It is proposed that Chorleywood Golf Club would be granted a long-term lease on CHGC at a peppercorn rent, enabling the club to operate from both sites and improve its offering to attract new memberships.

- Economic Benefits – Development will support on average 110 on-site construction jobs for the 3 year construction period, generating £23.4million of GVA over the construction period, generate around 65 full-time equivalent jobs for Three Rivers, provide increased residential expenditure of £1.5million per annum, and provide £11.5million income over 20 years including revenue from New Homes Bonus, Council Tax and Community Infrastructure Levy.
- Open Space and Play – The council’s most recent assessment of the open space needs in Three Rivers shows a shortfall in ‘parks and amenity greenspace’ in Chorleywood with no formal park provision. There are also gaps in walk time catchments for children and young people, and this is particularly detrimental to the north of Chorleywood as existing provision comprises The Swillett play area. The proposal will deliver a range of multifunctional green spaces, providing opportunities for children’s play, recreation paths and biodiversity enhancement, and the level would be above that required to serve the development itself.

7.20.2 In addition to setting out the proposed benefits of the scheme, the application sets out that there is a lack of alternative sites. The applicant sets out that 77% of Three Rivers is Green Belt and a further 6% is in the Chilterns National Landscape. There are 22 conservation areas, two in Chorleywood, and 350 listed buildings. The main settlements and built up areas comprise only 22% of the District Land Area. Therefore new opportunities for significant new development in Three Rivers on brownfield sites or areas not protected by specific designations generally are extremely limited. The applicant therefore suggests that in order to meet housing targets, greenfield sites and sites where development is typically discouraged such as Green Belt and AONB (National Landscapes) will need to come forward. The applicant sets out that for development to meet the significant need for Chorleywood, it needs to be delivered at the settlement edge of Chorleywood and therefore the AONB land must be considered. The applicant sets out that there is also a lack of alternative sites in or around Chorleywood, demonstrated through the lack of potential allocations in the Emerging Local Plan.

7.20.3 The benefits set out above would need to be considered by the decision maker, as would the weight attributable to each.

7.21 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt), Public Benefits (Heritage) and Exceptional Circumstances (National Landscape)

7.21.1 As part of the decision making process, there are various planning balances that must be undertaken by the decision maker. Whilst summarised in the title above, these are also explained in the relevant part of this report (for example, the need to consider very special circumstances is explained at the end of the Green Belt section of this report).

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

For decision-taking this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.21.3 In respect of d) i. the NPPF sets out that the policies referred to (that protect areas or assets of particular importance) include those relating to land designated as Green Belt, an Area of Outstanding Natural Beauty and designated heritage assets.

7.21.4 As part of the assessment of the proposal, it will be necessary to identify which policies are most important for determining the application, and the weight to be attributed to them notwithstanding that they may be considered out of date. It would then be necessary to undertake an assessment under i or ii above.

7.21.5 When undertaking this assessment, it will be necessary to have regard to the facts of this case, but also the principles of any similar cases in so far as they are material. In that respect, officers consider that the conclusions reached by the Planning Inspector in allowing two appeals for a total of 92 new houses and a new doctors' surgery on two sites off Church Lane in Sarratt should be taken into account, although it is acknowledged that application did not have the same heritage or National Landscape considerations as the current application. The following paragraphs of the Inspector's decision are considered to be of relevance:

*94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.*

*100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development. The overwhelming lack of supply of diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.*

*101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.*

7.21.6 In respect of the Planning Balance it will be necessary for the decision maker to take account of the material planning considerations to the case, and balance any adverse impacts of the development against the benefits put forward by the applicant (see section

above) and any other identified benefits. Any adverse impacts are likely to primarily be identified as part of an assessment of the proposal against the statutory development plan and other material planning considerations. These would need to be weighed against the benefits which may also be identified as part of the assessment.

7.21.7 As part of a full assessment of the scheme to be completed by officers and presented to Planning Committee at a later date, the full extent of any harm arising from the scheme would be identified, and this would be balanced against the benefits of the scheme to enable a recommendation to be made as to whether outline planning permission may be granted or not.

## 7.22 Site Visit

7.22.1 It is noted that this development is of a considerable size and scale, impacting a large area of land which is designated as National Landscape and Green Belt, as well as impacting the setting of a conservation area. On that basis, and given the case put forward by the applicant in support of their application and the LPA's housing delivery and housing land supply situation, it is recommended that Members agree to a site visit being arranged prior to the application being presented to Committee for a decision, to ensure Members have the opportunity to view the site and understand its topography and how it relates to its surroundings.

## 8 **Recommendation**

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

8.2 There is no recommendation for a decision to be made at this stage in the consideration of the application. Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.



## 9 Appendix 1: Consultation Responses

### 9.1.1 Active Travel England (16 May 2024): [Deferral, more information needed]

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 this outline planning application for up to 300 no. residential dwellings (Use Class C3), associated access and other infrastructure. All matters are reserved except for access.

It is understood that the site is not allocated within the Local Plan and *'The Emerging Local Plan does not identify the Site as a potential housing allocation.'* (Planning Statement 5.13) It is also understood that in 2023, Three Rivers District Council (TRDC) refused outline planning permission for two applications relating to residential development at the Site (refs: 20/898/OUT and 20/0882/OUT). These applications were for 800 and 300 homes respectively. Various reasons were given for refusal, none of which relate specifically to active travel concerns, although the lack of a S106 agreement which meant 'the proposed development fails to maximise sustainable travel options', is understood to relate to a contribution towards a bus service, as well as an agreement to secure a Travel Plan, amongst other things.

ATE had no prior involvement in the above application or historical applications relating to this site. However, a planning application (24/0538/OUT) for 675 homes and a new primary school has been submitted at the same time as this application. ATE have been consulted on this and issued a separate response.

#### 2.0 Summary

While it is acknowledged that this application is currently at outline stage, there are numerous active travel matters that require attention in accordance with policy to ensure that sustainable development can be delivered in a way that enables and embeds walking, wheeling and cycling as the first natural choice for local journeys.

The quality of proposed active travel infrastructure and the means by which new residents of the development will access homes, local facilities and their place of work is of relevance. This will have a direct bearing upon the residual impacts of the development, but more importantly the health, lifestyles, and social inclusivity of future residents.

The submitted Planning Statement considers the proposals are in a *'Sustainable Location for Development'* and that being located *'approximately 1.1km north of Chorleywood village centre'* it is in *'within easy cycling distance, as well as within the maximum preferred walking distance.'* (Planning Statement 8.5)

The submitted Design and Access (DAS) explains that *'The site offers excellent potential for sustainable travel, with Chorleywood Train & Underground Station located a short 10-15 minute walk away.'* It goes on to explain that *'The design seeks to maximise the site's excellent sustainable transport potential. The scheme will connect and expand the existing route network surrounding the site, linking the proposed development to its surrounding established context.'*

The Transport Assessment (TA) identifies *'off-site improvements were previously proposed and agreed with HCC as part of planning application 20/0898/OUT for 300 dwellings. In order to ensure pedestrian and cycle accessibility of the site, these off-site proposals are again proposed for the current planning application'* (Paragraph 4.8)

ATE believe the proposals have strong potential to contribute towards active travel given the sites sustainable location, within walking and cycling distance of Chorleywood District Centre, transport links and educational facilities. However, ATE believe that further steps can be taken to ensure walking and cycling will be the natural first choice for many journeys as part of these proposals, in line within NPPF Paragraph 109. After considering the submission, ATE is requesting that the application is deferred and requests further assessment, evidence, revisions and/or dialogue as set out in this response and summarised below.

- Further consideration of trip generation for active modes
- A more thorough assessment of active travel routes
- Amendments/improvements to offsite active travel infrastructure
- Improving links to existing footpaths
- Revised approach to internal layout
- A more ambitious travel plan

## **1.0 - National Policy and Guidance**

To meet the requirements of government policy, new settlements need to effectively connect to their local area while providing the conditions that prioritise active travel. The following extracts are key considerations in the assessment and recommendations ATE make on planning applications:

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

- Safe and suitable access to the site can be achieved for all users (114).
- 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 (114)

Applications for development should (116):

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- 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;

The National Design Guide sets further expectations for Active Travel routes as follows:

82..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 well-chosen junctions and crossings, so that people want to use them.

Gear change: 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. Key requirements of Gear Change sets the following expectations for cycling infrastructure:

- Separation from volume traffic
- Separation from pedestrians
- Cycles treated as vehicles, not pedestrians
- Isolated stretches of good provision are of little value
- Routes must feel direct, logical, and intuitively understandable
- Avoiding cosmetic alterations
- Barriers should be avoided

In relation to new housing developments, LTN1/20 Cycling Infrastructure (2020) sets out how 'new housing development provides a major opportunity to create new and improved cycle infrastructure' (14.3.1), drawing attention to the following aspects of assessment:

14.3.6 It is important that the TA does not overestimate motor traffic travel demands, which could make it difficult to provide well-designed cycle infrastructure, particularly at the site access points. Travel demand forecasts should take into account the potential for the increased levels of cycling that will be enabled by high-quality cycle facilities, both on- and off-site.

**Inclusive mobility:** provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

**Active Design:** sets out how the design of our environments can help people to lead more physically active and healthy lives in relation to active travel (principle 3) and high-quality spaces (principle 5).

#### **4.0 Areas of Concern**

##### **Trip generation and assignment:**

The TA includes a multimodal trip generation and explains a Trip Rate Information Computer System (TRICS) analysis has been undertaken to establish person trip rates with Census 2011 Travel to Work data for the local area (Chorleywood) has been used to provide a mode share of the employment.

Table 9 of the TA includes Combined Trip Generation by Mode across employment, education and retail trips. The TA notes that 34 trips are expected in the AM peak hour by train or underground and another 30 trips in the PM peak hour. Just 2 bicycle trips are expected in the AM peak hour and 1 in the PM peak hour. 76 AM and 47 PM walking trips are expected.

The TA notes that Chorleywood Railway Station is located approximately 1km to the south of the site and is therefore within acceptable walking distance for commuting and within the preferred maximum walking distance for other trip purposes. It is also within acceptable cycling distance. (Paragraph 2.19).

Given the location of the site, close to national and underground rail links to central London, it is highly likely that a significant number of journeys to work undertaken by rail will involve either walking or cycling. The assessment could be made more robust through trip forecasting journeys which include active travel movements to the station as the current methodology risks underproviding for active travel.

##### **Active travel route audit:**

The submitted TA provides a description of surrounding walking / cycling conditions within section 2.0 and this is illustrated with several helpful photographs. However, there is limited analysis of the numerous deficiencies in the surrounding network nor analysis of the primary active travel routes to and from the site to surrounding services.

A thorough audit of routes to key services expected to be undertaken by active modes should be completed with consideration of their coherence, directness, safety, comfort and attractiveness in line with LTN 1/20 1.5 Core design principles as well as Inclusive Mobility guidance.

##### **Pedestrian access to local amenities:**

Table 4: Summary of local facilities (distances to centre of the site) of the TA includes local facilities along with the distance and walk and cycle times to them. Table 2 includes CIHT Guidelines for Acceptable Walking Distances, with between 400 and 1200 m identified as being between desirable and acceptable distances.

It is of note that many facilities are located towards the maximum walking distance from the site and the closest existing primary school is located 1.4km from the site, and these

proposals do not intend on delivering a new primary school. This is a concern as educational trips account for 48% of journeys in the AM and 15% in the PM (TA Table 8: Trip Purpose). Moreover, Table 12: Education Modal Split shows that 40.2% of these trips will be made on foot in the AM and 36.6% in the PM. Whilst this remains feasible for secondary school facilities, the distance to the closest primary school may be prove prohibitive.

Generally, walking and cycling distances are considered acceptable to other uses, however given they are towards the upper end of acceptable, it is considered that surrounding active travel infrastructure should be of an excellent quality to incentivise active journeys to and from the site and offer 'a genuine choice of transport modes' to encourage sustainable travel (NPPF paragraph 109).

**Cycling accessibility:**

Paragraph 2.18 of the TA explains that '*LTN 1/20 (Cycle Infrastructure Design) states that two out of every three personal trips are less than five miles in length, which is an achievable distance to cycle for most people.*' Whilst there are several facilities within this distance from the site, there is no surrounding segregated infrastructure with sufficient protection from motor traffic in accordance with LTN 1/20 such that most potential cyclists would be excluded, particularly less confident cyclists. It is therefore imperative that measures to improve this are of a sufficient standard as agreed with the local highways authority. This is addressed further below.

**Access to public transport:**

Paragraph 2.12 of the TA explains that '*The site is served by public transport with an hourly bus service between High Wycombe and Watford. Bus stops are located on Green Street, approximately 110m south of Orchard Drive. There are also bus stops located approximately 60m south of the A404 junction with Green Street.*'

It is noted that bus stops are approximately 230m and 480m from the edge of the site, however from dwellings within the site this distance increases. It is understood that discussions with Hertfordshire County Council (HCC) to determine whether a bus could enter the site with new stops within the site being provided are ongoing. This would result in all residents of the proposed development being within an acceptable walking distance of the bus service. ATE would welcome the HCCs view on the likely feasibility of such a service, as it is desirable for all residents to be within 400m of a bus stop if at all possible. It is however noted that SK34 shows two bus stops on Green Street which may negate the above issue, albeit there is some concern regarding the adequacy of the proposed crossing.

**Off-site transport infrastructure:**

Paragraph 4.8 of the TA identifies a number of offsite improvements previously proposed and agreed with HCC as part of planning application 20/0898/OUT for 300 dwellings. These offsite proposals have been proposed again in order to '*ensure pedestrian and cycle accessibility of the site.*'

ATE have reviewed these proposals and have the following comments to make:

Green Street (adjacent to site up to Orchard Drive): footway /cycleway widening to 4m (Drawing SK43);

Green Street Junction with Orchard Drive: a partial set back of the footway /cycleway with marked priority (Drawing SK44);

Green Street (south of Orchard Drive): footway /cycleway improvements including widening the footway /cycleway to 3m, tactile paving and better signing (Drawing SK45);

The following comments apply to above three drawings.

The existing infrastructure includes a shared use path, with no buffer between the highway and footpath or treatment at side roads as well as posts on the shared use facility that limit usable width. This plan shows intended changes to the footway across the site frontage

along Green Street, from the northern perimeter footpath terminating part way along Green Street.

The proposed changes are considered to be an improvement on the existing situation, in so far as they provide treatment at side roads, affording pedestrians and cycling priority in accordance with LTN 1/20 Figure 10.15: Full set back, marked priority (bent-out) crossing. However, the overall approach is considered inadequate to deal with the proposed development and is not considered in compliance with LTN 1/20.

LTN 1/20 paragraph 6.5.6 states that shared use may be appropriate in some situations and goes on to set out the situations, e.g. places where there are few pedestrians, at and around junctions where cyclists will be moving at a slow speed.

Table 6-3 sets out recommended widths for cycle flows of up to 300 but is only appropriate to apply for situations previously described at 6.5.6. The applicant should therefore provide justification where shared use paths are provided as to how they meet the requirements set out in this section of LTN 1/20. While it may be that shared use is considered appropriate at some locations, the case for this should not purely rely on trip generation forecasts. This is particularly important given that these routes are likely to be used by those on the way to and from schools, and therefore there will be peaks where pedestrians and cyclists are likely to come into conflict.

A primary concern for ATE is the existing gradient on Green Street and the additional risk associated with pedestrian and cycle conflicts at speed, as well as the driveways this facility interacts with.

ATE would urge the applicant to provide a fully segregated cycle track on both sides of the highway between the northern perimeter footpath and the junction with Station Approach. The current approach requires cyclists to rejoin the carriageway at speed and represents an incoherent and incomplete network.

It is also queried whether a right turning lane into the site is entirely necessary. Its removal could allow for increased active travel width as well as reducing vehicle speeds.

· *Green Street north of service roads: parallel crossing (Drawing SK40);*

The introduction of a zebra and parallel cycle crossing is welcome. However, again there is a concern with the gradient and the position of this facility where cyclists will either be travelling at speed, see LTN 1/20 5.9.9, or needing to carry momentum cycling up Green Street. Thought could be given to providing this facility further up Green Street where the gradient plateaus. Between the two existing bus stops would facilitate those needing to cross Green Street to access either facility.

- · Green Street southern end: re-painting of zebra crossing (Drawing SK46);
- · Station Approach: re-painting of the zebra crossing (Drawing SK31);
- · Common Road: It is proposed to provide a tactile crossing point at the junction of Gilliat's Green with Common Road (Drawing SK47);
- · An additional 20 cycle parking spaces at the railway station;

The above interventions are supported, however it is of note that those shown on drawing SK31 associated with 24/0538/OUT to increase vehicle capacity are absent from this proposal, presumably because traffic flows are expected to be lower. Regardless, SK46 still fails to make significant improvements to this junction for active travel which are still considered necessary.

Also, of concern is the narrow single footway underneath the railway line which appears to provide the only access to Chorleywood District Centre from the site. Confirmation is sought

regarding compliance with Inclusive Mobility guidance, which requires footways to be a minimum of 2m in width.

- Widening of PROW 14 to a 3m wide bituminous macadam surfaced footway /cycleway (Drawing SK27B);
- A 3m wide footway /cycleway link from PROW 14 to the south-east of the site (Drawing SK27B);
- A 3m wide footway /cycleway link from the north-east of the site to Footway 11 (Drawing SK27B)

The principle of the above interventions are welcome, however detailed drawings would need to be assessed.

### **Placemaking:**

#### *External*

The development will be set back from Green Street behind existing vegetation. Whilst it is understood that proposals intend to reduce the visual impact on the landscape, the nature of the sites alignment and lack of active frontage is likely to encourage higher speeds, which appears to be the national speed limit. However, clarity is sought regarding whether this speed limit will be reduced as part of these proposals. Regardless, it is felt the site should create a frontage onto Green Street to help reduce speeds but also assist with passive surveillance, increase feelings of safety and encourage vulnerable road users to travel actively.

Fig. 4.66 - Illustrative primary street section of the DAS shows that the Primary Street will be a two lane carriageway with dedicated cycle lane, parallel parking, tree pits and pavements. The general approach is supported, and it is encouraging to see dedicated segregated cycle track on both sides of the highway. The proposed design however risks indiscriminate parking on the cycle tracks - see example.

To address this, M.2.i Walking and Cycling Route of National Model Design Code Part 2 Guidance Notes explains Cycles should be separated from vehicles where possible and includes a cross section of a recommended street typology. Figure 6.3: Cycle tracks with full kerb separation from carriageway of LTN 1/20 also provides guidance on this matter. To improve quality of place, a green buffer can be provided.

Whilst it is understood the submitted masterplan in 'illustrative', it is of note that the above cycle track are not shown on the Primary Street.

General pedestrian and cycle permeability within the site appears acceptable. ATE would encourage the applicant to consider the necessity of creating a vehicle 'loop' within the site and whether filtered permeability could be introduced to reduce vehicle speeds. See Natural connections - Building for a Healthy Life Page 15 – 17 for examples.

The central tertiary street running through the site could be considered as car free to create an active mode street connecting to Green Street.

It is unclear whether the existing footpath to the north will be accessible from the site and clarity is sought on this matter. In addition, whether the site will be accessible to pedestrians from the A404.

### **Cycle parking and trip-end facilities:**

Paragraph 2.7 of the Travel Plan explains that '*Vehicle and cycle parking provision will be in line with the guidance set out in the Supplementary Planning Guidance on Parking at New Developments (2002). It is not possible to calculate the required vehicle and cycle parking at this stage as the housing mix will be fixed at the reserved matters stage.*' Whilst this is welcome, given the age of this document it will be necessary to consider whether these accord with more recent standards within LTN 1/20.

**Travel planning:**

Table 5: Green Street East, Chorleywood – Travel to Work Mode Share Targets of the Travel Plan anticipates an interim mode share target of just 8% of journeys to be undertaken by foot and 1% by bike. Car journeys are expected to be 11% whilst 30% of journeys will be undertaken by rail and 45% of residents will work at home.

As discussed earlier, it is likely that many journeys to work by rail will involve either walking or cycling to the station and this should be considered in more detail. It is also unclear why 45% of people are anticipated to work from home if 2011 census data has been relied upon. There are also no targets for a 5 year travel plan monitoring period.

Regardless, the submitted Travel Plan and Transport Assessment should provide further detail on the level of active travel trips that are forecast to be generated. Details of the infrastructure to be provided and how its use will be embedded by the initiatives in the travel plan should be outlined. 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 / Section 106 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.

**5.0 Next Steps**

It is requested that these recommendations are provided to the LPA case officer and forwarded to the agent and applicant. ATE would be content to review further submitted information to help address the above identified deficiencies, with a view to providing a further response and recommended wording for planning conditions and obligations.

**9.1.2 Affinity Water: [Comment received]****Water quality**

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

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

**Water efficiency**

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a

standard suitable for drinking and will help in our efforts to get emissions down in the borough.

### **Infrastructure connections and diversions**

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

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

9.1.3 Buckinghamshire Council: [No comments received at time of drafting report]

9.1.4 Chilterns Conservation Board (Comments dated 14 May 2024): [Objection]

The Chilterns Conservation Board (CCB) previously raised objections to the history applications for 300/800 dwellings under TRDC reference 20/0882/OUT (800) and 20/0898/OUT (300). These applications were refused planning permission in March 2023.

The Chilterns Conservation Board is the statutory body set up by the government to work with local planning authorities and other stakeholders to promote the conservation, enhancement, understanding and enjoyment of the Chilterns National Landscape (formerly known as the Chilterns AONB). We do this by helping LPAs with their understanding of national planning policies relevant to the landscape, the Chilterns AONB Management Plan 2019-24 (now extended to 2025) and the LPAs' duty to further the purposes of the designation under s.85 of the CROW Act 2000'.

For ease of reference, we attach a note on the new LURA 2023 (Appendix One) and the CCB's previous objection regarding the history application (Appendix Two).

For this application, we are grateful for the opportunity to set out our objection in principle as:

- (1) The principle of development is not established.
- (2). There is clear harm to visual and landscape character, and the proposal undervalues or downplays this harm by 'cherry-picking' the special qualities relevant to its consideration.
- (3). There is a clear conflict with NPPF policy as a result of this harm, and the exceptional circumstances required to justify major development in the National Landscape, or the Green Belt have not been demonstrated.
- (4) The applicants have misunderstood the 'tilted balance' in relation to para 11 of the NPPF.
- (5) The reasoning behind the Council's previous refusal still applies. The principal change in circumstance is the 'duty to further' the conservation and enhancement of the AONB, as set out in the Levelling Up and Regeneration Act 2023. To grant permission for either of these proposals, even if the proposal is justified on planning policy grounds, the decision-maker will need to demonstrate how the duty to seek to further the purposes of conserving and enhancing the National Landscape would be met through granting permission. In our judgment, this cannot be demonstrated. The CCB has concluded that this proposal is harmful to the designation. The decision-maker then needs to think about whether granting planning permission would further the purposes of designation, and if not, what steps they would need to take in order to demonstrate that they have sought to further the designation and why those steps could not be followed in this case in order to grant permission. The



exceptions test in the NPPF at 183 also applies. A high bar is set. It would have to be established that no reasonable alternative outside of the AONB/National Landscape exists that could meet the housing need.

(i) **The principle of development is not established**, and these applications, with amendments over the 2023 proposals, do not address nor overcome the previous refusal and detailed officer commentary in the planning committee report of 23rd March 2023. On National Landscape (AONB) matters, the proposal runs contrary to the Local Plan at DM7(a) landscape character (Three Rivers Local Plan Development Management Policies 2013) and fails the 'exceptional development' test in the NPPF at paragraph 183. Such development within the AONB demonstrably harms the dry valley landscape character and its visual beauty to provide 'a clear reason for refusing the development proposed' as linked to the NPPF in footnote 7. In further explanation of this impact, the proposal harms the **special qualities** of the AONB as set out in the 2019-2024 Management Plan (a reference to intimate dip slope valleys, relative tranquillity, unspoilt countryside, and secret corners).

(ii) **The applicants do not apply the tilted balance correctly.**

The tilted balance applies where the policies most important for determining the application are out of date, including cases where the Council cannot demonstrate a five-year supply (NPPF paragraph 11 D).

The applicants seek to disapply paragraph 11(d) (i) stating in their supporting planning statement that 'policies relating to green belt, AONB and heritage assets do not provide a clear reason to refuse planning permission' (Savills supporting planning statement at 7.3). We rely on the judgment in **Monkhill Ltd v SoSCLG (2019)** to reinforce the point that this proposal clearly harms the special qualities of the National Landscape (AONB). In that judgment, a clear decision-making pathway was set out with a 15-stage analysis of the meaning and effect of the presumption in favour of sustainable development. In a briefing on this case by Town Law LLP (in their Town Library), a helpful summary states that 'Interpreted in this practical and straightforward way, the High Court concluded that the 1st part of para.172 NPPF was capable of being a "clear reason for refusal policy" falling within the "Footnote 6" list of policies in para.11(d)(i) of the revised NPPF. (Note: this is now the first part of para 182 and footnote 7.) (Please see <https://www.townlegal.com/townlibrary>).

What the High Court decided in Monkhill greatly assists the decision-maker. The decision maker must balance AONB harm (i.e. landscape character and visual impacts) against the countervailing benefits (in this case, housing, education, open space). The significance of the landscape harm is increased by the policy requirement in the first part of NPPF 182 to give 'great weight' to any AONB harm in the planning balance.

The applicants do not discuss the Monkhill case in their supporting planning statement. To assert that a clear reason for refusing the development proposal does not apply, as they do, is to misunderstand the 15-stage analysis as advised by the High Court. We note that this decision was upheld by the Court of Appeal. (legal reference as Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1993 (Admin) (24 July 2019).

(iii) The submitted Landscape and Visual Impact Assessment (LVIA) **downplays landscape and visual harm calibration**. Recent revisions to the legal protection of AONB landscapes in the LURA 2023, s245 represent a material change since the last refusal and reinforce this proposal's unacceptability. The 'duty to further' must be considered by the decision-maker, and it is the case here that the dry valley dip slope nationally protected landscape, set against the sylvan and verdant settlement edge of Chorleywood, would be dramatically eroded by the location of 300/675 dwellings. The applicant's verification of the zone of theoretical visibility (see submitted Design and Access statement in Figure 2.19) confirms a wide impact upon views from the surrounding AONB landscape. The dramatic hedgerow screen on the western (Green St) boundary reinforces this landscape character.

The hedgerow would be considerably eroded by 25m of access ingress/egress. The submitted papers (the Design and Access Statement) accept that views of the development would be possible from Green Street as this hedgerow, notwithstanding its dramatic presence, delivers only a partial screen during the winter months. The landscape judgments made in the Landscape and Visual Impact Assessment (ES chapter 13) downplay the calibration of harm, especially on the scale/size of landscape effects and the magnitude of effects on visual receptors and cumulative impact. For example, paragraph 13.6.29 states that, 'the only significant direct effects on landscape character would be within the site itself.....here the change of improved pasture field to an area of housing and associated open space would have a moderate direct adverse effect on the current rural land-use and character'.

Elsewhere, the calibrations report largely benign impacts, calibrating a 'minor' impact' on the dry valley landscape (13.6.33), a 'minor adverse' impact on visual receptors (13.6.41), and a

'minor—adverse' impact on landform (13.11.6). The impacts are far greater and harmful than those reported.

(iv) In **summary of this visual and landscape character harm**. These applications demonstrably erode the AONB, contrary to the Development Plan, National Policy, and the AONB Management Plan. This location is at an established and clear-cut division between the AONB and the settlement edge. In this case, that demarcation is the gentle dip slope of a dry valley landscape, set between the Rivers Colne and Chess, which is both striking and a constituent special quality of the AONB as stated in the AONB Management Plan at pages 10 and 11 (intimate dipslope valleys, relative tranquillity, unspoilt countryside, secret corners). The settlement is set back from the immediate southern boundary of the proposed sites and is denoted by a series of filtered views through well-established trees and some rear gardens. This edge of the 'Ruse in Sub-Urbe' (country in the suburb), sometimes called peri-urban, is open, green and verdant. In this case, a celebrated inter-war Metro-land settlement melds sympathetically into the Chilterns AONB that historically was promoted as the defining feature for this inter-war development pattern ('Metro-land is a country of hills and valleys, ridges and bottoms, with a few broad level plateaux' – page 37 of Metroland (1932, The Metropolitan Railway).

(v). **The special qualities in the AONB Management Plan**. This application site is within an AONB, a highly valued landscape and one highly susceptible to change. The applicants seek to 'cherry pick' the special qualities of the Chilterns by selecting a parcel of land that adjoins a sylvan and verdant boundary to the nearby settlement. Then, they seek to downplay the impact. Walking the PROW that links to the school, you appreciate the intimate dry valley and unspoilt landscape, exhibiting a surprising sense of remoteness (see AONB Management Plan Special Qualities, pages 10 & 11). The strong feature of the enclosing hedgerow is striking. This would be materially eroded by the proposed 25 m wide access point (see 13.11.9 of the LVIA-ES Ch 13) and via glimpsed views through it in the winter (a point confirmed in the D&A at its figure 2.33). Lighting will further erode the tranquillity of this landscape. Notwithstanding the best efforts of the submitted lighting study, it does not, by its own admission, deal with adopted street/highway lighting. That alone will be highly intrusive. Lighting will be evident in the surrounding countryside.

Reference is made to the current application at the golf club (Buckinghamshire Chiltern area reference PL/20/0429/FA for Amendments to extant planning permissions CH/2010/0133/VRC and CH/2003/1758/FA as allowed on appeal, Inspectorate's reference APP/X0415/A/03/1133807 and CH/2017/2292/FA to allow for the recontouring of part of the original application site to include a golf driving range/practice area and green plateau for use as football playing pitches, including one full size football pitch with eight 15m high flood lighting columns. Erection of a temporary clubhouse to serve football club for a period of 5 years (pending implementation of the main clubhouse) and associated access, landscaping and parking. The Chilterns Conservation Board raised objections to this application, seeking revisions, due to its intrusive design and associated lighting, which were both

inappropriate and harmful to this location. In Jan/Feb 2023 amendments were submitted to (1) Remove 25 lattice steel towers and associated protective netting, (2) Remove floodlights associated with the proposed driving range, (3) Removed driving range building and (4). Submitted various updates to proposed landscape and ecological features.

Only one football pitch is proposed for illumination, and this application has not yet been determined.

(vi) When applying the **planning balance**, ‘great weight’ must be given to the conservation and enhancement of the AONB. Instead, harm follows to landscape character and visual integrity. These applications must be assessed against two fundamental legal tests as applied to the Development Plan (s38(6) of the 1990 Act) and the ‘duty to further’ the AONB (s85 CROW 2000, amended by s245 of LURA 2023). The benefits associated with housing delivery, including affordable housing and educational facilities, are significantly outweighed by the failure to satisfy policy and legal tests that protect this National Landscape (AONB). Local Plan Development Management Framework policy DM7(a) is not delivered. This is a landscape policy and not a housing policy. It is linked to the ‘great weight’ point in the NPPF 182 and DM7(a) should also be followed, consistent with the legal principle established by s38(6) of the 1990 Act. This policy, therefore, sits outside the tilted balance and should be given full weight.

The LVIA discusses an ‘inherent design mitigation’ (13.5). This cannot disguise the fact that a significant limb or, indeed, block of development extends well into the AONB, which is widely visible and discordant with the landscape character and would replace a dry valley dip slope and sylvan landscape to the detriment of the Chilterns National Landscape. The applicant’s assertion that this is only 0.015% of the AONB is meaningless (supporting planning statement 7.38). We are familiar with this argument, and it was used in a recent Secretary of State recovered appeal (land East of Tring PINS 3309923, 15th March 2024, at Inspectors Report IR 100). It made no progress in the planning balance when the appointed Inspector and the Secretary of State reported it.

**Recommendation to the LPA:** Refuse planning permission based upon (for AONB reasons)

- Harm to the character and visual beauty of the Chilterns National Landscape's dry valley dip slope landscape (AONB), a constituent of the defined special qualities. This harm comprises both visual harm and landscape character harm.
- Failure to deliver the Development Plan, NPPF (including exceptional development criteria) and AONB Management Plan policy, especially DP1 and DP2.
- Failure to deliver the duty to ‘further the purpose’ as now included in the updated s85 of CROW 2000 (amended by s245 of LURA, in operation since 26th December 2024).

#### 9.1.5 Chorleywood Parish Council (received May 2024): [Objection]

Following a public meeting held at the War Memorial Hall on 02 May 2024, where public views on the application were heard, at an Extraordinary Parish Planning Committee meeting held on 07 May 2024 the Committee resolved to object to the application being considered at Land East of Green Street under ref: 24/0538/OUT on various grounds and to call the applications in to be decided by Three Rivers District Council’s Planning Committee. The contents of this objection were subsequently approved for submission to Three Rivers District Council at a further Extraordinary Planning Committee held on 14 May 2024. The Planning Committee has delegated powers to submit comments on Parish related planning applications on behalf of the Parish Council.

Whilst the detailed considerations are set out on the following pages, the principal concerns raised by the Parish Council are as follows:

- The application is inappropriate development in the Green Belt and the Chilterns National Landscape.
- The proposal would result in detrimental harm to the rural character and the historic setting of Chorleywood Common Conservation Area.
- Failure to align with the policies within the Three Rivers Local Plan and the Chorleywood Neighbourhood Development Plan.
- The impact on species protected by Wildlife and Countryside Act 1981.
- The Traffic Assessment does not fully consider the impact on all of the roads around Chorleywood, many of which are single track country lanes which are highly sensitive to increased traffic volumes.
- The Traffic Assessment does not include the impact of previously approved major planning applications in the area and does not include the traffic movements generated by the linked planning applications to Buckinghamshire Council for new golf and football clubs.
- The Traffic Assessment also does not properly consider the limitations imposed on the local road network by the nature of the junction between Green Street, Station Approach and Shire Lane, along with the very narrow road and pavement under the railway immediately adjacent to the junction.
- That the benefits suggested by the provision of the golf and football clubs are not within Chorleywood Parish, Three Rivers District or Hertfordshire, are not guaranteed and, as both are private clubs, are not truly “public” benefits.

### **Green Belt:**

Both developments are in the London Green Belt. The National Planning Policy Framework (NPPF) states in paragraph 142 that “*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*” It then supports this by saying in paragraph 152 that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”

From the definitions provided, the development amounts to inappropriate development. These points are also clearly supported by the current Three Rivers Local Plan (CP11). In an independent Green Belt review commissioned by Three Rivers District Council as part of the development of the new Local Plan, the Green Street site was categorised as having a “Moderate High” level of harm to the Green Belt if it was released for development. This is above the threshold agreed by the District Council, as Local Planning Authority, for the release of Green Belt for housing in the new (draft) Local Plan. As such, development of this site would also be in conflict with the new emerging Development Plan.

### **Chiltern National Landscape**

The NPPF is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (now called National Landscapes), which have the highest status of protection in relation to these issues. The NPPF requires development within a National Landscape to be limited in scale and extent; major developments are to be refused in the absence of exceptional circumstances and sufficient public interest.

The harm this development will cause to the landscape character and visual amenity is decisive. The adverse impacts of the proposed development have not been fully considered.

In our view this is a major development in the National Landscape and no exceptional circumstances exist to allow this development. The delivery of housing in this specific location is not an exceptional circumstance.

### **Historic Environment**

The proposed development would give rise to significant detriment to the landscape setting of Chorleywood, this in turn would result in a significant harmful change to the setting of the Chorleywood Common Conservation Area, thereby harming the significance of this heritage asset. This overlap arises largely as a result of the form and character of the village, and the importance of landscape in defining its setting, as detailed in the Conservation Area Appraisal (CAA).

The CAA states that the overwhelming character of the Chorleywood Common Conservation Area is rural, centering around an open common, with core buildings on the fringes dating from the Medieval to Edwardian and Victorian periods. The village has a strong and tangible connection with the past and this is fundamental to the village's historic character.

With elevated positions throughout the village, including both the Chorleywood Common Conservation Area and Chorleywood Station Estate Conservation Area, there are a number of spectacular views that can be gained from various vantage points throughout the village. Its rural setting marks a distinctive characteristic of the village and one which it is stated to be important to maintain.

Trees, vegetation and open space are noted in the Chorleywood Common CAA as playing a fundamental role in establishing the character of the village and reinforcing its visual connection to the surrounding rural landscape.

Moreover, Chorleywood is unusual, as the openness of Chorleywood Common allows the landscape to the north and north-west to extend right into the heart of the village, with this lack of clear definition between rural and built space being a key element of the village's character.

The NPPF states great weight should be given to the conservation of a designated heritage asset and the setting of Chorleywood Common Conservation Area will be harmed by development within its setting. This is also in breach of Three Rivers Development Plan (DM3 of the current Three Rivers Local Plan and Policy 1 of the Chorleywood Neighbourhood Plan).

The open nature of the application site, with trees around its boundaries, means any development of it will be seen quite clearly from many locations within Chorleywood Common Conservation Area. This open nature and appearance is heightened during the winter months, when many of the trees' leaves will have fallen.

The proposal would result in an urbanising effect on Chorleywood Common Conservation Area. The proposal would result in a clear change to the currently open nature of the site. The degree of harm to the heritage asset would be less than substantial, in the terms set out in the NPPF. The proposal would also fail to either preserve or enhance the character or appearance of the conservation area clearly contrary to the development plan and the NPPF.

### **Archaeology**

Owing to the nature of the existing site and the scale and extent of the proposal, the proposal will entail re-modelling and re-profiling which would have a harmful impact on archaeological remains. An archaeological investigation, including geophysical surveys, suggested that there were potentially significant archaeological findings within the site area. Trial trenching would help to fully explain the findings. The proposal should explain the significance of archaeological features before permission is granted so as to allow consideration of whether exceptional circumstances could be demonstrated, or to assess the public benefits of any proposal against any harm to the historic asset. Without the trial

trenching, the proposal fails to allow for the understanding of any potential impact on the significance of any remains at the site, contrary to the overall aims of the NPPF in seeking to conserve and enhance the historic environment.

### **Natural Environment - Ecology**

The applicant contends that a net gain in biodiversity, in excess of the 10% level required under the Environment Act, will be delivered by the development. However, for the Habitat measure this will be achieved by off-site measures funded through a S106 agreement, with the on-site measures showing a 40% reduction in habitat biodiversity.

In all the analysis undertaken, no consideration has been given to ground nesting birds such as Skylarks (*Alauda Arvensis*) which have been observed on the site. In the mitigations planned there is no provision for these ground nesting birds and, considering the nature of the development, there is no obvious on-site mitigation that can be put in place on site. This is of particular concern as the Skylark appears on the RSPB's Red List for endangered UK bird species and therefore is protected under the Wildlife and Countryside Act 1981. With the specific needs of these birds, it is not easy to see how off-site measures can replace the loss of this valuable habitat.

In its previous application, the applicant's own Bat Survey identified the presence of Barbastelle bats (*Barbastella barbastellus*) on the site. Barbastelle bats are incredibly rare. They are protected under the Wildlife and Countryside Act 1981 and are also listed as Near Threatened globally on the IUCN Red List. There are thought to be as few as 5,000 in the UK. Whilst there were only three passes recorded, considering the extremely endangered nature of this bat, great weight should be given to avoiding any possible impact on them.

The applicant's Environmental Statement and accompanying ecological survey report are incomplete in their consideration of populations of Great Crested Newt (*Triturus cristatus*). In particular, they do not consider populations on properties bordering the site. If this had been conducted, the applicant would have been able to identify a material population within 15 metres of the site boundary. As with the Skylark and Barbastelle bat, Great Crested Newts are protected under the Wildlife and Countryside Act 1981.

### **Traffic & Transport**

The roads providing access to Chorleywood are not up to the standard of town roads. Many are country lanes that are already having to cope with considerable stress, particularly at access points and junctions during peak hours.

The Traffic Assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. However, none of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.

Despite previous requests, the Traffic Assessment does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25, which already suffers from significant queues.

The Traffic Assessment has taken no regard of the narrow bridge under the railway at the junction of Green Street, Station Approach and Shire Lane and, in particular, the combination of narrow road and pavement present there.

Station Approach is the much used through road which provides access onto Shire Lane into Chorleywood centre. The access is under a railway bridge tunnel which is already a

substandard width and does not meet road spacing requirements. There is poor forward visibility and only a 1m footway on side of the tunnel. This is already a very dangerous access and is one of only two crossing between the east and west side of Chorleywood, the other crossing being a narrow crossing over the railway accessed by a narrow road through the Common. This is a significant concern as additional volume of trips by vehicles or pedestrians and cyclist could be dangerous.

An independent assessment previously undertaken on behalf of the Council raised significant concerns over this. Technical consultants are being appointed to refresh this assessment and therefore we reserve the right to submit further information to support the Parish Council's objections on highways grounds, once this is received.

The proposal does not appear to have taken into account other major developments in the vicinity of the site, both approved (such as the development of 500 new dwellings between Lodge Lane and Burtons Lane in Little Chalfont) and projected developments linked this application (such as the development of new golf and football clubhouses linked to this development but covered under separate planning applications). Therefore, the traffic modelling appears to be flawed in the context of the extreme sensitivity of the local highway network and requires amending to take account of the cumulative impact of these applications.

Parking within the village is already difficult at most times of the day. Despite the applicant contending that residents of the new dwellings will be able to walk or cycle to local facilities, due to the topography of the road between the village centre and the new dwellings, many of the residents will need to drive, which will only further exacerbate parking issues in the village.

### **Schooling**

#### **Primary Schooling.**

According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 93 new primary school students, with currently only 11 spare school places available within the "Walkable Impact Area".

The developer is proposing to fund the shortfall in school places through a s106 agreement with the council, though the standard formula may not provide full funding and it is hard to see how existing schools could cope with the increase in students.

#### **Secondary Schooling**

According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 59 new secondary school students, with currently 64 spare places with the "Walkable Impact Area". However, it should be noted that all of these spare secondary school places are at the Reach Free School and it is not possible to walk to the Reach Free School from Chorleywood village nor is there any practicable public transport. This provides significant concerns as to whether the additional pupils can be accommodated without an increase in traffic which has not been accounted for in the Traffic Assessment. Travelling by car to the Reach Free School from Chorleywood is likely to be achieved using Long Lane or Shepherd's Lane both of which are single track country lanes which already struggle, at times, to cope with existing traffic levels. As such, considering this within the Traffic Assessment is vital.

### **Community Facilities**

The application is supported by a new park and play area.

In addition, the developer is proposing to provide Chorleywood Common Youth Football Club with new football pitches and a new club house to the west of Green Street subsidised by the housing development. It should be noted, however, that there is no approved Planning Application for this and it is possible that Planning Permission may not be granted.

The site for the football pitches and a clubhouse does not fall within Three Rivers District but will be decided by Buckinghamshire Council. As such there is no certainty that this will be deliverable and should not be considered as a benefit of the development without full Planning Permission being in place and the funding secured for its development.

The development is not well connected to existing services e.g. shops, transport, etc., which are up to 0.5 miles away down a steep hill with narrow pavements at points (in particular through the bridge under the railway). Accessibility to these services e.g. doctors and shops will be very difficult for someone with limited mobility or young children, resulting in a high reliance on private vehicles to meet their needs. No provision has been made within the development for shops or medical services.

The Parish Council reserve the right to make further representations on this matter following a comprehensive review of its socio-economic impact, with particular attention to the impact on existing local infrastructure.

### **Health Impact Assessment**

The submission fails to provide an appropriate Health Impact Assessment that properly accounts for the impact of development in line with National Guidelines. The application cannot proceed to a determination without a fully considered Health Impact Assessment being submitted. The Health Impact Assessment must include a detailed assessment of the air quality impact of this development.

### **Energy and Sustainability**

The Energy and Sustainability statement is generic and fails to provide any firm commitments setting out how this proposal would realistically provide measure within the development that would help towards achieving net zero targets. The application cannot be determined until the developer provides clarity regarding the sustainability measures that will be used on site and without this a determination of the application is premature.

### **Sewage and Waste Water**

Thames Water made clear with the previous applications that the current sewage / wastewater network has significant capacity constraints. Without upgrades, which could take up to three years to deliver, the current network has capacity for only 60 new dwellings at most.

As the main sewer apparently goes along the back of Lower Road, such an upgrade is likely to cause significant disruption to the village centre and may not be feasible in the timelines proposed, particularly considering the financial difficulties being experienced by Thames Water.

### **Density of Dwellings**

The proposal is for a density of 30 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare. Paragraph 130 of the NPPF states that "*significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area*". We would contend that the proposed uplift of 66% on the current density would be wholly out of character with the existing area and, as such, the suggested level of housing is inappropriate under the NPPF.

#### 9.1.6 Chorleywood Residents Association (May 2024): [Comment received]

As part of our work on behalf of local residents, we have undertaken an analysis of the two applications to develop residential property on the fields to the east of Green Street between Orchard Drive and St Clement Danes. In doing this we have used the information provided in the various documents submitted by the developers along with local knowledge and publicly available statistical data for the area.



The analysis considers key planning matters as dictated by the government's planning rules (the National Planning Policy Framework or NPPF) and the district council's planning rules (the current Local Plan). Whilst residents can submit any comments they wish on the applications, decisions made by the council can only be made on valid planning grounds as laid down in these documents.

It should be noted that the applications are in outline only with all matters other than the access being reserved until further detailed applications are submitted. This means that only the size of the site, the maximum number of dwellings and the access routes is fixed by this application with all other elements of the design only becoming fixed in later applications. This application is about agreement in principle to develop. That said, the outline should provide an indication as to what the design of the development might look like and what its impacts on the area may be.

The consultation period is scheduled to run to the 13<sup>th</sup> May.

The applications will be considered by the Parish Council at an Extraordinary Planning Meeting on the 7<sup>th</sup> May, following the Annual Parish Meeting. Prior to this, the Parish Council is holding a public meeting in the War Memorial Hall on 2<sup>nd</sup> May starting at 7:30 to help the Council to formulate its response to the applications. The Parish Council cannot decide the application, this can only be done by Three Rivers District Council (TRDC), but they will make observations and comments that must be considered by TRDC in making the decision. This includes requiring the application to be decided in public by the full TRDC Planning Committee. The precise timing of the decision by TRDC, including its presentation to their Planning Committee, is uncertain at this time but will probably not happen before July. As more information becomes available, we will update residents through our newsletters.

### **Summary of Analysis of Applications**

- Both developments are in Green Belt and would be considered "inappropriate development" so can only be only allowed in "very special circumstances". The developers contend that these exist under the "presumption in favour of sustainable development" due to the shortage of new housing stock across Three Rivers but this is not an area of certainty. In the past. there are cases where development has been allowed in these circumstances but there are also many cases where such development has been refused.
- Both developments are in the Chiltern National Landscape (previously known as Area of Outstanding Natural Beauty). Planning rules state that in such areas major development is prohibited except in "exceptional circumstances". The developers contend that these exist under the "presumption in favour of sustainable development" due to the shortage of new housing stock across Three Rivers but this is not an area of certainty. In the past. there are cases where development has been allowed in these circumstances but there are also many cases where such development has been refused
- Both developments are adjacent to the Common Conservation Area. By virtue of extending further up the hill, the development of 675 dwellings would be likely to have a significantly greater impact on views from the conservation area than would the 300 dwellings, which is limited to the lower part of the site and partially obstructed from view on the Common by trees.
- The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary & secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for accessibility and sustainability.
- The development of 675 dwellings could cause delays of around 2 minutes at the Green Street / A404 junction based upon the developer's modelling. The basis of the modelling and the outcomes need testing by the relevant Highways Authorities to confirm their relevance and accuracy.

- No assessment has been undertaken on the impact of the development on the exits from Chorleywood other than the A404. These are mainly single-track country lanes susceptible to gridlocking.
- The development of 675 dwellings is expected to result in 220 new primary school students and 147 new secondary school students whilst 300 dwellings would result in 93 new primary school students and 59 new secondary school students. There are currently 11 spare primary school places and 64 secondary school places in the local area, though all of the latter are at the Reach Free School which is difficult to reach from Chorleywood by either public transport or walking. The developer proposes that, for the development of 675 homes, it will deliver a two form primary school on the site and suggests that they would make a contribution to fund additional secondary school places.
- The development would require 0.7FTE of a GP for 675 dwellings or 0.2FTE of a GP for 300 dwellings.
- Both applications include the provision of a new park area and children's play area in proximity to the centre of the village.
- The developments provide a mix of smaller housing suitable for first time buyers and downsizers along with larger family houses. Between 45% and 50% of the housing is proposed to be Affordable. In this context Affordable housing can socially rented or for market sale (in which case the price must be at least 20% below market prices or on a shared ownership basis). It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.
- The site is in an area of low flood risk (Flood Risk 1) with surface water issues being mitigated through a variety of means. The effectiveness of these mitigations need reviewing by the Lead Local Flood Authority (Hertfordshire County Council).
- 300 dwellings would increase the number of houses in Chorleywood village roughly in line with the expected population growth for the area over the next 15 years (11%) whereas 675 dwellings would significantly exceed this. However, it must be noted that the draft Local Plan also proposes other development sites in the Parish which, in combination with even the 300 dwellings, is likely to significantly exceed local need.

Detailed Analysis

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Green Belt	<p>Both developments are in the London Green Belt. The National Planning Policy Framework (NPPF) states in paragraph 142 that “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” It then supports this by saying in paragraph 152 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” From the definitions provided, both of these developments amount to inappropriate development. These points are also clearly supported by the current Three Rivers Local Plan (CP11).</p> <p>It should be noted that, in the most recent update to the NPPF, the Government made it clear that Green Belt boundaries should only be amended in the process of updating the Local Plan and that there is no requirement of Councils to review Green Belt boundaries. (NPPF Paragraph 145 “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.”)</p> <p>In an independent Green Belt review commissioned by Three Rivers District Council as part of the development the new Local Plan, the Green Street site was categorised as having a “Moderate High” level of harm to the Green Belt if it was released for development. This is above the threshold agreed by the Council for the release of Green Belt for housing in the new Local Plan.</p> <p>The developers argue that “very special circumstances” exists to allow building in Green Belt by virtue of the fact that Three Rivers does not currently have a plan to deliver the level of new housing in the area calculated using the Standard Method. In the past, there are cases where development has been allowed in these circumstances but there are also many cases where such development has been declined.</p> <p>Whilst not identical, probably the most relevant recent case is the Secretary of State’s recent decision in Planning Appeal APP/A1910/W/22/3309923 - development of 1,400 homes on the edge of Tring. In this case, the Secretary of State intervened to support Dacorum Council’s decision to refuse the application, principally based on harm to the Green Belt. This was despite the fact that, like Three Rivers, Dacorum Council does not have plans in place to deliver the level of new housing in the area calculated using the Standard Method.</p>	
Natural Environment (Chilterns National Landscape)	<p>Both developments are within the Chilterns National Landscape (previously known as the Chilterns Area of Outstanding Natural Beauty). The NPPF states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues” and this is supported by the current Three Rivers Local Plan. This does not completely prohibit development in such areas, but the NPPF does say that development should only be allowed in “exceptional circumstances”.</p> <p>The developers argue that “exceptional circumstances” do exist by virtue of the fact that Three Rivers does not currently have a plan to deliver the required level of new housing in the area. For the application 24/0476/OUT (675 dwellings), the developers contend that the proposal for a new primary school also justifies development in the sensitive site. However, it is hard to see how this argument stands up to examination as, without the new development, there is sufficient capacity at the primary level in the area and therefore no need for a new school. There are cases where development has been allowed in these circumstances but there are also many cases where such development has been declined. We are not aware of any truly identical cases to the current one from which to clearly understand what any Appeal decision on this may be.</p>	

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Natural Environment (Ecology)	<p>In the Ecology Chapter of the Environmental Statement, the developer contends that “there are no negative likely significant effects on ecology associated with the proposals. General measures such as retention and enhancement of boundary hedgerows and trees; retention of green space in the south of the Site and creation of two ponds; protection of key habitats used by great crested newt and nesting birds; protection of legally protected species; retention of existing dark corridors around the Site; and implementation of appropriate monitoring have all informed the ecology strategy and assessment.”</p> <p>The applicant contends that a net gain in biodiversity, in excess of the 10% level required under the Environment Act, will be delivered by the development. However, for the Habitat measure this will be achieved by off-site measures funded through a S106 agreement, with the on-site measures showing a 40% reduction in habitat biodiversity.</p> <p>In all the analysis undertaken, no consideration has been given to ground nesting birds such as Skylarks (<i>Alauda Arvensis</i>) which have been observed on the site. In the mitigations planned there is no provision for these ground nesting birds and, considering the nature of the development, there is no obvious on-site mitigation that can be put in place on site. This is of particular concern as the Skylark appears on the RSPB’s Red List for endangered UK bird species and therefore is protected under the Wildlife and Countryside Act 1981. With the specific needs of these birds, it is not easy to see how off-site measures can replace the loss of this valuable habitat.</p>	

<p>Historic Environment</p>	<p>The development is adjacent to the Chorleywood Common Conservation Area and a group of four Grade II listed buildings forming the historic core of the Great Greenstreet Farm. The NPPF states that “when considering the impact of a proposed development .... great weight should be given to the asset’s conservation“ and this is supported by the current Three Rivers Local Plan. When considering the impact on the conservation area and the listed buildings, not only development in the heritage area must be considered but also its impact on the setting of the heritage assets and views into and out of the conservation area should be considered.</p> <p>The site is visible from the conservation area, including from the Common itself. By the development covering the whole field, including the higher elevations at the northern end of the field, it will be clearly visible from the Common. As the Common Conservation Area is characterised by its “open rural nature” this will clearly harm the views from the conservation area as well as its setting. The developer recognises that the development will harm the conservation area but have stated that, in their expert’s opinion, the impact is “Medium”, causing “less than significant harm”. This is clearly a judgement issue. Being so obviously visible from the Common and with the defined importance to the area of its “open rural nature”, many will feel that the harm is likely to be more significant than this. However, the developer’s assessment is broadly in line with the assessment of the Conservation Officer for the previous application covering this area. When considering the Grade II listed buildings at Great Greenstreet Farm, as the immediate setting to the buildings is unchanged it is likely development would be considered as not harming the heritage asset if appropriate landscaping to applied to the site.</p> <p>The overall negative impact on heritage assets does not preclude development but would mean that the developers have to be able to demonstrate substantial public benefits to overcome this.</p>	<p>The development is adjacent to the Chorleywood Common Conservation Area and a group of four Grade II listed buildings forming the historic core of the Great Greenstreet Farm. The NPPF states that “when considering the impact of a proposed development .... great weight should be given to the asset’s conservation“ and this is supported by the current Three Rivers Local Plan. When considering the impact on the conservation area and the listed buildings, not only development in the heritage area must be considered but also its impact on the setting of the heritage assets and views into and out of the conservation area.</p> <p>The site is visible from the Conservation Area, including from the Common itself but, by virtue of being limited to the lower area of the site, the development will be concealed somewhat from view from on the Common by trees in the area. However, there will undoubtedly be an impact of light pollution on the Conservation Area. The developer recognises that the development will harm the conservation area but have stated that, in their expert’s opinion, the impact “Medium”, causing “less than significant harm”. The developer’s assessment is actually of a higher level of harm than that expressed by the Conservation Officer when considering the previous application. At that time, the Conservation Officer’s assessment was that the harm would be of a low to medium rating. This is clearly a judgement issue, but with the development being lower and the shielding of trees this may be reasonable. When considering the Grade II listed buildings at Great Greenstreet Farm, as the immediate setting to the buildings is unchanged it is likely development would be considered as not harming the heritage asset if appropriate landscaping to applied to the site.</p> <p>The overall negative impact on heritage assets does not preclude development but would mean that the developers have to be able to demonstrate sufficient public benefits to overcome this.</p>
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Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Traffic & Transport	<p>The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary &amp; secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for these.</p> <p>The traffic assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. Despite requests, it does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25, which already suffers from significant queues.</p> <p>The traffic assessment is based on "peak" periods of between 07:15 to 08:15 and 16:15 to 17:15. Consideration should be given as to whether this will continue to be valid once a new primary school is opened, particularly in combination with traffic to St Clement Danes school.</p> <p>The traffic assessment identifies increased delays of about 2 minutes at the Green Street / A404 junction due to the additional traffic from the new houses. This is significantly (80%) below the estimates from the previous application – this needs to be checked by the relevant Highways Authority in reviewing the modelling.</p> <p>The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. However, none of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.</p> <p>The Traffic Assessment has taken no regard of the narrow bridge under the railway at the junction of Green Street, Station Approach and Shire Lane and, in particular, the combination of narrow road and pavement present there. An independent assessment undertaken on behalf of the Chorleywood Parish Council raised significant concerns over this.</p>	<p>The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary &amp; secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for these.</p> <p>The traffic assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. Despite requests, it does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25 which already suffers from significant queues.</p> <p>The traffic assessment identifies increased delays of up to 1 minutes at local road junctions due to the additional traffic from the new houses.</p> <p>The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. None of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of the last two of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.</p>

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Schooling	<p>According to the applicant's Environmental Statement, the development of 675 dwellings is estimated to result in 220 new primary school students and 147 new secondary school students.</p> <p>From the Environmental Statement, there are currently 25 spare primary school places within a "Walkable Impact Area". However, this is measured purely by reference to straight-line distance (2 miles) from the site and takes no account of the actual ability to walk between the site and school. One of the schools listed is Sarratt Church of England Primary School which is at the extreme limit of the area and to which there is no credible safe walking route for primary school children. As this school provides 14 of the spare primary places, this would mean that the true spare primary school places is 11.</p> <p>The developer proposes including a new 2 form primary school on the development site. This will provide up to 400 new primary school places.</p> <p>According to the developers Environmental Statement, there are 64 spare places at secondary school within 3 miles. However, all of these places are at the Reach Free School which is difficult to reach from Chorleywood other than by car.</p> <p>To accommodate 147 new secondary school students would require a new form stream to be added to a local secondary school. The developer is proposing to fund this through a s106 agreement with the council, though the standard formula may not provide full funding.</p>	<p>According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 93 new primary school students and 59 new secondary school students.</p> <p>From the Environmental Statement, there are currently 11 spare primary school places and 64 spare places at secondary school within a "Walkable Impact Area". However, it should be noted that all of these spare secondary school places are at the Reach Free School.</p> <p>To accommodate this number of students would require a new stream to be added to an existing primary school.</p> <p>For secondary schooling, there are potentially sufficient spare places at the Reach Free School. However, it is not possible to walk to the Reach School from Chorleywood village nor is there any practicable public transport.</p> <p>The developer is proposing to fund the shortfall in school places through a s106 agreement with the council, though the standard formula may not provide full funding.</p>
Healthcare	<p>According to the applicant's Environmental Statement, approximately an additional 70% (0.7FTE) of a GP would be required to service the additional residents from the development. This is based on current capacity in combination with patient to GP ratios from the local CCG.</p> <p>The developer is proposing to fund this through a s106 agreement with the council.</p>	<p>According to the applicant's Environmental Statement, approximately an additional 20% (0.2 FTE) of a GP would be required to service the additional residents from the development. This is based on current capacity in combination with patient to GP ratios from the local CCG.</p> <p>The developer is proposing to fund this through a s106 agreement with the council.</p>

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Community Facilities	<p>The development would not remove any existing facilities and would provide additional facilities in the form of a park and children's play area within walking distance of the village centre.</p> <p>In addition, the developer is proposing to provide Chorleywood Common Youth Football Club with new football pitches and a new club house to the west of Green Street subsidised by the housing development. It should be noted, however, that there is no approved planning application for this and it is possible that Planning Permission may not be granted. The site for the football pitches and clubhouse does not fall within Three Rivers but will be decided by Buckinghamshire Council.</p> <p>It is also proposed that Chorleywood Golf Club would be granted a lease to use the golf course that already exists to the west of Green Street.</p>	
Affordable Housing Provision	<p>It is proposed that up to 50% of the housing (338 dwellings) provided by the development would be Affordable. This level is in excess of the requirement of the current Three Rivers Local Plan but will not be finalised until the Full Applications as part of an agreement with the council, called a S106 agreement.</p> <p>The form of the Affordable Housing (for sale or socially rented) will be agreed as part of the agreement with the Council. In the documentation provided with this application a tenure split of 25% First Homes, 70% Social Rent and 5% Intermediate is proposed.</p> <p>It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.</p>	<p>It is proposed that up to 45% of the housing (135 dwellings) provided by the development would be Affordable. This level is in line with the requirement of the current Three Rivers Local Plan but will not be finalised until the Full Application as part of an agreement with the council, called a S106 agreement.</p> <p>The form of the Affordable Housing (for sale or socially rented) will be agreed as part of the agreement with the Council. In the documentation provided with this application a tenure split of 25% First Homes, 70% Social Rent and 5% Intermediate is proposed.</p> <p>It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.</p>
Flooding	<p>The site is defined as being Flood Risk 1 (the lowest level of flood risk) but there is a recorded risk of surface water flooding to the southeast of the site. The developer proposes mitigation to the increased risk by development. The Lead Local Flood Authority (Hertfordshire County Council) will assess these mitigations to decide whether they will achieve the required level of mitigation to the risk,</p>	
Sewage / Waste-Water	<p>Thames Water made clear with the previous applications that the current sewage / waste-water network has significant constraints. Without upgrades, which could take up to 3 years to deliver, the current network has capacity for only 60 new dwellings at most.</p> <p>As the main sewer apparently goes along the back of Lower Road, such an upgrade is likely to cause significant disruption to the village centre.</p>	



Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Density of Housing	The proposal is for a density of 31 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare.	The proposal is for a density of 30 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare.
Design of Development	<p>The final design of the development will not be finalised until further application(s) are submitted. The current design outline does not appear to be inappropriate for Chorleywood with the maximum height of buildings being 3 storeys (in line with the requirements laid out in the Chorleywood Neighbourhood Development Plan).</p> <p>However, the taller buildings are proposed to be placed along the border with Green Street and reaching down towards Orchard Drive. This will make them prominently visible and increase the impact on the privacy of existing homes in Orchard Drive.</p> <p>The mix of the dwellings proposed is well aligned to that reported in the latest housing needs analysis for Three Rivers and the requirements of the draft Neighbourhood Development Plan. The housing to be provided is focussed on the smaller dwellings (1,2,3 &amp; 4 bedroomed) needed to supply local housing for first-time buyers and down sizers.</p>	

9.1.7 Environment Agency (12 April 2024): [No comment]

There are no constraints within our remit at this site and therefore we have no comments on the above proposal.

9.1.8 Hertfordshire County Council – Archaeology (12 April 2024): [Insufficient information]

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

As previously advised on applications 8/20/0002/EIAS and subsequently on 8/20/0898/OUT, the proposed development site is some 9.6 ha in area and is gently-sloping hillside agricultural land that historically would have overlooked a dry valley to the south.

The site is in an area that is well populated with heritage assets including those of the Roman period in particular. The Historic Environment Record (HER) notes that a Late Iron Age and Roman farmstead was excavated in the 1940s at Mount Wood to the north of the site (Bucks HER). Roman buildings have been found at Sarratt (HER Record no. 16177) and a villa at Latimer (Bucks HER), and a large, complex Late Iron Age and Roman settlement has recently been revealed at Maple Cross, to the south, prior to infrastructure works.

An undated gully was identified during an archaeological evaluation immediately adjacent to the site, to the north, at Stubbs Farm (HER no. 18650). A possible, but doubtful Roman road may lie circa 500m to the north of the site (HER no. 4594). Roman pottery, specifically a samian bowl, has been found on Chorleywood Common, roughly 250m to the south east (HER no. 1361).

A site the size of 9.6 ha in Hertfordshire, or indeed Buckinghamshire, is statistically almost certain to impact upon archaeological remains of some kind. Given the scale of the proposed development the potential for disturbing particularly significant remains is also increased.

Initial advice for 8/20/0002/EIAS asked for a geophysical survey and archaeological trial trenching pre-determination. In October of 2020, a Gradiometer Survey Report by Wessex

Archaeology was submitted to support the aforementioned planning application as well as later applications 8/20/0898/OUT and 8/20/0538/OUT. The results of the survey detected anomalies that were likely to indicate archaeological features, including a possible pitalignment, evidence of possible ring-ditches and a former watercourse. An archaeological evaluation in the form of trial trenching was advised to target and investigate these anomalies to inform on the archaeological potential of the site, however, this evaluation never took place.

At present, there is still not enough information to determine whether remains that may affect the viability of the development and/or that are of sufficient importance to meet NPPF para. 206 (footnote 72) are likely to be present.

It is therefore recommended that the following works be carried out, to (to meet NPPF para 211), and the results submitted with the environmental statement:

- An archaeological trial trenching evaluation.

An informed decision can then be made with reference to the impact of the proposal on the historic environment. Where archaeology is identified, but does not meet NPPF, para. 206 (footnote 72), an appropriate level of archaeological mitigation can then be secured by negative condition (NPPF, para. 211).

9.1.9 Hertfordshire County Council – Fire and Rescue Service:

No response received at the time of drafting report.

9.1.10 Hertfordshire County Council – Highway Authority: [Objection]

No response received at the time of drafting report..

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

No response received at the time of drafting report.

9.1.12 Hertfordshire County Council – Minerals and Waste (8 April 2024): [No objection]

**Minerals**

In relation to minerals, the site is not located within the ‘Sand and Gravel Belt’ or a Mineral Resource Block, as identified in Hertfordshire County Council’s adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. The Minerals Resource Blocks are regarded as the most viable areas for future mineral extraction in the county.

British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.

**Waste**

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council’s adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:  
*‘When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

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

The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The applicant has included an Outline Solid Waste Management Strategy prepared by Savills UK Limited (Savills). In this document, in paragraph 3.8, it is proposed that a SWMP will be prepared. As the Waste Planning Authority, we are pleased to see this commitment from the applicant.

As a minimum, the SWMP should include the following:

#### Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

#### Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)

#### Space for Later Recordings

- Space for the recording of actual figures against the estimated figures
- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to

- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

If a SWMP is not produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for each phase of the development has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

9.1.13 Hertfordshire County Council – Growth and Infrastructure (24 June 2024): [Comment received]

In our letter of 26 August 2022 and 13 March 2023, Hertfordshire County Council's Growth & Infrastructure Unit set out the level of primary and secondary education demand we expected from this site. We have since updated this modelling based on the most recent housing mix information submitted by the applicant in May 2024. We now expect this development to yield 0.40FE of primary demand in 2036 and 0.39FE of secondary demand in 2041. The reduction in peak yield is considered minimal and it will continue to have no effect in terms of school provision requirements.

As per our previous response, the scheme in its current form does not trigger the need for a new primary school site in Chorleywood. In turn, while it is likely that HCC might bid for funding to fund the provision of education places at primary and secondary, the details of this bid are not known at this time. HCC reserves the right to seek funds from Three Rivers District Council that have been collected through CIL to finance additional infrastructure requirements in Chorleywood as a result of development.

I would be grateful if you would keep HCC informed about the progress of this application. We welcome an ongoing dialogue as you continue to determine this planning application to resolve any outstanding matters relating to impacts from the proposal on HCC services. Should you require any further information, please contact the Growth & Infrastructure Unit.

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

**PLEASE NOTE:** Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

9.1.14 Hertfordshire County Council – Public Health (15 April 2024): [Comment received]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance , Public Health England's Spatial Planning for Health evidence resource and the NHS England 'Putting Health into Place, 10 Principles' Guidance document 2019 .This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so, this recognises the wider determinants of health as a diverse range of social, economic and environmental factors which influence people's mental and physical health, and would demonstrate that an application for development has been positively prepared.

### **National and Local Policy**

The recently revised NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 92 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 92c).

Paragraph 93b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

The Hertfordshire Health and Wellbeing Strategy 2022 – 20265 sets out the vision and strategic priorities for improving health and wellbeing and reducing health inequalities in the County. This strategy outlines three key overarching ambitions and six themed strategic outcomes we are collectively aspiring to in Hertfordshire.

### **Health Impact Assessment**

#### **Specific Comments on the Proposal**

1. Air quality: The effects of air pollution on health have been intensively studied in recent years. The results of these studies showed that air pollution harms human health and particularly is harmful for those who are already vulnerable because of their age as children and older people or existing health problems. Ambient air pollution has been associated with a multitude of health effects, including mortality, respiratory and cardiovascular hospitalizations, changes in lung function and asthma attacks. Whilst it is better to reduce air pollution at source than mitigate the consequences, every new development will have an impact on air quality, usually by increasing emissions from buildings or from traffic generation. The links between poor air quality, human health, and the environment are well documented and is classed by Public Health England as a major public health risk alongside cancer, heart disease and obesity.

Public Health advises that the developer should consider sensitive placement of sensitive receptors to air pollution. This includes careful location of any affordable dwelling contribution in areas likely to have low concentrations of air pollutants and noise.

I defer to the Three Rivers District Council Environmental Health team to ensure that development will not create air quality problems. In particular, I seek reassurance that this development will not contribute to a worsening of local air quality that may lead to poor health outcomes (through exposure) for the existing community living in the vicinity, or for new and vulnerable populations (such as the elderly or young children).

The Planning Authority may wish to consider the National Institute for Health and Care Excellence (NICE) 2017 Guidance on Outdoor Air Pollution, as well as the 2019 Quality Standard (QS181) which covers road-traffic-related air pollution and its impact on health.

The Quality Standard describes high-quality actions in priority areas for improvement, with Quality Statement 2 focussed on planning applications.

2. Indoor air quality: Exposure to poor indoor air quality can impact negatively on health. The National Institute for Clinical Excellence (NICE) have recently published guidance on indoor air quality (NICE guideline NG149).

3. Creating access for all: To meet the needs of an ageing population and individuals with physical disabilities and limiting illnesses it is recommended to give consideration to the accessibility across the development. This includes: footpath surfaces and colour schemes (particularly for people with dementia) and street furniture design (i.e. seating suitable for older adults).

4. Adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations (including the bus and train stations) and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The planning authority may wish to consider this by way of a condition.

5. Active Design: The development should maximise opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance <https://www.sportengland.org/how-we-canhelp/facilities-and-planning/design-and-cost-guidance/active-design>. In particular, the checklist in the Active Design guidance should be used for informing the design and consideration of how the checklist has been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement. The planning authority may wish to consider this by way of a condition to request details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. Public Health strongly advises the developer to consult Sport England on this application.

6. Affordable Housing: having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It isn't clear how and where the affordable housing will be provided. It is, without a doubt, crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation. It should also have equal access to the green space provided.

7. Provision of healthy, affordable food: We seek to encourage affordable, healthy food choices and a balance in the range of food outlets occupying the retail space to enable individuals to make healthy choices, whilst promoting local commercial diversity. The environment in which we live, work and play has a considerable influence on our food choices. Easy access to affordable, healthy food choices can help to support a balanced diet and prevent unhealthy weight in the population. We look to the local planning authority to consider licencing restrictions for food outlets within this development to provide a balance of food choices available.

8. Contributions towards modal shift and active recreation: We recommend the planning authority considers seeking contributions by way of a planning condition towards local schemes to encourage modal shift towards active and sustainable travel.

9. Charging points for electric vehicles: To encourage the use of cleaner vehicles, electric charging points should be provided for all new residential and non-residential buildings with associated parking.

10. Car club: We would like to see the developer making a contribution to setting up a car club.

11.Safe crossing points beyond site perimeter: to encourage residents to use active travel, a key indicator will be perceptions of safety. Safe crossing points will encourage behaviour change for residents to use active travel in favour of car usage. It is not clear from the plans if there are safe crossing points on nearby roads to the proposed site.

## **Health Impact Assessment**

Health Impact Assessment (HIA) is a recognised tool that can assist development applications demonstrate both the positives of the proposal as well as identifying any unintended consequences. Robust assessments of the health implications of development proposals consider how different populations will be positively and negatively impacted by the development; HIA can draw out these inequalities in relation to the impact of a development on existing local communities and how the development may influence the health and wellbeing of its new residents. It is also important to consider the cumulative impact of neighbouring developments on new and existing communities which can be taken into account when undertaking an HIA.

In November 2019, Hertfordshire County Council adopted a HIA Position Statement which sets out that an HIA is undertaken for developments in excess of 100 residential units. It also clearly sets out the recommended frameworks to use for each stage of the HIA process. This includes guidance on the quality assurance framework that will be used to assess how well an HIA has been undertaken. The Hertfordshire County Council (HCC) HIA Position Statement can be downloaded from the link below:

<https://www.hertfordshire.gov.uk/media-library/documents/public-health/health/hia-positionstatement.pdf>

The HIA Position Statement does not specify a particular methodology to use for the appraisal stage - this is to be determined by the developer. However, we recommend developers familiarise themselves with the “Wales Health Impact Assessment Support Unit (WHIASU) Quality Assurance Review Framework for HIA” to ensure the framework chosen to undertake the HIA meets the requirements of a high quality HIA. Hertfordshire Public Health will be quality assessing HIAs (using the WHIASU Quality Assurance Review Framework) submitted with planning applications either as standalone assessments or as part of Environmental Impact Assessments.

Given the scale of the proposed development, Public Health will require the developer to undertake a Health Impact Assessment (HIA) to assess the potential positive and negative health impacts of this development. In doing so, the applicant would be demonstrating how it is meeting the various requirements of the NPPF, chapter 8.

In the absence of an agreed national set of guidelines on HIA, and appreciating there are different methodologies, our expectation is that an HIA must:

- consult Public Health and the planning authority on its scope;
  - have robustly considered health inequalities and demonstrate an understanding of how health inequalities apply in the context of the development proposal;
  - have clearly and appropriately identified vulnerable populations as part of the HIA process (see Population Group Checklist11 for example);
  - have utilised relevant local health profiles and other appropriate community data, preferably down to ward level where possible;
  - be robust in its consideration of the wider determinants of health, and can demonstrate understanding of what these are in the context of the development proposal and wider communities;
  - be balanced in its findings.
- To ensure the completeness and quality of the Health Impact Assessment: (a) the developer must ensure that the Health Impact Assessment is prepared by competent

experts; and (b) the Health Impact Assessment must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

For a development of this size, we would be expecting a Rapid / Full HIA to be undertaken. The applicant should consider how much more work this would entail set against the benefits of demonstrating to the local planning authority how the proposal is positively planned and how it will offer opportunities to the existing and new communities.

The development proposals represent significant change to the built environment which, whilst intended as positive, may have unintended negative impacts on health that an HIA may highlight. There are a range of guidance and resources that can be used to inform HIA development to ensure it is robust, balanced, evidence-driven and puts health at the heart of planning. See Table 1 of the recent Public Health England publication on HIA. More useful guidance on HIA is available here: <https://www.hertfordshire.gov.uk/services/health-inherts/healthy-places/the-role-of-public-health-in-planning.aspx#HIA>.

Public Health notes that the developer has not submitted an HIA report alongside the planning application. Therefore, Public Health requests a planning condition to be imposed requiring HIA to be submitted and approved. A suggested planning condition is as follows:

“No development shall commence until an HIA report is submitted and approved in writing by HCC Public Health to demonstrate both the positives of the proposal as well as identifying any unintended consequences for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development.”

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the borough.

9.1.15 Hertfordshire County Council – Water Officer (18 June 2024): [Comment received]

This will require additional fire hydrants, which we'd like to request via a condition to ensure there are adequate water supplies available for use in the event of any emergency, at no cost to the County Council, or Fire and Rescue Service.

9.1.16 Hertfordshire Constabulary (2 July 2024): [Comment received]

I can see no reference to security or crime prevention in the documents provided. I would ask that the dwellings are built to the police preferred security standard Secured by Design and I have the opportunity to discuss security with the architects/ developer at the earliest opportunity.

My comments are made from a crime prevention perspective only. I do have substantive concerns with the overall layout. On the Eastern side of the development there are 2 large parking courtyards to the rear of the properties with very little surveillance. We have been trying to design these out as evidence has shown that these are anti-social behaviour hot spots.

I would be unable to support this application owing to the parking courtyards.

9.1.17 Herts and Middlesex Wildlife Trust: [No comment received]

9.1.18 Herts Ecology (21 May 2024): [No Objection]

**Overall Recommendation**



Application can be determined with no ecological objections (with any Informatives/Conditions listed below).

### **Summary of Advice**

- Mitigation and compensation measures for protected species and sites should be resolved at Reserved Matters.
- A Habitat Management and Monitoring Plan (HMMP) should be secured by a Section 106 Agreement, alongside the mandatory Biodiversity Gain Plan Condition.

### **Supporting Documents**

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

- 24/0476/OUT Environmental Statement Chapter 10: Ecology by Savills.
- Bat Activity Report by Johns Associates (13 March 2024).
- Great Crested Newt eDNA Survey Technical Note by Johns Associates (14 March 2024).
- Biodiversity Net Gain Assessment – 300 Unit by Johns Associates (March 2024).
- Statutory Biodiversity Metric – 24/0476/OUT (21 March 2024).

### **Comments**

#### **Biodiversity Net Gain (BNG)**

The Biodiversity Net Gain Assessment and accompanying Statutory Metric detail a proposed net gain to biodiversity and demonstrate that the Trading Rules have been satisfied.

Through a combination of on-site and off-site measures, this application details a net gain of 23.05% in habitat units, and 124.49% in hedgerow units. However, the off-site location for BNG is proposed to be within part of an otherwise formal sports complex which raises potential concerns surrounding its viability in delivering meaningful BNG. At this stage, only limited information is provided on how this habitat will be managed and its value maintained for the full 30-year period, and ultimately only long-term monitoring will demonstrate how these communities develop and whether the BNG claimed is being achieved. We therefore advise that a Habitat Management and Monitoring Plan (HMMP) should be secured by a **Section 106 Agreement**, alongside the mandatory **Biodiversity Gain Plan Condition**.

#### **Protected Species**

The Bat Activity Report listed above concludes the site to be suitable for foraging and commuting bats, therefore a mitigation strategy regarding a sensitive lighting design and landscaping will need to be resolved at the Reserved Matters stage. The report highlighted potential for roosting bats within the site boundary, and updated bat activity surveys are proposed to be undertaken between April to June 2024.

At this stage, we do not consider protected species will represent a fundamental ecological constraint to the proposals. The Environmental Statement listed above outlines mitigation measures regarding bats, badgers, great crested newts, breeding birds, hedgehog, and roe deer. Such measures will need to be expanded upon at the Reserved Matters stage in order to demonstrate how they will be effectively implemented.

The Great Crested Newt eDNA Survey listed above concluded great crested newts to be absent from the site. Should any subsequent permission be granted, the applicant proposes to apply for a GCN District Level License (DLL) from Natural England. Repeat badger surveys and monitoring prior to construction is proposed to form part of a Construction

Environmental Management Plan (CEMP) in order to ascertain whether a badger license from Natural England will be required to allow the proposed development to take place.

### **Chorleywood Common Local Nature Reserve (LNR)**

Whilst we do not consider the modified grassland to represent a fundamental ecological constraint to the proposals, the development represents a major intrusion into, and urbanisation of, the AONB at this location. This number of new dwellings in a sensitive, urban fringe area is highly likely to generate further recreational pressure on Chorleywood Common Local Nature Reserve (LNR), which is already subject to high amenity use. Consequently, I consider that measures to mitigate additional pressures on the LNR should be proposed to the satisfaction of the LPA.

### **Mitigation and Compensation Measures**

Chapter 10 of the Environmental Statement by Savills (as listed above) provides mitigation and compensation measures surrounding protected species and protected sites subject to potential impacts by this proposal. We support the measures proposed within this statement and advise that such measures will need to be expanded upon at the Reserved Matters stage in order to demonstrate how they will be effectively implemented.

#### **9.1.19 National Highways (26 April 2024): [No objection]**

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 outline application is for the comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

National Highways has been consulted on this application for delivery of a residential development comprising up to 300 homes and other ancillary facilities, as well as on another concurrent application at the same site (ref. 24/0538/OUT) for delivery of up to 675 homes and a primary school.

The SRN in the vicinity of the proposed development are the M25 Junction 17 and Junction 18, which are approximately 1.69 miles and 1.16 miles away, respectively. The site is proposed to be accessed via Green Street, a local highway. The site does not have a common boundary with the SRN.

We were previously consulted on two other applications at this site which proposed developments of up to 300 dwellings (ref. 20/0898/OUT) and 800 dwellings (ref. 20/0882/OUT) respectively. We concluded our review of application ref. 20/0898/OUT in August 2021 and ref. 20/0882/OUT in October 2022.

Regarding the most recent previous application for 800 dwellings (ref. 20/0882/OUT), our recommendation of no objection in October 2022 was based on a thorough review and agreement with the detailed modelling, as well as the acceptable transport impacts on M25 Junctions 17 and 18.

We have reviewed the Transport Assessment, prepared by Origin in March 2024, which is part of this planning submission. The presented trip generation, distribution, and assignment are deemed acceptable. Given the significant reduction in quantum of the proposed development compared to the most recently reviewed previous application, the overall numbers of trips predicted to reach the SRN are reduced. Given that this current application proposes up to 300 dwellings, we anticipate significantly lesser traffic impact on the SRN to what we had reviewed and accepted 18 months ago

**Recommendation – No Objection.**

We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity.

**Standing advice to the local planning authority**

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 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

9.1.20 Historic England (17 May 2024): [Concerns]

**Significance of heritage assets**

The land that is the subject of this application lies to the East of Green Street on the northern edge of Chorleywood. The far south east of the site is adjacent to the Chorleywood Common Conservation Area, character area D. It is on a patch of rising ground that has panoramic views across the town and surrounding countryside.

Chorleywood Common is a large tract of open land to the north of the town with typical common edge ribbon settlement to its western side. As Chorleywood has grown, the common has seen development to its western and eastern sides, the southern extent being defined by the railway line. The south western boundary of the site is defined by houses which were developed between 1938 and 1955 in a linear fashion along streets. The eastern boundary is adjacent to an area of properties with large gardens and is well treed. The western boundary lies along the boundary with the neighbouring local authority and the Chilterns Area of Outstanding Natural Beauty.

The land in question has historically formed a part of the open setting for Chorleywood Common and is a positive factor in the character of the Conservation Area. Despite the more recent larger houses separating the more historic development along Common Road from this piece of land, the land is a rural backdrop to the ribbon development in this area creating a link back to the more rural origins of settlement in this area.

**Impact of proposals**

Proposals are to build 300 houses on this piece of land with associated open space and access. Proposals for such a sizable new settlement would inevitably cause a degree of harm to the rural character of Chorleywood Common Conservation Area.

Because of the topography of the land the proposed houses would be visible from the Conservation Area and through gaps between the buildings along Common Road. This would impair the sense of space and openness of the Conservation Area along Common Road, leaving the open, rural backdrop of this traditional settlement compromised.

The proposed homes would be separated from the boundaries of the site by enhanced planting and where the site borders the Conservation Area, a sustainable urban drainage system would be developed leaving this area for recreation. The site is proposed to have extensive planting and a mixture of hard surfaces and different sizes and styles of housing.

### **Policy and legislation to consider**

The application needs to be determined in accordance with policies of the National Planning Policy Framework (NPPF). Paragraph 205 states great weight should be given to the conservation of designated heritage assets, which includes listed buildings and conservation areas. Paragraph 201 stresses the need to avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Paragraph 206 states any harm to the significance of a designated heritage asset should be clearly and convincingly justified, and paragraph 208 of the Framework requires harm to be weighed against public benefits. Clear public benefits which outweigh the degree of harm must be demonstrated.

The site is within the Greenbelt (Planning Policy P2) and the Chilterns AONB.

### **Historic England's Position**

The proposed development, by reason of its form, scale and density would detract from the overall rural character and appearance of the wider landscape and cause harm to the setting and significance of the Chorleywood Common conservation area. As the rurality of the conservation area would be partly eroded rather than completely destroyed, we assess the level of harm to its significance as a low level of less than substantial as defined by the National Planning Policy Framework.

### **Recommendation**

Historic England has no objection to the application on heritage grounds.

Should your Council be minded to grant permission for this reduced scheme, it will need to be convinced that, having worked through paragraphs 201-208 of the NPPF, the harm is clearly and convincingly justified. Given the level of harm and the great weight that should be given to that harm in the planning balance, major public benefits would need to outweigh it.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

9.1.21 National Grid: [No response received]

9.1.22 Natural England (10 May 2024): [Objection]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

## OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES AND PROTECTED LANDSCAPES

As submitted, the application could have potential significant effects on Chilterns National Landscape (CNL); Frogmore meadows Site of Special Scientific Interest (SSSI) and Sarratt Bottom Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The proposals are considered to be partitioning the site at Land East of Green Street, ChorleyWood and as such mitigation is required to ensure the application will not result in an adverse effect on site integrity.

The following information is required:

- Further consideration of recreational impacts on Frogmore meadows SSSI
- Further consideration of recreational impacts on Sarratt Bottom SSSI
- Further analysis of mitigation measures on the Chilterns National Landscape (CNL)

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Natural England previously raised objection to application, since withdrawn, for a 300/800 housing development at this location, reference(s) 20/0898/OUT (300) and 20/0882/OUT (800).

We welcome the opportunity to comment on this new submission.

### **Additional Information required**

#### **Recreational impacts**

Both Frogmore meadows SSSI and Sarratt Bottom SSSI, at their closest point, lie approximately 1.81 and 1.85km respectively from the proposed development. The Environmental Statement acknowledges the proximity of the protected site and has ruled out negative environmental effects due to proposed measures to be implemented during occupational stages of development (para 9.48 – 9.50; Ecological statement non-technical summary). However, Public Rights of Way (PRoW) and accessibility of the site means they are within walking distance. The notified features of the SSSI(s) are sensitive to recreational pressure hence the effects of increased pressure associated with the proposed development should be considered further.

We disagree that development will not have an adverse impact on Frogmore Meadows SSSI and Sarratt Bottom SSSI and that effects of increased recreational impacts arising from new residents have been considered in full. We acknowledge the provision of some green infrastructure measures within the development design with scope for retained green space, hedgerows, and creation of water features. However, we note that the balance between providing for ecology and providing mitigation for recreational disturbance requires careful design. We suggest that further mitigation measures are employed to reduce potential recreational impacts (leaflets, signage) and recommend liaising with the site managers to determine what measures would be appropriate to adequately address additional visitor pressure. With regard to the extent and design of high quality accessible natural greenspace provision, we advocate the use of Natural England's Green Infrastructure Framework: Principles and Standards. Useful reference can also be made to our SANG guidelines for specific criteria on effective green space design. Such criteria include but are not limited to:

- A minimum circular walk of 2.3-2.5km

- A minimum of 100m width between paths within open spaces
- A need for semi-natural feel with naturalistic space including open countryside and trees
- Provision of access points based on intended visitors to SANG
- Allowance of open space and off-lead areas for dogs

A draft green space strategy, incorporating sufficient extent, design, and long-term management of on-site accessible natural greenspace provision to avoid adverse impact to the nearby designated sites, should be provided, taking into consideration our advice above. Should the applicant wish to seek Natural England's advice on the draft Strategy, we would be happy to provide this through our Discretionary Advice Service.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Other Advice:**

In addition, Natural England would advise on the following issues

#### **Protected Landscapes – Chilterns National Landscape (CNL)**

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns National Landscape.

The Chilterns National Landscape's (AONB) landscape and scenic beauty is afforded the highest level of protection by national planning policy. Its statutory management plan describes the features, characteristics and cultural associations which makes the area both a unique and high-quality landscape. As such they provide a helpful articulation, rooted in the original designation description and Order but more relatable and readily applied to issues like planning proposals, of how natural beauty is expressed within and across the designated area. A commonly used shorthand term for these defining features and characteristics is 'special qualities.' The Chilterns AONB Management Plan, defines the natural beauty, character, and special qualities of the Chilterns AONB thus:

'In particular the Chilterns was designated to protect its special qualities which include the steep chalk escarpment with flower-rich downland, woodlands, commons, tranquil valleys, ancient routes, villages with brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.'

This description, together with other more fine-grained and detailed descriptions and cataloguing of the area's special qualities, and the area's Landscape Character Assessment, should provide the baseline against which the potential impacts of the proposed Chorley wood project on the Chiltern National Landscape (AONB) landscape should be assessed. A significant adverse effect on any of those defining characteristics or special qualities would be a strong indicator that the ability of the AONB to deliver its statutory purpose could be compromised.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied

in considering this proposal. Natural England do not consider that exceptional circumstances have been demonstrated in this case.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

It should be noted that Natural England does not support the conclusions drawn within the current submitted Landscape Visual Impact Assessment (LVIA) in regard to impacts on the Chilterns National Landscape. We direct you to comments provided by the Chilterns Conservation Board and would recommend referral to their advice in this matter, including an update to the LVIA.

### **Best and Most Versatile Agricultural Land**

We note from the Applicant's Agricultural Land Classification report (ES APPX 5.4) that a magic map search indicates that the proposed development will affect c.23ha of ALC 3b soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

9.1.23 NHS Hertfordshire and West Essex Integrated Care Board (8 May 2024): [Comment received]

Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.

Please accept this letter as the HWE ICB's position on primary healthcare capacity and need arising from this planning application and the health financial contribution sought if Three Rivers District Council is minded to grant planning permission.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.8m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.
- help the NHS support social and economic development in Hertfordshire and west Essex.

A strategic aim of the NHS HWE ICB is the improvement of primary and community and mental health care outside of hospitals. To achieve this the NHS commissions a number of services from general practices in addition to their "core" activity. On the ground this means more joined up care, for example, primary and community healthcare hubs with co-ordinated multidisciplinary professionals/ teams. Therefore, a doctors' general practitioners' surgery may also include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals to provide care to residents.

### **NHS GP premises funding**

By way of context, GP Practices are independent contractors that deliver NHS services - in most cases through General Medical Services (GMS) contract. In line with their contract, they receive payments for the delivery of GMS services as well as reimbursements of their premises costs.

According to the terms of their GMS contract, GP contractors receive rent from NHS for using their premises (which they either own or lease) to provide NHS services from. In line with NHS Premises Costs Directions 2013, for the premises that the GP's own, NHS pays Current Market Rent (i.e. fair and reasonable rent as determined by the District Valuer). For leased premises, NHS reimburses the lease rent that they pay to their landlord (also as verified by the District Valuer). In addition, NHS reimburses business rates and water rates.

If new and/or extended surgery buildings are required, these can be funded in various ways:

- NHS capital investment in the building works – GP practice will sign a Grant Agreement and as a result, their rent reimbursement is abated proportionately to reflect the amount of capital invested for a specified time period in line with NHS Premises Costs Directions 2013.
- S106/CIL investment in the building works – as above, treated in the same way as NHS capital investment.
- Capital investment by the practice
- Capital investment by the landlord/third party developer

In the latter two cases, where there is no NHS capital investment, yet we receive the benefit of an increased and/or improved building, there is an increase in either the Current Market



Rent (GP owned) or the lease rent (leased building) and the NHS commissioner will be liable for that additional revenue consequence. It should be noted that because all GMS contracts are contracts in perpetuity, NHS will be liable for these costs indefinitely.

### **Primary Care Networks**

Within the HWE ICB there are 35 PCNs across the 14 localities, each covering a population of between circa 27,000 and 68,000 patients. PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services to ensure an integrated approach to patient care.

Patients are at liberty to choose which GP practice to register with, providing they live within the practice boundary. However, most patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: walking distance, quickest journey time, accessibility by public transport, parking provision.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained, the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

The HWE ICB keeps up to date PCN patient lists and closely monitors the current and future capacity of GP surgeries against Local Plan allocations/ housing trajectories.

The HWE ICB also ranks PCNs using existing premises data and known development data. This will identify and rank hotspots across the PCN patch where there is a need to explore projects to increase capacity, for example, by either re-configuring, extending or relocating GP premises to provide sufficient space to increase resources and clinical services to keep patient lists open.

### **Assessment of impact on existing Healthcare Provision**

This development will have an impact on primary/secondary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision. This scheme is expected to deliver 300 homes, which based on an average occupancy of 2.4 will create circa 720 new patients.

These new residents will mainly impact on RCS PCN practices. Even though there appears to be some capacity in Chorleywood MC and Gade Surgery's branch in Witton House – their patient per m2 ratio being lower than the ICB average – collectively as a PCN they are still constrained.

In order to illustrate their current situation, individually as well as collectively in terms of premises capacity, we have included a small table below showing data for all practices in Chorleywood and Rickmansworth.

Surgery Name	Settlement/ Area	PCN	Number of patients capacity/ constraint relative to 18 per m2	Settlement level			PCN level		
				Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Capital impact of existing capacity/ shortfall	Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Capital impact of existing shortfall
Chorleywood Health Centre	Rickmansworth/ Chorleywood	RCS	1,382	-213	-12	-£64,060	-213	-12	£64,060
Gade House Surgery		RCS	-4,728						
Witton House Surgery		RCS	2,201						
The Colne Practice		RCS	931						

Table demonstrates that the closest GP practice to the proposed development – Chorleywood HC and Witton House Surgery have a capacity to register new patients, however, the RCS PCN collectively is constrained and any spare capacity that there is in those practices is likely to be taken up by the increasing number of additional services that PCN's are required to deliver.

### Cost calculation of additional primary healthcare services arising from the proposed development

The proposed development is expected to deliver 300 residential units. The HWE ICB uses a standard occupancy factor of 2.4 resulting in 720 new patient registrations.

The cost calculation of additional primary healthcare services arising from the proposed development is therefore:

300 residential units x 2.4 = 720 new patients

720/ 2,000 = 0.36 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")\*

0.36 x 199m2 = 71.64m2 additional space required

71.64 x £5,410 (build costs including land, fit out and fees) = £387,572.40

£387,572.40 / 300 = £1,291.91 per dwelling

Total GMS contribution requested £387,572.

*\*It should be noted that the NHS England "Premises Principles of Best Practice" is only concerned with the GP core services and does not consider the increasing number of additional services that GP practices are now delivering.*

Furthermore, the above does not consider the impact on NHS community, mental health and acute care services, all of which will be at the disposal of new residents. Detailed calculations of the tariff reflecting the capital impact can be provided and we have summarised the cost per dwelling based on 2.4 occupancy below:

NHS Service Cost per dwelling

Acute Care - £2,187.69

Mental Health - £201.38

Community Services - £182.03

The Acute Care: 300 x £2,187.69 = £656,307

Mental Health Service: 300 x £201.38 = £60,414

Community Services: 300 x £182.03 = £54,609

The HWE ICB acknowledges that these services are more appropriately funded through CIL as each facility usually covers a larger geographical area.

The HWE ICB requests that the GMS contribution of £387,572 is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 agreement. A trigger point of payment on occupancy of the 1st dwelling & 200th dwelling is also requested.

To clarify, the financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated on the number of units proposed and does not consider any existing deficiencies or shortfalls.

Please also note, the above developer contribution figures are a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus the GMS contribution on additional GP facilities in one of the strategic development sites as per our Regulation 18 consultation response dated 8th December 2023.

It should be noted, however, that the purposes specified above are based on the information received from the TRDC to date. These projects are to be reviewed, should there be any changes to the planned development in the TRDC Regulation 19 Local Plan consultation

9.1.24 Three Rivers District Council - Conservation Officer (10 July 2024): [Harm identified]

The outline application is for the comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

A very similar application was submitted in 2020 (20/0898/OUT) and due to the similarities between the previous scheme and the now proposed scheme, the advice remains broadly the same and is repeated below.

The site is located to the north west of the Chorleywood Common Conservation Area and to the north of the Chorleywood Station Estate Conservation Area. Within the Chorleywood Common Conservation Area are a number of listed buildings, and the two within closest proximity to the site are situated on the western side of Common Road. Berkeley House is Grade II listed (list entry no. 1348212) and dates to the early-mid seventeenth century with substantial nineteenth century alterations. It was formerly the Berkeley Arms Public House and is prominent element of the streetscape overlooking the Common. Further north on Common Road is the Grade II listed building of The Old Cottage and Pond Cottage (list entry no. 1296284) with a sixteenth and seventeenth century timber framed core encased in red brick in the eighteenth century and with subsequent alterations in the nineteenth and twentieth centuries. The Conservation Area also includes a number of locally listed buildings including the Rose & Crown Public House, a building with seventeenth century origins fronting the Common, and The Cottage located on Homefield Road which is a good example of early twentieth century design typical of the growth of the area following the opening of Chorleywood Station.

A cluster of four Grade II listed buildings forming the historic core of Great Greenstreet Farm, including the farmhouse (list entry no. 1124748) and three barns (list entry nos. 1332569, 1252815 and 1252819), is situated to the north of the site on the western side of Green Street. These buildings are located outside the Three Rivers District boundary within Buckinghamshire. The site forms part of their wider landscape setting.

The heritage assets potentially impacted are the Chorleywood Common Conservation Area and the four Grade II listed buildings at Great Greenstreet Farm. The proposal is not considered to individually impact the settings or significance of the listed and locally listed buildings within the Conservation Area. These buildings and the spaces between them form part of the Conservation Area.

Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) on The Setting of Heritage Assets has been considered in assessing the proposal.

### **Chorleywood Common Conservation Area**

Chorleywood Common Conservation Area was designated in 1976 and amended in 1991. The special interest of the area is defined within the Chorleywood Common Conservation Area Appraisal (2010):

Chorleywood Common Conservation Area is of both historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding the Common creates an area of architectural interest. The variation in character of the buildings located around the Common, ranging from 16th and 17th Century to 19th Century buildings demonstrates the growth of the area throughout history... The special interest of the Conservation Area relates to the types of buildings and how the built form surrounding the Conservation Area has developed and grown throughout history. The original buildings consist of the farm cottages. These buildings reflect the historical agricultural use of the Common... Chorleywood Bottom reflects the early village settlements of the Conservation Area. The arrival of the Metropolitan Railway line resulted in a change in the urban form particularly around Station Approach. The north eastern part of the Conservation Area has an urban character created by the development of Rickmansworth Road (A404)...The juxtaposition of low density home and gardens with more intensive terraces or rows of houses does impart a special character to the area. (pg.3)

The Common was historically used as agricultural land for the grazing of animals. Some of the earliest buildings within the Conservation Area are dispersed farm cottages reflecting the agricultural use of the Common. Development around the edge of the Common, particularly to the south west of the Conservation Area, intensified in the nineteenth century following the construction of Chorleywood Station. However, the Conservation Area retains its open and rural character and appearance.

The setting of the Conservation Area contributes to an appreciation of its significance as a historic rural settlement centred on the open land of the Common within a wider agrarian landscape. Areas of open landscape have survived to the north and south, but the former open landscape has been eroded to the east with the growth of Rickmansworth and the construction of the M25, and the west with development around the station. The site is an important area of open land to the north west of the Conservation Area forming part of the surviving agrarian landscape. The site in its present undeveloped form is considered to make a positive contribution to the setting of the Conservation Area.

Due to the unique topography of the area there are clear views of the site from the eastern part of Chorleywood Common looking north west beyond the buildings on Common Road. These views provide an appreciation of the historic landscape setting of the Conservation Area and the development of the settlement within an agrarian landscape. They are an important aspect of the setting of the area. Whilst views from the west of the Common looking north west towards the site are not included on the 'Important Views' map within the Appraisal (Appendix 8), it should be noted that the Appraisal is not an exhaustive record of every element contributing to the area's significance (stated on pg. 4).

One of the views from the Common towards the site is illustrated in View 10 (Figures 13.21 and 13.22) of the Environmental Statement. The wireframe overlay demonstrates that this view of the open landscape setting from within the Conservation Area will be lost and

replaced with a view of the proposed housing development. The undeveloped nature of the landscape to the immediate north and east of the site which will be unchanged by the proposal is not appreciated in this view. The urbanising effect to the setting of this part of the Conservation Area and the environmental changes including the change in the use of the land, light spill and movement are all attributes of the proposal which will detract from the setting of the Conservation Area and the appreciation of its significance. The proposal is considered to result in considerable less than substantial harm to the significance of the Conservation Area. Planning Practice Guidance (para. 018) recommends that the level of harm is clearly articulated. If this harm were considered on a spectrum of low, medium and high, the harm would be at a low to medium level as the proposed development is positioned to the west of the site and the open fields to the east and north are partially retained.

### **Great Greenstreet Farm (Grade II listed buildings)**

The four Grade II listed buildings comprising Great Greenstreet Farm include the former farmhouse and three associated barns. These assets form a group and have been assessed as such. The farmhouse is of seventeenth century origin with alterations and extensions dating to the eighteenth and nineteenth centuries. The three barns are all timber framed and weatherboarded and date to the eighteenth century. The barns have been converted to residential use but retain their legibility as former agricultural buildings within a farmstead. The buildings are all of architectural and historic interest and their setting contributes to an appreciation of their significance as part of an isolated historic farmstead within an open, agrarian landscape.

The site forms part of the wider agrarian landscape setting of the listed buildings and historically formed part of the same landholding. The Historic Environment Desk-Based Assessment (DBA) (March 2024) notes that the Tithe map and apportionment of 1838 identifies the fields comprising the site as being owned by the Duke of Bedford and occupied by Thomas Crabbe. Further research of the Tithe map and apportionment shows that Great Greenstreet Farm was owned and occupied by the same individuals. The site was therefore same ownership and cultivated as part of Great Greenstreet Farm historically.

The former farm buildings are located to the north of the site and are separated from it by Green Street and an area of open land between the north of the site and Stubbs Farm. There are some glimpsed views from the site to the listed buildings, however, the intervisibility is limited because of the existing hedgerow and tree planting along Green Street. The proposal will result in a change to the wider landscape setting of the historic farmstead through the loss of an open field, however, it is considered that mitigation measures including a robust landscaping scheme, appropriate site layout and sensitive building heights to the north of the site could minimise the impact.

Due to the immediate setting of the listed buildings within an open landscape being unchanged by the proposal, their distance from the site, the intervening open land south of Stubbs Farm, the existing hedgerow along Green Street, and the potential for mitigation, the proposal is not considered to cause harm to the significance of these four heritage assets.

### **Conclusion**

The proposal is considered to result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of part of its open, agrarian landscape setting and the adverse impact of the environmental changes of the development. There is also an adverse impact on views from the eastern side of the Common within the Conservation Area looking north west towards the open landscape of the site. The harm is at a low to medium level, if it were considered on a spectrum of low, medium and high. The submitted DBA has found the same level of harm (see paragraph 6.11).

Whilst the proposal only removes part of the open landscape setting to the west of the Conservation Area, the wireframe diagram shown in View 10 illustrates the visibility of the proposed development and the negative impact of urbanising this aspect of the Conservation Area's setting.

Paragraph 208 of the NPPF should be applied. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

9.1.25 Three Rivers District Council - Environmental Health (16 May 2024): [No objections, subject to conditions]

#### **Air Quality**

I have reviewed Environmental Statement Chapter 7: Air Quality prepared by Hawkins Environmental Ltd.

The impacts of the demolition and construction phases will see the site designated as a high-risk site overall. However, with mitigation the residual effects are not considered to be significant. The assessment indicates that the impact of the operational phase of the proposed development will be "negligible". Mitigation is not considered to be necessary.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The Dust Management Plan should incorporate the measures presented in Section 7.7 of Chapter 7 of the ES.

#### **Contamination Land**

I have reviewed the Preliminary Contamination Risk Assessment (Report ref. P23-356pra\_6.5) and the Ground Investigation (Report ref. P23-356pra) prepared by Paddock Geo Engineering.

The investigation undertaken did not identify concentrations of contaminants of concern that pose a risk to future users. However, the consultant states that due to the significant size of the site and that the objective of the investigation was to undertake an initial screening to inform the outline application, it is possible further focused and detailed investigation will be required (i.e. beneath the hardstanding of the yard, barn and silo etc.).

I would recommend the following conditions:

1. Following demolition of the existing and prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A further site investigation, based on the Preliminary Contamination Risk Assessment (Report ref. P23- 356pra\_6.5) and the Ground Investigation (Report ref. P23-356pra) prepared by Paddock Geo Engineering, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9.1.26 Three Rivers District Council - Landscape Officer:

No response received at the time of drafting report.

9.1.27 Three Rivers District Council – Landscape Consultant (to review LVIA): [Comment received]

## **INTRODUCTION**

### **1.1 Purpose of this report**

1.1.1 This report presents the findings of an objective assessment of two separate landscape and visual impact assessments (LVIAs) submitted to Three Rivers District Council by Chiltern Hill Golf Club Ltd. The two applications are for differing proposals for residential development of the same site as follows:

- 24/0476/OUT - Outline Application, delivering up to 300 no. residential dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems; and
- 24/0538/OUT - Outline Application, demolition of the existing farm building and development of up to 675 no. residential dwellings, a new two-form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.

1.1.2 In terms of the LVIA reporting they differ only within the sections describing the potential landscape and visual effects and proposed layout. This review therefore follows the same process and differentiation is only made with regards to the assessment of effects and design elements. The review has been undertaken in accordance with the Landscape Institute Technical Guidance Note 1/20, Reviewing LVIAs and LVAs as follows:

1. Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed;
2. Checking the baseline, content and findings of the assessment;
3. Checking the presentation of the assessment findings.

1.1.3 The review has been undertaken with Stephenson Halliday's own objective and field-checked assessment to test the scheme in terms of potential landscape and visual impacts. The field survey was undertaken by a Chartered and experienced landscape architect from Stephenson Halliday, who is familiar with the site and its context.

#### **Site location, context and characteristics**

1.1.4 The site forms part of the southern side of a low ridge that runs to the south of the River Chess. The site itself consists of three fields, subdivided by post and wire fencing that is currently used for grazing livestock, with a barn located adjacent to the site's access off Green Street. The southern, eastern and western boundaries of the site are formed by mature hedgerow, tree and other garden vegetation which provides a softened green edge to the settlement of Chorleywood which adjoins its southern boundary.

1.1.5 The site is located within Metropolitan Green Belt between Chorleywood and Little Chalfont and within the Chilterns National Landscape which adjoins the northern and western edges of the former. The site is located on a south-east trending dry valley, typical of the dip slope landscape of the wider Chiltern National Landscape.

1.1.6 Chorleywood is located outside of the M25 London Orbital Motorway but connected to Greater London by the Metropolitan Railway, hence its description by Sir John Betjeman as 'essential Metro-land', characterised as a suburban, leafy character with relatively large detached and semi-detached houses set within gardens.

1.1.7 The two Outline Planning Applications seek to create residential development, and, in the case of the larger development, a primary school, to the more gently sloping upper levels of the site to the north and west, whilst creating a series of SuDS basins to the steeper south eastern slopes.

#### **Structure of this report**

1.1.8 This report is structured as follows:

- Section 1.2: Policies, guidance and standards.
- Section 1.3: Assessment Methodology and Significance Criteria.
- Section 1.4: Baseline Conditions.
- Section 1.5: Assessment of Effects
- Section 1.6: Summary and conclusions.

#### **Scope of the technical assessments**

1.1.9 The scope of the LVIAs, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis is considered generally appropriate for the scale of the proposed development.

1.1.10 Details have been provided on consultation with the local planning authority and relevant stakeholders and the response of consultees with regard to the scoping opinion. Table 13.1 provides a summary of the scoping opinion comments and locations within the document that provide the applicant's response. This table records the comments and requirements with regards to the methodology, planning policy and guidance, study area, viewpoint locations and the approach for visualisations.

### **1.2 Policies, guidance and standards**

#### **Planning policy**

1.2.1 The LVIAs provide a review of international, national, regional and local planning policy including:

- The Council of Europe Landscape Convention, 2006-2007;
- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018, updated 2019);
- The National Planning Policy Framework (NPPF) (September 2023);



- The National Planning Practice Guidance (NPPG) (February 2024);
- The National Design Guide (January 2021);
- Landscapes Review: Final Report ('Glover Report', 2018);
- Local Development Framework Core Strategy (Three Rivers District Council, Adopted October 2011); and
- Development Management Policies Local Development Document (Three Rivers District Council, July 2013).

1.2.2 The planning policy review acknowledges that, other than in exceptional circumstances, permission should be refused for applications for major development within Areas of Outstanding National Beauty (AONBs). The policy review omits other relevant paragraphs from the NPPF Chapter 15 relevant to the proposed assessments in terms of the protection of nationally valued landscapes (para. 180.a) and with regard to the protection of Green Belt.

1.2.3 The LVIA notes that the site forms part of the wider Chilterns National Landscapes and the requirement to protect and enhance the landscape of the site as such. Reference could have usefully been made to NPPF Chapter 15 paragraph 182 which states that the scale and extent of development should be limited within Areas of Outstanding National Beauty (AONB). In particular, planning permission, "should be refused for 'major development' other than in exceptional circumstances,". What constitutes 'major development' is a, "matter for the decision maker, taking into account its nature, scale and setting, and whether it could have significant adverse impact for the purposes for which the area has been designated...Consideration of such applications should include an assessment of...c) any detrimental effect on the environment , the landscape and recreational opportunities, and the extent to which that could be moderated."

1.2.4 As stated within the LVIA submissions, the Chilterns Conservation Board considers the proposed development does constitute a 'major development'.

1.2.5 The starting point for the assessment of landscape and visual effects is therefore as a proposed development that constitutes a major development within a nationally protected landscape considered as valued in NPPF terms. This 'sets the bar' very high in terms of protecting and enhancing the landscape and visual resource.

1.2.6 Other planning policy, such as the NPPG and local planning policy, reiterates the requirement to afford significant protection and enhancement to these particularly important landscapes.

## **Local Planning**

### **Adopted TRDC Development Plan (Local Plan Core Strategy)**

1.2.7 A new Local Plan is currently in production. As this is not yet adopted the Local Plan Core Strategy, which was adopted in 2011, remains in force.

1.2.8 The 'Landscape Strategy' (2001), referenced within the Local Development Document (LDD July 2013) states that the Council will, "ensure that development complements the surrounding local landscape of Three Rivers as identified in the current Landscape Character Assessment, through the siting, layout, design, appearance and landscaping of development" and will consider:

- The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change
- The pattern of woodlands, fields, hedgerows, trees, waterbodies, walls and other features
- The topography of the area." (p.28)

1.2.9 The landscape strategy must therefore clearly demonstrate that these criteria are fulfilled.

1.2.10 Within the Adopted TRDC Core Strategy the following policies are of relevance:

- Policy CP3: Housing Mix and Density. This states that that new development should, "Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District";
- Policy CP11: Green Belt: This states, inter alia, that the general extent of the Metropolitan Green Belt in the district will be maintained and that TRDC will

encourage appropriate positive use of the Green Belt and measures to improve environmental quality.

1.2.11 The reasoned justification for the policy furthermore notes the general presumption against inappropriate development in the Green Belt that would not preserve its openness, or which would conflict with the purpose of inclusion of land within the Green Belt.

### **Guidance and standards**

1.2.12 The LVIA's provide an up to date review of relevant guidance including:

- The third (2013) edition of 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3), produced by the Landscape Institute with the Institute of Environmental Management and Assessment;
- The Landscape Institute, Visual Representation of Development Proposals Technical Guidance Note (2019); and
- Visual Representation of Development Proposals: Camera Auto Settings (Landscape Institute Technical Information Note 08/19, September 2019).

1.2.13 A description of the accurate visual representation (AVR) production methodology is provided in Appendix 13.2 which describes how the wireline model has been located within the photograph. A combination of annotated photographs (Type 1) and wireline images (Type 3) have been used as appropriate to the visibility of the scheme.

1.2.14 In the case of an LVIA prepared as part of an Environmental Impact Assessment (EIA), the Regulations (Reg. 18 (5)) stipulate that the developer must ensure that the Environmental Statement (ES) is prepared by 'competent experts' and that the developer must include a statement "outlining the relevant expertise or qualifications of such experts". The LVIA has been prepared by Mike Habermahl, CMLI, who, as stated in the ES Chapter 1, can be considered a 'competent expert' with regard to drafting the technical chapter.

### **1.3 Assessment methodology and significance criteria**

1.3.1 The assessment methodology within the LVIA's is stated as being based on the principles contained within the GLVIA3. The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA3.

1.3.2 The LVIA's define the sensitivity of landscape and visual receptors as dependent on the importance / value of the receptor and its susceptibility to change. This approach is considered appropriate and based on guidance within GLVIA3.

1.3.3 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape or view. Explanation is provided in terms of the factors that enable the levels of magnitude to be judged. Sensitivity and magnitude are then combined to provide an overall level of landscape and visual effects in the form of significance of effects matrices in Tables 13.9 and 13.14. Likely significant effects are identified as those of 'moderate' significance or above. Assessment of nature of effect relies on what distinguishes effects as beneficial (resulting in enhancement), adverse (resulting in harm) or neutral (neither beneficial nor adverse). This approach is generally consistent with GLVIA3.

1.3.4 Whilst the methodology is broadly in accordance with GLVIA3, it is noted that at each stage of the assessment where criteria are combined, the tables do not allow for intermediate judgements to be made and instead, levels of effects are always rounded down. This is the case for the following:

- Table 13.4 – Overall Landscape Sensitivity;
- Table 13.9: Overall Significance of Landscape Effects;
- Table 13.12: Overall Sensitivity of Visual Receptor; and
- Table 13.14: Overall Significance of Visual Effects.

1.3.5 For instance, it is common practice for a combination of high and medium to result in a judgement of major-moderate, or at least a reasoned decision as to the choice of either major or moderate. This is not the case in these LVIA's with the effects judged as always

moderate at most. Whilst this selection is part of the professional judgement of the competent expert, it appears in this instance that such nuance has been removed by stipulating combined judgements always at the lower end of professional judgement.

1.3.6 It is therefore considered that the methodology is overly prescriptive and does not enable sufficient weighting of judgements to be made by the experienced professional. This prescriptive approach reduces the scope for professional decision making to provide a reasoned judgment between a higher and lower level of effect; effectively the decision is made by the matrices and not the competent expert. The matrices provided therefore tend to provide judgments that are towards the lower end of significance; GLVIA3 explicitly warns against an over reliance on matrices and tables (para 3.35, p.41). In the case of the assessment, judgements are all too readily defined by the matrices with no discretion used by the assessor to weigh the assessment through professional judgement.

1.3.7 This reviewer considers this to be a notable omission in the application of GLVIA3 methodology.

1.3.8 A description of the AVR production methodology is provided in Appendix 13.2 as noted above wherein it is stated that the latest guidance from the Landscape Institute (TGN-06-19 Visual Representation of Development Proposals) has been followed.

1.3.9 The visualisations provided state that a suitable viewing distance for the A3 sheet is 300mm despite the viewpoints apparently being made up of different number of combined images. It is therefore, unclear to this reviewer how these can be considered as providing, for instance a 100% enlargement of the original image.

1.3.10 The guidance sets a higher standard in terms of presentation of the photographic visualisations than appears to be presented within the LVIA's. The visualisations should be presented as Type 1 annotated viewpoint photographs at a scale and size that, "aids clear understanding of the view context". The LI guidance states a 'mathematically correct' image for a single image (of 39.6 degrees Horizontal Field of View) equates to a size of 390mm x 260mm on an A3 sheet, which should be held at a distance of approximately 550mm from the eye. Instead of this the photographic visualisations appear to be presented as wider panoramas of unspecified field of view to be held 300mm from the eye; the views, as presented, appear to significantly reduce the scale of view and are considered unhelpful and possibly misleading in terms of illustrating the view context.

1.3.11 Similarly, whilst the Type 3 visualisations provided may be accurately produced their presentation results in the same issues as the annotated AVR Level 1 (AVR1) views; namely, that the extent of development within the view appears to be less than would actually be experienced when standing at the viewpoint. This is particularly important when considering that the assessment stage where extent of the development in view effects the overall level of significance of effect. Whilst it may not be the case that the assessor has erred in using the AVR Level 3 (AVR3) images to assess views (although when accurately scaled they can be an extremely helpful tool) the images are likely misleading for other readers of the ES (officers, consultees and the general public) for whom it is particularly important that presented images aid clear understanding of the view context; essentially, the visualisations as presented, appear to significantly underestimate the extent of the proposed development within view.

1.3.12 This reviewer considers this to be a notable omission in the application of TGN-06-19 methodology.

1.3.13 It is typical for the temporal scope of major developments to be assessed in terms of effects experienced during construction, operation (year 0) in winter (worst case scenario) and summer (year 15) to allow for mitigation planting to be considered at a reasonable level of maturity. However, whilst the LVIA provides an assessment at construction and year 15 it completely omits a separate assessment at year 0.

1.3.14 The year 0 assessment would typically be the point at which the development results in maximum potential impacts upon the identified sensitive receptors. The report states that, "It is assumed that the landscape and visual effects at Year 0 (at completion) will be the same as during construction, so these have not been separately assessed."

1.3.15 GLVIA3 is clear that the duration of effects is a consideration in judging overall effects as per para 5.51. Relying on an assessment of short-term construction effects as representative of the operational effects is therefore likely to under assess medium to long

term effects of the scheme before proposed planting has matured sufficiently to form substantial mitigation. In the opinion of this reviewer this assumption cannot be not justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

1.3.16 This reviewer considers this to be a notable omission in the application of GLVIA3 methodology.

#### **1.4 Baseline conditions**

1.4.1 The LVIA makes use of previously published landscape character assessments from a national and local level. These include discussion of the key characteristics, condition and sensitivity of the existing landscape context. This approach enables an understanding of the effect of the development on the existing landscape context within the study area and provides a suitable level of detail for the assessment of landscape effects.

1.4.2 The LVIA describes the national (NCA110) and county (Hertfordshire Landscape Character Assessment Character Area 2 Heronsgate Heights) landscapes as enclosed and visually contained due to the gently undulating topography, hedgerow enclosed fields and generally well-wooded nature of the landscape. The Herts LCA assesses the landscape to be of the highest condition and strength of character for which the management strategy is to safeguard and manage.

1.4.3 With the exception of the golf course, the landscape to the west of Green Street is similar in nature to that of the site and is relatively enclosed and of a somewhat rural and peaceful character. The Chilterns LCA (2011) covers the landscapes to the west of Green Street and describes the landscape (LCA 18.3 Little Chalfont Rolling Farmland) as being of small to large sized pasture fields with hedgerows interspersed with woodland within a rolling landscape.

1.4.4 The land to the north extends to pasture fields and discrete residential and business developments of some former farm buildings. South of the site is identified as urban area which the LVIA describes as of low to medium density and single to two storey outside of the village high street. To the east are large detached properties in a wooded setting beyond which lies Chorleywood Common Area of Open Access and Local Nature Reserve.

1.4.5 The LVIA provides an adequate description of the baseline conditions including a review of landscape character areas within the study area.

#### **1.5 Assessment of effects**

1.5.1 The LVIA's provide a value judgement of landscape receptors and of views in the form of Tables 13.16 and 13.17. The judgements with regards to landscape receptors are agreed to as they primarily respond to the LCA and designated landscape assessments. There are, however, inconsistencies with the value of views for the users of the 'private' footpath to the north of the site and of properties to the east and south of the site which have views into the AONB. A 'worst case' scenario should be taken in terms of properties which may have seasonal views from the property or its curtilage to within the AONB, which, as elsewhere in the assessment, should result in a high value of view and of sensitivity.

1.5.2 The judgements with regards to susceptibility are also questioned. GLVIA3 provides a useful categorisation of the scale over which effects may be experienced: the site; its immediate setting; the landscape character area within which the proposal lies; several LCAs. In the case of the proposed developments the scale of effect is primarily the site and its immediate setting although the impact on the LCA is also important. The assertion that the levels of susceptibility for the immediate site setting are lower than for the site itself are predicated on the overall visibility of the site. However, as per GLVIA3 para 5.40, the judgement should relate to the susceptibility of the receptor to the 'absorb' the changes to the landscape baseline. This reviewer would argue that, where these changes are perceived from within the immediate site setting, which includes parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths, the susceptibility and therefore overall sensitivity should remain high.

1.6 To provide a comparison of effects, this reviewer has undertaken an assessment of landscape and visual effects for both schemes based on the Stephenson-Halliday

Methodology, as attached at Appendix 1. The results of these assessments are provided in Appendix 2 (300 dwellings) and Appendix 3 (675 dwellings) for the two schemes.

## **Construction**

### **Landscape effects**

1.6.1 The overall judgement of landscape effects within the LVIA during the construction of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during construction.

1.6.2 Based on the assessment for the construction phase, the reviewer maintains that there would be major/moderate adverse effects experienced at the level of the site and moderate adverse effect to its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this is considered a short-term significant adverse effect for the landscapes effected.

1.6.3 The overall judgement of landscape effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to within the Stephenson-Halliday review, as illustrated in Table 2 below. Significant effects are described for the landscape of the site and LCA 2; Heronsgate Heights (site setting). The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

1.6.4 The provision of an indicative phasing programme would have helped in the understanding of construction impacts with a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this is considered a significant medium-term adverse effect for the landscape and visual receptors effected.

### **Visual effects**

1.6.5 Similarly, the overall judgement of visual effects within the LVIA during the construction of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. The LVIA has assessed significant adverse effects for users of the private footpath to the north of the site and PRoW Chorleywood 014 to the south, but not Chorleywood 011 to the north; this reviewer maintains that walkers on the latter would experience significant adverse effects during construction.

1.6.6 Based on the assessment for the construction phase, the reviewer maintains that there would be moderate adverse effects experienced for PRoW 011 for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this is considered a significant short-term adverse effect.

1.6.7 The overall judgement of significant visual effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to, as illustrated in Table 2 below. Significant effects are described for the local footpaths and Chorleywood Common. The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

1.6.8 The provision of an indicative phasing programme would have helped in the understanding of construction impacts with a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this can be considered a significant medium-term adverse effect for the visual receptors effected.

## **Completed Development**

### **Landscape effects**

1.6.9 It has been described in section 1.3.14 – 1.3.16 how the assessment is deficient in assessing the worst case completed development scenario. Neither LVIA is considered

complete without an assessment of the year 0 winter effects of the proposed developments. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term and irreversible landscape and visual impacts that are not reported within the current LVIAs.

1.6.10 The overall judgement of landscape effects within the LVIA during the operational (year 15) stage of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during operation. Based on the assessment for the operational phase, the reviewer maintains that there would be major adverse effects experienced at the level of the site and major/moderate to moderate adverse effect to its setting for the 300 unit scheme. This is considered a permanent significant adverse effect for the landscapes effected.

1.6.11 Similarly, the overall judgement of landscape effects within the LVIA during operation of the 675 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 2 below. This reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during operation. Based on the assessment for the operational phase, the reviewer maintains that there would be major adverse effects experienced at the level of the site and major/moderate adverse effect to its setting for the 675 unit scheme. This is considered a permanent significant adverse effect for the landscapes effected. The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

### Visual effects

1.6.12 The overall judgement of visual effects within the LVIA during the operational (year 15) stage of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that effects for recreational users of Chorleywood common and associated footpaths, would be significant.

1.6.13 Based on the assessment for operational stage, the reviewer maintains that there would be moderate adverse effects experienced by such recreational receptors for the lifetime of the 300 unit scheme. This is considered a permanent significant adverse effect for this popular recreational resource. Similarly, the other local footpaths and residential areas in close proximity to the site would experience permanent significant adverse effects as illustrated in Table 1.

1.6.14 The overall judgement of visual effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to in terms of whether significant or not. These include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site. However, in each case, the level of harm assessed in each judgement is reported as less within the LVIA reporting, in comparison to the Stephenson-Halliday review.

1.6.15 These effects would equate to considerable harm of the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance.

Table 1: Comparison of Landscape & Visual Effects: 300 no. dwellings  
Effects in bold are considered to be 'significant'; Negligible effects are not included

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>Landscape effects</b>			
<b>LVIA: Site</b>	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH: Site</b>	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA: LCA 2 Heronsgate Heights (site setting)</b>	Minor adverse	Not assessed	Minor adverse

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>SH:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate to Moderate adverse</b>
<b>LVIA:</b> Chorleywood urban area	Negligible	Not assessed	Minor adverse
<b>SH:</b> Chorleywood urban area	Minor adverse	<b>Moderate adverse</b>	Moderate-Minor adverse
<b>Visual effects</b>			
<b>LVIA:</b> Private footpath to the north of the site.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Private footpath to the north of the site.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>
<b>LVIA:</b> Green Street.	Negligible to Minor adverse	Not assessed	Negligible to Minor adverse
<b>SH:</b> Green Street.	Moderate to Moderate-Minor	<b>Moderate adverse</b>	Moderate to Moderate-Minor
<b>LVIA:</b> PRoW Chorleywood 011.	Minor adverse	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> PRoW Chorleywood 011.	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate to Moderate adverse</b>
<b>LVIA:</b> Chorleywood Common.	Minor adverse	Not assessed	Minor adverse
<b>SH:</b> Chorleywood Common.	Moderate-Minor adverse	<b>Moderate adverse</b>	<b>Moderate adverse</b>
<b>LVIA:</b> Users of PRoW Chorleywood 014.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Users of PRoW Chorleywood 014.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>

Table 2: Comparison of Landscape & Visual Effects: 675 no. dwellings  
*Effects in bold are considered to be 'significant'; Negligible effects are not included*

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>Landscape effects</b>			
<b>LVIA:</b> Site	<b>Major adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Site	<b>Major to Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	Not assessed	Minor adverse
<b>SH:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate adverse</b>
<b>LVIA:</b> Chorleywood urban area	Minor adverse	Not assessed	Minor adverse
<b>SH:</b> Chorleywood urban area	Moderate to Moderate-Minor adverse	<b>Moderate adverse</b>	<b>Moderate adverse</b>
<b>Visual effects</b>			
<b>LVIA:</b> Private footpath to the north of the site.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Private footpath to the north of the site.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA:</b> Green Street.	Minor to Moderate adverse	Not assessed	Negligible to Minor adverse
<b>SH:</b> Green Street.	Moderate to Moderate-Minor	<b>Moderate adverse</b>	Moderate to Moderate-Minor
<b>LVIA:</b> PRoW Chorleywood 011.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
SH: PRoW Chorleywood 011.	Major-Moderate adverse	Major adverse	Major-Moderate adverse
LVIA: Chorleywood Common.	Moderate adverse	Not assessed	Moderate adverse
SH: Chorleywood Common.	Moderate adverse	Major-Moderate to Moderate adverse	Major-Moderate to Moderate adverse
LVIA: Users of PRoW Chorleywood 014.	Major adverse	Not assessed	Moderate adverse
SH: Users of PRoW Chorleywood 014.	Major to Major-Moderate adverse	Major adverse	Major to Major-Moderate adverse

### Effects on Designated Landscapes

1.6.16 The LVIAs provide no separate consideration as to the effects of the proposed development on the Chilterns National Landscape. Whilst the explanation and judgements on landscape value, as set out in Tables 13.10 and 13.18, appear generally reasonable, the LVIAs appear to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan.

1.6.17 For instance, in Table 13.16 the LVIAs state that, “Whilst the area does not represent the features associated with the highest quality landscapes associated with the Chilterns... the Landscape Character Assessment considers it to be in ‘good’ condition and of ‘strong’ character.” The landscape of the site clearly displays the classic Chilterns dipslope, described in the Special Qualities of the Chilterns AONB Management Plan as follows:

“A large proportion of the AONB is covered by plateau and dipslope as the land gradually falls away to the east and Greater London. Though less visible and striking than the scarp, this landscape forms a key part of the classic Chilterns landscape.

The topography is complex, with areas of plateau dissected by long, narrow, often dry valleys.”

1.6.18 What the LVIAs dismiss as features not representative of the highest quality landscapes are actually considered a “key part of the classic Chilterns Landscape”. In addition, the site also displays relative tranquillity and dark skies that are also included as part of the Special Qualities of the Chilterns.

1.6.19 This lack of recognition of the importance of the Special Qualities of the landscape is continued to within the assessment. In Table 13.18 the susceptibility of the landform and overall sensitivity is described as medium as the proposed development may result in “localised earthworks”. The extent of earthworks required to develop the large scale attenuation basins to the area of the dipslope is not clearly represented in the ES, but such features would clearly require more than superficial earthworks. These works would change the special character of the dip slope by the creation of engineered terraces and basins that would be completely alien to this typical Chilterns topography.

1.6.20 This lack of recognition of effects upon the Special Qualities of the landscape continues to the significant under evaluation of landscape effects to the site and its setting within the LVIAs, as illustrated by Tables 1 and 2 above. The LVIAs report only moderate adverse permanent effects on the site landscape in comparison to the Stephenson-Halliday assessment of major adverse effects. Similarly, effects on the local landscape setting are described as minor adverse in the LVIA as opposed to major-moderate to moderate adverse in the Stephenson-Halliday assessment.

1.6.21 This under assessment appears to be the result of the methodological anomalies already described in Section 1.3 above, and the substantial under evaluation of effects on the Special Qualities of the Chilterns National Landscapes that would be affected by the proposed development.

### Effects on the Green Belt



1.6.22 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt. In particular the primary Green Belt purpose of relevance is Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the openness of the Green Belt. The Town Planning Statement prepared by Savills as part of the application, notes that, with regard to the Green Belt, the NPPF states:

- Paragraph 142, which notes the key aim of Green Belt is to prevent urban sprawl by keeping land permanently open – ‘the essential characteristics of Green Belts are their openness and their permanence’. No further definition as to what constitutes openness is otherwise provided, however; and
- Paragraph 143 which reinforces the above by defining the Five Purposes of Green Belt land.

1.6.23 The Planning Statement goes on to state that with regards to “openness”, the PPG states that:

- “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.”

1.6.24 A number of recent pieces of case law and precedent have sought to reach clarity in the definition of openness in the context of Green Belt.

1.6.25 Most notably these include the 2020 Judgement in the Supreme Court in relation to the case of R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (appellant), hereafter referred to as the ‘Samuel Smith case’. Whilst this judgement was in relation to a minerals development and had a very different context, it establishes a valuable and informative precedent and also comes from the UK’s highest court. The primary question before the appeal in that case was whether the County Council as the mineral local planning authority had correctly understood the meaning of openness in the context of Green Belt.

1.6.26 The Judgement by the Supreme Court in the Samuel Smith case made reference to the earlier decision in the Court of Appeal and the leading judgement by Lord Justice Lindblom, which noted the potential relevance of visual impact in considering openness of the Green Belt.

1.6.27 Following review of a number of other Green Belt cases of relevance, the Judgement noted that the consideration of visual effects in contributing to impact on the openness of Green Belts is a matter ‘not of legal principle, but of planning judgement for the planning authority or the inspector’.

1.6.28 The emphasis of the LVIA’s has been to state the enclosed nature of the site. It has identified that the site has intervisibility with receptors to a localised extent and that effects on openness to the wider landscapes, particularly to the west are limited by intervening topography and mature vegetation. However, it fails to note the loss of openness that would result to the site itself should either of the proposed schemes be constructed.

1.6.29 In particular, whilst permanent effects on the site landscape are described as moderate adverse and its environs minor adverse, there is no mention of the loss of openness that would result as a result of new built form on completion. The proposed boundary mitigation planting would only further emphasise the loss of openness in an attempt to hide or soften the dense suburban edge of the scheme. Considering the heights of proposed dwellings of up to 12.5 m, it appears reasonable to conclude that views would be generally of the tops of built form above the proposed planting. The proposed screen planting itself would therefore potentially emphasise the loss of openness across the site experienced by local receptors. This reviewer cannot therefore agree with the conclusions of the LVIA that permanent effects of the proposed development will often be less than those for the construction stage.

1.6.30 The review of landscape and visual effects using the Stephenson-Halliday methodology has judged that permanent effects would generally increase over those during construction, with no effects judged to decrease as illustrated by Tables 1 and 2 above. It is this reviewer’s judgment that the dense urbanisation of an area of existing open countryside would result in significant adverse landscape and visual effects as the result of a loss in openness of the site.

1.6.31 Both of the proposed schemes would result in an increase in built development on currently open green fields, resulting in a substantial local diminishment of physical openness in the land adjacent to Green Street. Whilst some compensatory interventions are proposed it is noted that the main area of open space, 'Great Greenstreet Park' would be required to contain the large attenuation basins needed for the scheme. It is noted that the topographical engineering required to develop the proposed attenuation basins would so alter the existing dip-slope so as to render it unrecognisable as a natural feature. It is therefore not considered that such compensation could potentially offset or reduce the degree of the harm from loss of Green Belt land.

1.6.32 Local views would clearly be foreshortened as a result of the proposed development as demonstrated within the submitted LVIA's. The significant adverse effects described in the LVIA to the private footpath to the north, PRoW 011 and 014 to the east and south and adjacent local residencies, although not mentioning openness, note the increase in views of built infrastructure.

1.6.33 Whilst the opinion as to whether the proposed development is inappropriate in the Green Belt context is a matter for planning judgement, the observations from the Stephenson-Halliday assessment is summarised as follows:

- There would be a physical impact on openness and a concomitant degree of encroachment and associated localised harm to the Green Belt;
- The proposed development would therefore materially change the characteristic of land which is currently free of development;
- In terms of the visual dimension of openness, the key issue is the local effects which would be experienced in near distance views from footpaths and residential receptors from where there would be a fundamental change to the open character of views as a result of the presence of the proposed development;
- With regard to key middle distance views, notably from Chorleywood Common, impacts on the visual dimension of openness and associated visual foreshortening would be localised considering the wider proportion of the view. The proposed development would therefore contribute to encroachment into the countryside at a local level; and
- The primary compensatory provision and landscape and environmental mitigation provided in the form of Great Greenstreet Park is not in character with the site, its context and with the wider countryside.

### **Cumulative Effects**

1.6.34 Cumulative effects have been considered for the proposed recreational development to the west of Green Street which would include a golf driving range and protective netting and a plateau for football pitches and floodlighting. The assessment of cumulative effects within the LVIA's appears to minimise the suburbanising influence these two proposals would have together, positioned either side of Green Street on the entrance to the village of Chorleywood. This would particularly be the case during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

### **Design and Mitigation**

1.6.35 The LVIA chapter includes a description of the landscape strategy in terms of section 13.5 Inherent Design Mitigation, which are intended to reduce landscape and visual impacts.

1.6.36 Both applications are considered as large-scale major development because the residential units to be constructed are in excess of 200 units. The vision and objectives should set out the design quality and expectations for the extension to Chorleywood and how its edge of settlement relationship with the AONB, Greenbelt and Conservation Areas will affect the future character and existing communities.

1.6.37 Although the illustrative layout and Design and Access Statement (DAS) attempt to achieve this it cannot be avoided that this is a major proposed development in a

sensitive area. The DAS which accompanies the ES should reflect the 10 characteristics set out in the National Design Guide to set the parameters for the design quality. These include context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. A review of the landscape strategy for both developments is provided below.

1.6.38 **Layout** – Both schemes would constitute a major urban extension to Chorleywood in an edge of settlement, AONB and Green Belt location and are therefore inappropriate and by definition harmful to the Green Belt (NPPF para.152-154). The layout of the 300 unit development appears somewhat ‘cut-out’ from the larger 675 unit scheme with a few minor edge amendments; it essentially appears as a first phase of the bigger development whereas it should have been considered as a standalone scheme. It is still considered as large-scale major development and therefore not appropriate to the site.

1.6.39 The reviewer has been unable to ascertain the proposed density of either of the proposed development layouts, however, they are clearly of high density in a sensitive edge of settlement location. An edge of village density within an AONB would be expected to be around 20dph and approximately 60% developable area, however this development does not appear to achieve this percentage. The high density also results in features such as the Local Areas for Play being pushed to the periphery of the site whereas they should be integrated into the scheme. Even with better design it is unclear how such large schemes can positively respond to the AONB and Green Belt designations. The structural planting to the edges attempts to ‘hide’ the scheme but the development should better respond to its context with lower densities and greater green infrastructure.

1.6.40 **Indicative Form, Scale and Housing Mix** – Potential Height of Buildings, Core Policy CP3 Housing Mix and Density (TRDC Core Strategy) states ‘Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District’. The scale and extent of this scheme should be limited given its sensitivities with the landscape and designations. The application fails to demonstrate how appropriate 3-storey apartments blocks are within the setting of the AONB. The justification needs to respond to the Chilterns Building Design Guide to review the distinctive character that could be created.

1.6.41 **Movement** – The layout is of a dense suburban type where it should better respond to a rural edge settlement vernacular within an AONB. The introduction of more substantial green spaces to within the housing areas illustrated on some of the earlier design iterations has been replaced with dense suburban housing with green space pushed to the periphery or the ‘Great Greenstreet Park’.

1.6.42 **Green Infrastructure and Open Space** – The open space provision appears low for the scale of the development considering it will have to combine SUDs, biodiversity, play facility and physical activity. As a multifunctional space, Great Greenstreet Park needs to demonstrate how all these aspirations will co-exist; it is not sufficient to label areas as habitat/ecological areas when heavy recreational use is likely to preclude this and the proposed scheme fails to quantify these areas. The SUDs appears particularly problematic with large areas required for attenuation basins as set out in the Flood Risk Assessment. These large attenuation basins would require considerable cut and fill earthworks and quite possibly engineered retention structures, located as they are to the steepest slopes of the site. They would undoubtedly significantly alter the topography of the existing archetypal dipslope landform within the AONB. No sections are provided to illustrate how this could work and it is considered that the necessary earthworks would cause significant harm to the existing landscape resource of the site.

1.6.43 To summarise, both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to ‘hide’ the development behind buffer planting is indicative of its inappropriate design and density within the proposed location. This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links. Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

## **1.7 Summary & conclusions**

### **Scope & Guidance**

1.7.1 The scope of the LVIA has been developed in conjunction with the LPA and is generally sufficient for the level of development; Table 13.1 provides a useful reference to locate the applicant's responses to information requests. The planning policy and guidance is generally appropriate for the purposes of the assessment, however, a similar table would have been useful to provide a commentary as to how the proposed development was compliant with planning policy.

1.7.2 The LVIA is clear from the outset that the site is located within an NPPF designated valued landscape and that both of the developments constitute 'major development'. There is, therefore, an implicit requirement that the proposed developments demonstrate that they protect and enhance the landscape and visual resource of the valued landscapes.

1.7.3 Although Green Belt is not a landscape designation, a commentary on how the proposed developments effect its key attributes would have been appropriate in this location. No such review is provided.

### **Methodology**

1.7.4 There are a number of issues with the methodology which question the validity of the LVIA.

1.7.5 Overall, there appears to be a somewhat over reliance on matrices that steer judgements towards the lower end of significance. In the view of this reviewer, there is insufficient professional judgement applied to view the assessment 'in the round'.

1.7.6 The presentation of the photography and AVRs appears to fall short of the standards expected within the current LI guidance with the result that the images do not aid clear understanding of the view scale that would be experienced in the field. Images of the site and proposed development extents appear to be illustrated as misleadingly small.

1.7.7 Notably, the LVIA completely omits a separate worst-case assessment of effects of the operational development that should be made as of winter year 0. In the opinion of this reviewer this cannot be justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0 for such a large scale and potentially harmful development.

### **Assessment of Effects**

#### **Landscape and visual effects**

1.7.8 The reviewer finds that the judgements for a number of local visual receptors (parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths) with potential views into the AONB should be of high and not medium sensitivity.

1.7.9 The reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.10 The LVIA demonstrates that there would be a major significant adverse impact experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.11 As described, neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed development. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not fully reported within the current document.

1.7.12 These include landscape impacts on NCA10, LCA Area 2 Heronsgate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.7.13 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.

1.7.14 Even so, the LVIA judgements as they stand, find that there will be significant adverse long-term/permanent and irreversible landscape and visual impacts within the site and its setting. These effects would equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. In other words, the proposals do not demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development in this location.

### **Effects on designated landscapes**

1.7.15 The LVIA provides no separate consideration of the effects of the proposed development on the Chilterns National Landscape and appears to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan. In particular, the importance of the site's dip slope topography is not sufficiently recognised or effects evaluated.

1.7.16 The extent of earthworks required to develop the large scale attenuation basins to the area of the dip slope is not clearly represented in the ES. It is considered that these works would change the special character of the dip slope by the creation of engineered terraces and basins that would be completely alien to this typical Chilterns topography. The LVIA considerably under assesses the overall levels of effect to the site and its setting as a result of this omission.

1.7.17 This under assessment appears to be the result of the methodological anomalies already described above, and the substantial under evaluation of effects on the Special Qualities of the Chilterns National Landscapes that would be affected by the proposed development.

### **Green Belt**

1.7.18 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt. In particular the primary Green Belt purpose of relevance is Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the spatial and visual aspects of openness of the Green Belt.

1.7.19 The LVIA fails to note the loss of openness that would result to the site itself should either of the proposed schemes be constructed. Whilst the opinion as to whether the proposed development is inappropriate in the Green Belt context is a matter for planning judgement, we summarise below the observations from our assessment as follows:

- There would be a physical impact on openness and a concomitant degree of encroachment and associated localised harm to the Green Belt;
- The proposed development would therefore materially change the characteristic of land which is currently free of development;
- Visual effects would be experienced in near and middle distance views from footpaths and residential receptors from where there would be a fundamental change to the open character of views as a result of the presence of the proposed development.

1.7.20 The primary compensatory provision and landscape and environmental mitigation provided in the form of Great Greenstreet Park is not in character with the site, its context and with the wider countryside.

### **Cumulative effects**

1.7.21 Cumulative effects have been considered for the proposed recreational development to the west of Green Street. The assessment appears to minimise the suburbanising influence these two features would have together, particularly during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the

village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

### **Design and Mitigation**

1.7.22 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.7.23 This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links. Even with better design it is unclear how such large schemes can positively respond to the AONB and Green Belt designations.

### **Summary**

1.7.24 The reviewer questions the application of the assessment methodology in terms of an assessment that is overly reliant on matrices and tables with insufficient room for professional judgement in the round.

1.7.25 The AVR1 and AVR3 images presented appear misleading and should be sized correctly.

1.7.26 The LVIA omits an assessment of the worst-case scenario (year 0 winter) which should be standard for a development of the scale proposed. The LVIA should not be considered as complete without this.

1.7.27 This reviewer considers that there will be significant adverse long-term/permanent and irreversible landscape and visual effects in addition to those reported to within the LVIA.

1.7.28 The LVIA provides no separate consideration of the effects of the proposed development on the Chilterns National Landscape and appears to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan.

1.7.29 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt, in particular with reference to Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the spatial and visual aspects of openness of the Green Belt.

1.7.30 Cumulative impacts with regard to the proposed recreation development to the west of Green street appear under reported.

1.7.31 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location and it is unclear how such large schemes can positively respond to the AONB and Green Belt designations as currently designed and assessed in the application.

1.7.32 Even considering the level of effects reported to within the LVIA, these equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. The proposals do not, therefore, demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

9.1.28 Three Rivers District Council – Leisure Development Team: [No Comment received]

No comments received.

9.1.29 Three Rivers District Council – Local Plans Team (18 July 2024): [Comment received]

The National Planning Policy Framework (NPPF) (2023) states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The statutory status of AONBs is confirmed at Paragraph 182 of the NPPF, which states that AONBs have the highest status of protection in relation to issues of conserving and enhancing the natural environment. The NPPF states that great

weight should be given to conserving and enhancing landscape and scenic beauty in this landscape designation. The Chilterns AONB is therefore considered to have the highest status of protection in relation to the issue of conserving and enhancing landscape and scenic beauty. The NPPF goes on to state that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest (Paragraph 183). It is not considered that the existing proposal for up to 300 dwellings is likely to constitute a limited scale and extent of development and therefore exceptional circumstances and a demonstration that the development is in the public interest must be shown.

In addition to the above, Policy DM7 of the Development Management Policies LDD (2013) states that in considering proposals for development within or near the Chilterns AONB, the Council will support development unless the proposal would:

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

Paragraph 183 of the NPPF states the requirement for an assessment of:

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

The considerations set out above should be taken into full account in determining the exceptional circumstances necessary to justify major development in the AONB.

The application site is located in the Metropolitan Green Belt. The NPPF states that the construction of new buildings in the Green Belt is inappropriate. The exceptions to inappropriate development are not considered to apply to the proposal and therefore, the proposal is considered to propose inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. It is considered that a major development comprising of up to 300 dwellings would be likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Additionally, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Paragraph 153 of the NPPF sets out that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In light of the above, exceptional circumstances and a demonstration that development would be in the public interest are necessary to justify approval for the major development proposed in the AONB (Paragraph 183). As well as this, it is important to consider that any application would be required to assess the cost of and scope for developing land outside of the designated AONB area, which may accommodate a proportion of Three Rivers' housing need that is proposed on the application site. An assessment of the scope for

meeting the housing need in some other way (e.g. through an alternative site) must be made in order to justify development within the designated AONB area (Paragraph 183). Additionally, unless the potential harm to the Green Belt is judged to clearly outweigh other considerations, very special circumstances must be shown to exist to justify inappropriate development in the Green Belt.

Policy 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.

Whilst the site is located outside of an existing settlement boundary, it adjoins and is bounded (to the east and south) by the key centre of Chorleywood. Given that the site adjoins the settlement boundary of Chorleywood and its proximity to transport links and facilities, it is considered that the site is located within a sustainable location.

The Council can not currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.9-year housing land supply. The delivery of up to 300 dwellings would make a significant and positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. The submitted planning statement states that development proposes 45% affordable housing, which would make a significant and positive contribution to the delivery of much needed affordable housing within the district.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The 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:

	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4+ bed</b>
<b>Market Housing</b>	5%	23%	43%	30%
<b>Affordable Home Ownership</b>	21%	41%	28%	9%
<b>Social / Affordable Rented Housing</b>	40%	27%	31%	2%

The table below sets out the illustrative housing mix (as set out within the submitted Planning Statement):

<b>Unit Type</b>	<b>% Split</b>	<b>Number of Units</b>
<b>Market Housing</b>	<b>55%</b>	<b>165</b>
1 bed	19%	16
2 bed	34%	56
3 bed	40%	81
4 bed	7%	13
<b>Affordable Housing</b>	<b>45%</b>	<b>135</b>
1 bed	30%	41
2 bed	35%	47



3 bed	30%	41
4 bed	5%	7

The proposal is not strictly in accordance with Policy CP3. Whilst not complying with indicative targets, current market conditions need to be taken into consideration. Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government’s plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

25% First Homes  
70% social rented, and  
5% intermediate

According to the planning statement, the development proposes 45% affordable housing with a policy compliant tenure split, therefore complying with Policy CP4.

Whilst not located within a conservation area, the site partly adjoins the boundary with the Chorleywood Common Conservation Area. Paragraph 208 of the NPPF sets out that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

9.1.30 Three Rivers District Council – Housing (10 May 2024): [Comment received]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

It is noted that you are proposing a total of 300 dwellings, with a policy compliant 45% (135), of the dwellings to be provided as affordable housing. Whilst the sizes of these 135 dwellings to be provided as affordable housing has not been provided in detail, it is encouraging to see that you intend to provide a good mix of different size accommodation and the guide tenure split suggested by the Council will be followed.

I can confirm that Housing Services would support this application in principle, on the basis that 70% of the affordable housing to be provided is at social rent and the size of dwellings provided fulfils our current requirements.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

9.1.31 Thames Water (3 May 2024): [No objection]

**Waste Comments**

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

**Water Comments**

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

#### 9.1.32 Transport for London (23 April 2024): [Comments received]

Thank you for consulting Transport for London (TfL) on the above planning applications. Due to the proximity to Chiltern Rail and Metropolitan Line services from Chorleywood station we have reviewed both of the above applications in terms of access to and capacity of public transport. We have also identified opportunities for mitigation where impacts are expected

##### **Access**

For the previous applications we noted that the route to the station from the site for pedestrians and cyclists is undulating and indirect and there is currently no frequent bus connection. There is likely to be a need for improvements to existing walking / cycling infrastructure in and around Chorleywood to accommodate increased trips. This could include improved all weather surfacing, lighting and crossing facilities, removal of vegetation and improved personal safety or security measures. Additional cycle parking in and around the station should also be provided. A lack of alternatives to access the station may lead to an increase in car use which we would not want to encourage. The existing station car park is regularly full to capacity on weekdays so further restrictions to prevent parking on streets in a wider area around the station may be required. It is understood that these issues have been the subject of discussions between the local transport authority and the applicants. We welcome improved provision for cycle parking at Chorleywood station and improved access routes from the development site to the station as part of the current applications.

##### **Capacity**

For the previous applications TfL requested an assessment of line loading and station capacity which is currently restricted by the ticket gates. The applicant's consultants carried out a technical assessment which demonstrated that there was a need for an additional ticket gate to cater for the additional trips generated by the development. The principle of a contribution was agreed by the applicant and was to form part of a section 106 agreement. TfL is pleased to note that the transport assessments for both of the current applications retain this commitment which needs to be carried forward into any new section 106 Heads of Terms. We supplied initial estimated costs for installation of the ticket gate of £500,000 in 2021 although the exact costs will need to be confirmed through feasibility and design work, for which we will need to be provided with a cost indemnity letter or other form of funding agreement. Costs will have risen in the intervening period and so will need to be index linked from 2021. TfL has not yet carried out any detailed feasibility, design or costing work and we would expect the full capital and revenue costs associated with the works to install a new ticket gate to be met. We would also reserve the right not to proceed with the works if there is any financial risk to TfL or if we believe at some future point that the works are no longer required or not viable.

In terms of line loading it should be noted that the transport assessments state that Metropolitan Line capacity will have a uplift of 33% as part of the 4LM (4-Line Modernisation) programme. However the improvements on the Metropolitan branch serving Chorleywood would have been much lower than the quoted uplift and that improvement is now on hold. The potential uplift in capacity will be limited to the central section and so this statement should be removed. Line loading is not likely to be adversely affected by the trips generated by the development even without the capacity increase. This does not change the requirement for a new ticket gate to address station capacity constraints.

Green Street Pictures





## PLANNING COMMITTEE – 12 September 2024

### PRELIMINARY REPORT

24/0538/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the Site, delivering up to 675 no. residential dwellings (Use Class C3), a new two-form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at Land East Of Green Street And North Of Orchard Drive Chorleywood

Parish: Chorleywood  
Expiry of Statutory Period: 29 July 2024  
Extension agreed to: 31 October 2024

Ward: Chorleywood North and Sarratt  
Case Officer: Adam Ralton

#### **Recommendation:**

- (1) That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

**NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.**

**Reason for consideration by the Committee:** The application has been called in to committee by three Members of the Planning Committee unless Officers are minded to refuse to discuss the impact on the Green Belt, AONB and Highways, and by Chorleywood Parish Council regardless of the recommendation. In addition the proposal represents a departure from the Development Plan.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBELGZQFJCD00>

### **1 Relevant Planning History**

- 1.1 20/0002/EIAS: Environmental Impact Assessment Scoping Opinion Request - Development of up to 800 No. Residential Dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 1.2 20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Refused** in March 2023. Appeal lodged but subsequently withdrawn.
- 1.3 20/0898/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Refused** in March 2023. Appeal lodged but subsequently withdrawn.
- 1.4 24/0476/OUT: Outline Application: Comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity

space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access). **Under consideration.**

- 1.5 The following application has been submitted to Buckinghamshire Council for its consideration. The site falls outside of Three Rivers District, but is considered relevant to the current application given the proximity of the site, the ownership of the site, and the references to this adjacent site within the supporting documents forming part of the current application:

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

## **2 Description of Application Site**

- 2.1 The application site is an undeveloped greenfield site to the north of Chorleywood. It has an area of approximately 22.6ha and is currently used as grazing land. It contains a barn in the north eastern corner. The site generally slopes downward toward the south-east and includes a localised dry valley within the centre of its slope.
- 2.2 The west, south and eastern boundaries of the site are marked by vegetation (including a mixture of trees and hedgerows). The northern boundary of the site is more open, marked by the low fencing which encloses a private footpath. The site is clearly visible from the private footpath, and in glimpsed views through the vegetation alongside Green Street and the public footpath to the rear of Orchard Drive. The site is also visible from houses fronting Darvells Yard and Woodlands Lane, and in longer range views from Chorleywood Common.
- 2.3 The northern boundary of the site is adjacent to a private footpath, which provides pedestrian access from Green Street to St Clement Danes School (which is beyond the north eastern boundary of the site). The land to the north of that footpath is also open grassland, with a flatter topography than the application site. Public footpath Chorleywood 011 runs around the school site, touching the application site's north eastern corner. The western boundary of the application site is alongside Green Street. Green Street links Chorleywood to the south with the A404 to the north. The southern boundary of the site is adjacent to public footpath Chorleywood 014, with the gardens to houses fronting Orchard Drive beyond this. Chorleywood 014 runs east to west at the rear of properties on the northern side of Orchard Drive and Orchard Close, and adjoins Chorleywood 32a which leads to Common Road. The eastern boundary of the site is alongside the boundaries of the rear gardens of dwellinghouses at Darvells Yard, Woodlands Lane and Chenies Road (A404).
- 2.4 The development site would be accessed via Green Street, which links the A404 to the north with the junctions of Station Approach and Shire Lane in Chorleywood to the south. Green Street in the immediate area of the application site has the characteristic of a rural lane, with the northern part of the road containing a limited number of buildings set back from the road including three clusters of converted agricultural buildings. Beyond these clusters of houses, there is open land to either side of Green Street with the application site to the east and open land forming the Chiltern Hills Golf Course to the west. The street is generally lined by trees or hedgerows until the junction with Orchard Drive, after which Green Street has the appearance of a suburban residential street, with detached and semi-detached two storey dwellinghouses on either side of the street, wide grass verges and footway on either side of the carriageway. This character remains as Green Street continues



to drop down to the junction with Station Approach and Shire Lane beyond which is the main Key Centre of Chorleywood.

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

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

- 3.1 This application seeks outline planning permission for the demolition of the existing farm building and comprehensive development of the site, delivering up to 675 no. residential dwellings (Use Class C3), a new two form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.
- 3.2 This application has been submitted in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access is defined in the Development Management Procedure Order as meaning 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

- 3.3 The detailed application drawings (in particular drawing SK08C) show the position of the proposed points of vehicular access to the site. The first point of vehicular access would be approximately 100m to the south of the existing cattle barn and footpath which provides pedestrian access from Green Street to St Clement Danes School. The second would be approximately 120m north of the junction of Orchard Drive and Green Street. Both would provide vehicular and pedestrian access into the site. There would also be points of access to/from the site from the public footpath (Chorleywood 014) to the south-east corner of the site, and from the public footpath (Chorleywood 011) to the north eastern corner of the site.
- 3.4 The submitted illustrative masterplan sets out the provision of roads and walking/cycling routes within the site, including one circulatory road looping in a reverse-C shape within the site, with footways adjacent to the carriageways. The illustrative masterplan also provides details of the potential position of an area of open space from the centre of the site to the south-east, which would include substantial soft landscaping and drainage features. Space is shown on the illustrative masterplan to the north-east of the site to be available for the construction of a new two-form entry primary school.
- 3.5 This application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance explains that “the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process”. The regulations set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The guidance also confirms that “the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development”.
- 3.6 The application is supported by the following documents which have been taken into account as part of this assessment:
- Environmental Statement
    - Volume 1 comprising main text with chapters covering the Introduction, Site and Designations, Proposed Development, Consultation and Alternatives, EIA Approach, Socio Economics, Air Quality, Traffic and Transport, Cultural Heritage, Ecology, Water Environment, Noise and Vibration, Landscape and Visual, Human Health, Climate Change and Assessment Mitigation and Implementation Summary.
    - Volume 2 - technical appendices.
    - Volume 3 - non-technical summary.
  - Covering Letter (dated 28 March 2024)
  - Design and Access Statement (Savills/Farrells, 20 March 2024)
  - Biodiversity Checklist (signed 15 March 2024)
  - Ground Investigation (Paddock Geo Engineering P23-356pra, March 2024)
  - Preliminary Contamination Risk Assessment (Paddock Geo Engineering P23-356pra\_6.5, March 2024)
  - Statement of Community Involvement (SP Broadway, March 2024)
  - Town Planning Statement including Affordable Housing Statement (Savills, March 2024)
  - Transport Assessment (Origin, V1, March 2024)
  - Chorleywood Housing Market Assessment (Savills, March 2024)
  - Landscape Framework Plan (Drawing 0886.1.2, March 2024)
  - Proposed building height parameter plan (Farrells, 23 January 2024)
  - Green Infrastructure Framework parameter plan (Farrells, 23 January 2024)
  - Land Use and Access parameter plan (Farrells, 23 January 2024)
  - Site Accesses and Footway/cycleway (Origin, SK08 Rev D, 07 March 2024)

- Site Accesses and Footway/cycleway – Northern Access (Origin, SK55 Rev D, 07 March 2024)
- Southern Site Access (Origin, SK50, 14 March 2022).
- Illustrative Masterplan (undated/un-numbered drawing)
- BNG Metric

3.7 As set out in the history section of this report, this application has been submitted following the refusal of two planning applications for residential development in March 2023. This current application is comparable to planning application 20/0882/OUT, and the main differences between that application and the current are summarised as follows:

- The current application includes space set aside for a two form entry primary school, which was not part of the previous application.
- As a result, the current application proposes up to 675 houses, compared to the previous scheme proposing up to 800.
- The illustrative layout has been revised, changing the illustrative configuration of roads and blocks of buildings within the site, as well as changing the position and areas of the central amenity space and drainage.
- Supporting documents have been updated where necessary as a result of the changes to the illustrative site layout, changes to legislation or due to the passage of time since their original production. These include amendments to the landscape strategy and to the drainage and biodiversity strategy.

3.8 Furthermore, a second application (24/0476/OUT) has been submitted for a development of up to 300 houses. Both that application and this current application fall to be determined on their own individual merits.

## 4 Consultation

### 4.1 Summary of Consultation Responses:

Active Travel England	9.1.1	Insufficient information
Affinity Water	9.1.2	No response received
Buckinghamshire Council	9.1.3	No response received
Chilterns Conservation Board	9.1.4	Object
Chorleywood Parish Council	9.1.5	Object
Chorleywood Residents Association	9.1.6	Comment received
Environment Agency	9.1.7	No comment
Hertfordshire County Council – Archaeology	9.1.8	Insufficient information
Hertfordshire County Council – Fire and Rescue	9.1.9	No response received
Hertfordshire County Council – Highway Authority	9.1.10	<i>Awaited</i>
Hertfordshire County Council – Lead Local Flood Authority	9.1.11	<i>Awaited</i>
Hertfordshire County Council – Minerals and Waste	9.1.12	No objection
Hertfordshire County Council – Growth and Infrastructure	9.1.13	Comment received
Hertfordshire County Council – Public Health	9.1.14	Comment received
Hertfordshire County Council – Water Officer	9.1.15	No objection
Hertfordshire Constabulary	9.1.16	Comment received
Herts and Middlesex Wildlife Trust	9.1.17	No response received
Herts Ecology	9.1.18	No objection
National Highways	9.1.19	No objection
Historic England	9.1.20	Concerns
National Grid	9.1.21	No response received

Natural England	9.1.22	Object
NHS Herts and West Sussex ICB	9.1.23	Comment received
Three Rivers District Council - Conservation Officer	9.1.24	Object
Three Rivers District Council - Environmental Health	9.1.25	No objection
Three Rivers District Council - Landscape Officer	9.1.26	Comment received
Three Rivers District Council - Landscape Consultant	9.1.27	Comment received
Three Rivers District Council - Leisure Development Team	9.1.28	No response received
Three Rivers District Council - Local Plans Team	9.1.29	Comment received
Three Rivers District Council - Housing Team	9.1.30	Comment received
Thames Water	9.1.31	No objection
Transport For London	9.1.32	No objection

4.1.1 All consultation responses are provided at Appendix 1 at the end of this report.

## 4.2 Public/Neighbour Consultation Responses

4.2.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Site notices have been displayed in various locations around the site, including at the existing entrance to the site serving the agricultural building and the footpath to St Clement Danes School, on posts at either end of the public footpath to the south of the site (Chorleywood 014), at the junction of Green Street/Shire Lane/Station Approach and at the eastern entrance to footpath Chorleywood 011 adjacent to the A404. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 407 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.2.2 Approximately 591 responses have been received, comprising 588 objections, 2 representations and 1 letter of support.

4.2.3 Site Notice: Site notices displayed 11 April 2024 (expired 12 May 2024).

4.2.4 Press Notice: Published 12 April 2024 (expired 13 May 2024).

4.2.5 Summary of letters of support:

- There is a massive housing shortage, this is in a sustainable location.
- Very low housing delivery in the area, most definitely lower than 1.9 years.
- No sign of a local plan.

4.2.6 Summary of Representations:

- This development is suitable for the inclusion of swift bricks within the walls which provide nest cavities for a number of birds.
- The proposed boxes are wholly insufficient for a development of this size.
- 350 swift bricks should be specified.

4.2.7 Summary of Objections:

### IMPACT ON GREEN BELT

- Development is inappropriate in the area and the village, runs against NPPF and TRDC policies.
- There are no very exceptional circumstances for this proposal.
- Need to protect Green Belt land.

#### IMPACT ON LANDSCAPE

- Obliteration of AONB.
- Views destroyed.
- Impacts the special character and distinctiveness of the AONB.

#### IMPACT ON HERITAGE

- Proposal would be visible from conservation area and will be a blight on the green nature of the area.

#### IMPACT ON HIGHWAYS

- Traffic is already a major issue in the area.
- More traffic will use back lanes.
- Green Street will be dangerous for school children to navigate.
- Impact on Heronsgate Road and Shire Lane has been ignored.
- All users would be forced onto single track roads to reach M25 and other routes, and exits from Chorleywood will become bottlenecks.
- No consideration of refuse collections.
- Traffic assessment doesn't consider the true peak times.
- Traffic assessment doesn't account for the narrow bridge under the railway or narrow pavement.
- No assessment of impacts on traffic and safety at railway station.
- Public footpaths unsuitable for more intensive use.
- Little regard has been given to the ability of the Green St/Station Approach junction to accommodate additional pedestrian, cycle and vehicle traffic generated as part of the proposals. The junction is substandard and cannot accommodate larger vehicles.

#### IMPACT ON INFRASTRUCTURE

- Chorleywood suffers from flooding, bad road surface, power cuts, there is no infrastructure to support an increase in population.
- The development will attract families to the local schools, causing others to drive out of the village.
- Primary schools are already oversubscribed.
- Who will pay to build and run the new school.
- Density at 31 dwellings per hectare is twice the density of Chorleywood.
- Local GP services are already stretched.
- There could be a water shortage.
- Insufficient tube capacity.

#### IMPACT ON ENVIRONMENT

- Loss of Green Belt and conservation area, destroy natural beauty and views to countryside, destroy habitat of many animals.
- Risk of sink holes.
- Will have direct impact on flora and fauna. No consideration given to skylark, or impacts of light and noise pollution.
- Will harm bats and newts.
- Proposal will increase air pollution.
- Would result in a net loss of biodiversity.

#### OTHER

- The harm the scheme would inflict would far outweigh any benefits.
- Scale and density out of keeping with the village.
- Concern about increase in crime and antisocial behaviour.
- Increased parking pressures in the village and at the station.
- Will turn Chorleywood into an urban environment.
- Should only be approved as part of a wider plan that takes account of other development projects, transport infrastructure and amenities.
- Unrealistic to expect people to walk with shopping bags from the local shops to the site.

- Very similar to previous schemes which were rejected.
- Not in the best interests of the village's sustainability.
- Unclear if affordable housing would actually be affordable.
- The applicant argues the need for housing, this should be determined through the preparation of a local plan, not by ad hoc planning applications.

4.2.8 Responses were also received from the following local organisations/groups (responses generally summarised):

4.2.8.1 Chenies Parish Council [Objects]:

- Chenies Parish Council has considered the above application and strongly objects to it.
- Chenies Parish directly faces the application site along its boundary with Green Street. The land on both sides of Green Street (including the entirety of the application site) is within the Greenbelt and within the Chilterns Area of Outstanding Natural Beauty. Quite apart from any other reasons for refusal these facts alone must result in a refusal of the application.
- The application site is previously undeveloped farmland outside the limits of the village of Chorleywood and represents inappropriate development of the Greenbelt and certainly would not enhance the AONB.
- This Council also strongly objects to the application on the basis of a lack of sufficiently robust infrastructure to serve an additional community of the size proposed.
- The A404 is already at full capacity along with Junction 18 on the M25 and this results in unsuitable use of narrow local lanes as cut-throughs.
- Water resources are under stress and local sewage treatment works are already working at full capacity - witness the ongoing sewage discharges into the River Chess.
- The residents of Chenies Parish typically use the amenities of Chorleywood for local shopping, doctor's surgery, station for travel to work and parking spaces in Chorleywood and at the station are already at a premium.
- The land on the Buckinghamshire (west) side of Green Street directly opposite the application site is currently the subject of an application for comprehensive re-development as a golf driving range and for football pitches. Chenies Parish Council has objected to this application partly due to the increased traffic this will generate and the pressure this will place upon the dangerous junction with the A404 and Green Street. It is hoped that Three Rivers District Council and Buckinghamshire Council as neighbouring Authorities will take a unified approach to these applications in protecting this invaluable stretch of Greenbelt and AONB. Development on the scale proposed would significantly change the entire character of the local area and the relationship between nearby settlements.
- The main purposes of the Greenbelt are for the preservation of the openness of the countryside and for the separation of settlements from each other. There is nothing in this application which would justify removing the application site from the Greenbelt.

4.2.8.2 Campaign to Protect Rural England Hertfordshire (Objects)

I write with regard to the above applications to which CPRE Hertfordshire objects strongly for the reasons noted below. This follows a previous consultation response to applications 20/0898/OUT and 20/0882/OUT, which were for the same linked sites, submitted by CPRE Hertfordshire on 3rd July 2020.

The present applications are effectively a re-submission of the previous proposals which were refused planning permission on 28th March 2023 and reference may be made to our previous comprehensive submission as noted above. The Planning Statements for each application are effectively identical, as they were in 2020, varying only in this submission in the slightly reduced number of units and the proposed provision of a two-form entry primary school in application no. 24/0538/OUT.

CPRE Hertfordshire believes that there has been no effective change in conditions or the circumstances affecting the sites. We remain firmly opposed to the present applications, support fully the Council's previous decisions with regard to these very similar proposals and re-iterate our concerns as follows.

1. CPRE Hertfordshire objects to these applications for inappropriate development in the Green Belt and the Chilterns National Landscape (formerly AONB), contrary to the policies of the National Planning Policy Framework (NPPF), the current Three Rivers Development Plan and the Chilterns AONB Management Plan.

2. The sites are currently open farmland on the eastern side of Green Street, outside the Chorleywood settlement boundary and not included in either the adopted Three Rivers Site Allocation Local Development Document, nor the emerging Three Rivers Local Plan. The sites lie entirely within the Green Belt and the Chilterns National Landscape (formerly AONB) where, under the provisions of the NPPF and the Three Rivers Development Plan, the applicant has to demonstrate very special circumstances sufficient to clearly outweigh the harm to the Green Belt caused by inappropriate development.

3. In these cases, there is the additional harm caused to the Chilterns National Landscape whose significance is such that there continues to be consideration of its designation as a National Park and further extension in area. We noted previously the findings of the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, with regard to the then Chilterns AONB: "In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn't just accept this as sadly unavoidable."

4. The Final Report continues to state: "The 'exceptional circumstances' provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation."(pages 102 and 107). CPRE Hertfordshire believes that the circumstances affecting the Chilterns National Landscape have become even more relevant in the last five years due to the continuing development affecting open countryside throughout the County.

5. The documentation accompanying both applications is, as previously, extensive but the essential decision remains with the planning balance as indicated in the NPPF paragraph 11(d) (Presumption in favour of sustainable development) and footnote 7, and Sections 13 (Protecting Green Belt land) and 15 (Conserving and enhancing the natural environment). Our previous submission (03.07.20) outlines the legal interpretation of the relevant sections of the NPPF and debate continues with regard to the significance of future housing need and provision in designated Green Belt.

6. What is not in doubt is the clear position stated in Section 15 of the NPPF regarding National Landscapes (formerly AONB) which states in paragraph 163: "When considering applications for development within... Areas of Outstanding Natural Beauty (now 'National Landscapes'), permission should be refused for major development other than in exceptional circumstances."

7. The Applicant attempts to argue that in the cases of both the Green Belt and Chilterns National Landscape, these designations do not provide clear enough reasons for refusing the proposed developments. CPRE Hertfordshire profoundly disagrees with these assertions with regard to both the purposes of the Green Belt as noted in Section 13 of the

NPPF, and the value and critical importance of National Landscapes as identified in Section 15.

8. With regard to Green Belt purposes, the Applicant accepts that the proposed development is on the urban fringes of Chorleywood but suggests that this is not “unrestricted sprawl” which is clearly wrong. Green Belt policy is precisely aimed at preventing sprawl and the magnitude of these proposals comprises an egregious example of inappropriate development and encroachment into open countryside, as is accepted by the Applicant.

9. We disagree profoundly that “the proposed development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB (sic)”. A proposed development of up to 675 units within the Chilterns National Landscape will self-evidently have a substantial impact on the surrounding open countryside.

10. The Applicant asserts that “the majority of the reasons (for the previous refusals of planning permission) related to the absence of a section 106 agreement to secure required obligations (seq)”. This is a deeply misleading statement.

11. Reasons 1, 2 and 3 refer to the undoubted harm which would be caused to the Green Belt, Chilterns National Landscape and the wider rural character and appearance of the area by the proposed major development. These are well supported, robust and policy based reasons for refusal and the remaining seven reasons for refusal relate to planning obligations and requirements which may or may not be satisfied by subsequent negotiations between the Council and Applicant.

12. The list of obligations are little more than would be expected of any development of the magnitude proposed, including educational provision. The “very special circumstances” required to be demonstrated by the NPPF should relate to specific conditions and circumstances of the site and not a general lack of housing, services and facilities which can be provided in a wide variety of more suitable locations.

13. In summary, we maintain our strong opposition to these proposed developments, as initially expressed in July 2020, and fully support the local community concerns and previous Council decisions. We urge the Council to continue to refuse permission for these speculative and inappropriate developments.

#### 4.2.8.3 The Chiltern Society (Objects):

The Chiltern Society strongly objects to this proposed development.

First, to get a bit of frustration out of the way. The Developer here is playing games and wasting everyone’s time. Withdrawing a proposal after rejection by TRDC, then presenting a new proposal, little changed from before. So, we are back to square one. We think TRDC should take a dim view of this unprofessional behaviour from the Developer.

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

Our key comments are set out below.

#### **General**

What has changed? In terms of the new application, very little, so the comments below are broadly similar to those presented a year ago. However, there has been a change to the NPPF, which we believe provides the basis for a stronger case against speculative



development. For example, there are changes to the status of the housing need measurement using the 'standard method' and, amendments to setting of Green Belt boundaries. The Local Plan has completed Regulation 18 consultation, and the Neighbourhood Plan is fully in place.

Although the Local Plan is not yet adopted, we believe the Reg 18 consultation together with the Neighbourhood Plan capture the voice of the local people sufficient to show that the proposed speculative development should be soundly rejected.

The draft Local Plan shows the local housing need can be met without the proposed site being developed. The Neighbourhood Plan expresses a strong view against uncontrolled, large scale, or poorly placed development, and minimising the loss of greenfield sites by, where possible, using previously developed sites. It also expresses a view to ensure development is sympathetic to, and improves, the look and feel of the Parish.

Overall, the proposed development is not 'sustainable'. It encroaches on National Landscape/Green Belt land; transport requirements exceed what the area can deliver; there is little provision for safe active travel; infrastructure and services are already at capacity and the character of the area cannot be enhanced by such a development.

The proposed development with "all matters reserved except for access" means that there can be significant change to the nature of the development over time. This shows a lack of commitment by the Developer to the scheme and its key parameters, including those for affordable housing and a primary school. These examples and the highly selective nature of the submission are reasons for rejection.

### **National Landscape (formerly AONB) and Green Belt**

National Landscape (AONB) and Green Belt land is highly protected as it is nationally important and defines the character of the area. A major development of 675 or 300 high-density houses, urban in its nature, is completely inappropriate and would be highly damaging to the character and openness of the area and levels of mitigation for a dominant development such as this will never mitigate, conserve, and improve or remedy the harm caused.

Development on National Landscape land requires "exceptional circumstances" (NPPF para 183) to be proven. This is a higher bar than Green Belt alone. "Exceptional circumstances" can be taken as meaning no other possible alternative can be found. The Developer has not shown any evidence that this is the case, so in our view "exceptional circumstances" do not exist in this case.

The Developer's assertion that "...the proposed development will not result in significant landscape or visual effects on the wider area, including the Chilterns AONB" is strongly contested and the submission fails to provide convincing evidence to the contrary.

Regarding development in AONB/Green Belt, the direction of travel from the Government is to conserve and enhance open land, whilst this proposal seeks to go in the opposite direction by 'urbanising' highly protected land.

To support their case, the Developer references other National Landscape sites where major developments have been approved – but there are probably more examples where there has been refusal!

### **Road Transport & Active Travel**

The submission addresses the A404, a narrow East-West corridor route connecting to the M25. This route, which serves many local villages, is already at capacity in peak hours. The Developer's assessments cover time periods 07:15 to 08:15 and 16:15 to 17:15 (weekdays) The road has a longer peak period than suggested, extending to 09:30 in the morning

covering schools' drop-off and 15:00 to 18:30 in the evening covering the schools' pick-up and 'home from work' traffic.

Further, irrespective of modelling, which addresses only theoretical use, the reality is that roads which are close to capacity will go quickly into gridlock when it's raining (more traffic), when accidents occur, during roadworks and with parked cars and vans restricting the highway, etc. Congestion is already frequently occurring today.

Account must also be taken of the many developments recently approved around the A404 corridor; Little Chalfont (c400 homes), Newland Park Chalfont St Peter (100+ homes) and Sarratt (c100 homes) which will also severely add to the congestion on this access route to the M25.

A404 congestion is today forcing traffic to use alternative 'rat-runs' through the narrow single-track country lanes. These narrow lanes, which serve North-South travel are a characteristic of the area and are frequently gridlocked today with peak hour schools runs, delivery vans, and the impact of diverted traffic when A404/M25 and other major roads are congested. Recent road closures have shown the sensitivity to high traffic levels on these narrow lanes with grid-lock conditions occurring throughout the day.

The Developer has not attempted to model the traffic conditions on all the roads important to Chorleywood residents.

There is little or no proposals for active travel.

### **Impact on Other Infrastructure**

There are serious negative impacts to the infrastructure serving Chorleywood. Significant concerns include the provision of medical services and wastewater treatment is already over capacity (quote "Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal"). Local flooding has already occurred. Village parking is already at capacity as is parking at Chorleywood Station. The Chiltern Line and Met Line are over capacity in peak hours.

The provision of school places is a major concern. The Developer mentions under capacity in local schools but fails to mention that this current spare capacity is at schools outside safe walking or cycling distance. School-run traffic will increase significantly and will add stress to the narrow lane issues mentioned above. Chorleywood's narrow lanes do not support safe walking or cycling or indeed any significant extra road transport.

### **Biodiversity & Ecology**

Both developments will significantly adversely impact the biodiversity and ecology of the area due to their scale and high-density urban character. For example, the engendered Skylarks are resident in the area. By the Developer's admission biodiversity net gain can only be achieved by off-site measures. This is totally unacceptable for a National Landscape/Green Belt area.

### **Summary**

The use of highly selective data casts doubts on the veracity of the whole submission and with "all matters except for access" as reserved matters demonstrate a lack of commitment by the Developer to the key parameters of the submission.

The National Landscape and Green Belt status of the land offers a high level of protection, and a development of this scale is totally inappropriate and will cause considerable harm to the environment, openness, biodiversity, and character of the area whilst stretching local infrastructure and services which are already at capacity.

The assessment on the impact on transport is inadequate. The assessment timeslots are incorrect, and no account is taken of the impact to the extra traffic in the narrow lanes that form the character of the area. The narrow A404 serving a number of local towns and villages is an already congested East-West corridor near capacity. There is no assessment of the impact on the local narrow lanes which are already frequently gridlocked at peak times (e.g., access to J17 M25)

Local infrastructure, schools, parking, rail travel and medical and water/wastewater services are all at capacity and will not support this development.

The Chiltern Society, therefore, recommends refusal of the application.

## **5 Reason for Delay**

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

## **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.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

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.

Countryside and Rights of Way Act 2000

Levelling-up and Regeneration Act 2023

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 2017, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In December 2023 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF is equally clear that "existing [development plan] policies should not be considered out-of-date simply because

they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework” (NPPF Annex 1: 225).

A number of NPPF chapters are relevant to the consideration of this application, with the most important being:

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 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
- 16 – Conserving and enhancing the historic environment

### 6.3 The Three Rivers Local Development Plan

The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013), the Site Allocations Local Development Document (adopted November 2014) and the Chorleywood Neighbourhood Plan (adopted 2021) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2 (Development in Key Centres), CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children’s Play Space), DM13 (Parking), Appendix 2 (Design Criteria) and Appendix 5 (Parking Standards).

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). The following policies are relevant to the current proposal: 1, 2, 4, 5, 8, 9, 10, 13, 15.

Hertfordshire County Council’s adopted Minerals Local Plan 2002 – 2016.

The Waste Core Strategy and Development Management Policies 2011–2026

The Waste Site Allocations Development Plan Document 2011–2026

### 6.4 Other

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

Chilterns Building Design Guide 2010.

Chorleywood Common Conservation Area Appraisal (2010)

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

## **7 Planning Analysis**

### **7.1 Principle of Development – Impact on the Green Belt**

- 7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.
- 7.1.2 Development Management Policy DM2 notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded full weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.
- 7.1.3 The NPPF at para 142 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Para 143 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.4 Para 145 states that “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”. This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.
- 7.1.5 Para 150 states that “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access...”
- 7.1.6 Paragraph 152 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Para 153 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

- 7.1.7 Para 154 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.
- 7.1.8 Paragraph 155 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
  - b) engineering operations;
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.1.9 This application, submitted in outline form, proposes the construction of a primary school and a residential development, necessarily involving the construction of a substantial number of new buildings, car parking areas, roadways, lighting and hard and soft landscaping works including tree removals.
- 7.1.10 In respect of paragraph 155, the proposed development does not fall into any of categories a, c, d, or f. As regards categories b and e, whilst the proposed development involves considerable engineering operations and a material change of use, these are primarily associated with and contingent upon the construction of buildings and roads to form the development including school and not to be undertaken for any other purpose. In any event, the resultant land levels, and built form consequent upon the engineering works on the site, and the use would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 155.
- 7.1.11 In *R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 the court held that the concept of openness referred to “the underlying aim of Green Belt policy...“to prevent urban sprawl by keeping land permanently open...and is also linked to the purposes to be served by the Green Belt...it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept.” Having regard to the

above, it is considered that the proposed development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any of the exceptions in paragraph 154 or 155 of the NPPF. Furthermore, it would not fit within any exception set out in the statutory development plan. It would constitute inappropriate development contributing to urban sprawl and failing to safeguard the countryside from encroachment, in conflict with the purposes of Green Belt set out in NPPF 143. It would also harm the visual amenities of this part of the Green Belt for the reasons set out in more detail below. The NPPF 152 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.12 The benefits of the case as put forward by the applicant to support their case for Very Special Circumstances are outlined at section 7.20 below.

7.1.13 As noted above, paragraph 153 of the NPPF states that “Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”. Accordingly, before establishing whether a case for very special circumstances exists or not, it will be necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.

7.2 Principle of Development - Impact on the Chilterns National Landscape and the surrounding area

7.2.1 The application site is located wholly within the Chilterns National Landscape (formerly Chilterns AONB). The Levelling Up and Regeneration Act (2023) amends the Countryside and Rights of Way Act 2000, amending S85 (general duty of public bodies etc) to insert the following:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

7.2.2 Policy DM7 of the Development Management Policies LDD states:

“In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

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

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

7.2.4 At paragraph 182 the NPPF states:

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

their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”

7.2.5 At paragraph 183 the NPPF states:

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

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

7.2.6 Footnote 64 notes that in respect of paragraph 182/183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

7.2.7 Therefore, it is necessary to establish whether the development subject of this application is major development having regard to footnote 64. This application proposes development on a previously undeveloped green field and Green Belt site, and whilst access is the only matter for consideration, the development would by necessity include access roads, formal and informal amenity spaces and other infrastructure to support the 675 houses and a new primary school. On this basis, it is considered as a matter of planning judgement that the nature and scale of this development, in addition to its setting on an undeveloped site, is a major development. Therefore the requirements of Paragraph 183 of the NPPF would need to be met in full.

7.2.8 Whilst submitted in outline, the quantum of the development (ie up to 675 houses and a new primary school with associated infrastructure) is clear and indicative layout drawings have been provided to show how the development might be set out.

7.2.9 Chapter 13 of the ES refers to Landscape and Visual impacts. It notes that during construction, the only significant effects on landscape character will relate to the site itself and its immediate setting, with construction having a major adverse effect on the character of the area, and a significant moderate adverse effect on the landform of the site due to localised cut and fill to accommodate the new roads and houses. It sets out that the construction site would be visible from residents living to the immediate east and south of the site, and users of Green Street would experience moderate adverse effects.

7.2.10 The report states that at 15 years after completion of the final phase, when proposed planting would have matured, the only significant direct landscape effects would be within the site. The change from improved grassland to an area of housing and associated open space is considered to have a moderate adverse effect on the current rural landscape character of the area. The only significant adverse effect on landscape features would relate to the removal of the improved grassland, though this would be partially compensated for by the introduction of green infrastructure. The benefits are also explained, including the introduction of open space, over 1500 linear metres of including new hedgerows, and planting of woodland species around all of the site boundaries resulting in a moderate beneficial effect on woodland and hedgerow vegetation within the site. The proposals would also result in moderate beneficial effect on pedestrian movement and access through an area currently inaccessible to the public. To the east, a small number of residential occupiers would experience moderate adverse changes to their private views of the site



and there could be moderate adverse effects on users of Chorleywood 014 footpath as its rural context would be changed to being a green corridor with housing beyond.

- 7.2.11 The Chilterns Conservation Board (CCB) have been consulted in respect of the impacts on the AONB and their response is detailed at paragraph 9.1.4 below. The CCB raise objections to the proposal on the basis that they consider the proposal would neither conserve nor enhance the natural beauty of the Chilterns AONB. Natural England have also provided comments on the proposal and in respect of the submitted LVIA at 9.1.22 and raise objection on the basis that the proposal will have a significant impact on the purposes of designation of the Chilterns AONB. They also consider that the submitted LVIA has not assessed the special qualities of the AONB. The LPA has also sought independent advice from a consultant in respect of the applicant's Landscape and Visual Impact Assessment and the site layout within the illustrative masterplan, and their comments are at paragraph 9.1.27. They raise a number of concerns in respect of the methodology for undertaking the LVIA, highlight that the LVIA provides no consideration of the effects of the proposed development on the Chilterns National Landscape, and no considerations as to the effects of the proposed development on the Green Belt. They suggest the schemes would equate to considerable harm to the landscape and visual resource of the area.
- 7.2.12 At paragraph 7.20 below the applicant's case for exceptional circumstances to justify this development in the Chilterns National Landscape are set out.
- 7.2.13 Given that any design and layout matters are likely to be fundamental to the acceptability of this development in the Chilterns National Landscape, it is likely that officers would, in the event outline planning permission is to be granted, consider it reasonable and necessary to secure by condition details of design principles which demonstrate regard has been had to the Chilterns Building Design Guide, to ensure any development is respectful of the CNL location. It is considered necessary and appropriate that design principles be secured as part of the grant of any outline planning permission to ensure that a sensitive approach is established now which has full regard to the characteristics of the National Landscape. Officers consider that it would be essential for this to carry through to any Reserved Matters submission in the event outline planning permission is granted.
- 7.3 Impact on the character and appearance of the locality
- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.2 Policy 2 of the Chorleywood Neighbourhood Development Plan requires all developments to demonstrate how they are in keeping with and where possible enhance the special characteristics of Chorleywood. All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design. The Chorleywood Neighbourhood Development Plan states that "the Parish's key feature is its 'rural feel'" and that "however you enter or leave the Parish you cannot fail to appreciate the 'rural character Chorleywood has".
- 7.3.3 This application is submitted in outline, with only matters of access for detailed consideration. An illustrative parameter plan has been submitted which indicates a maximum building height of 12.5m (ie 3 storeys) for buildings running parallel to Green Street, and either side of the existing dip in the landscape which is to be used to contain

SUDS, Green Infrastructure and Open Space. All other buildings would be up to 10m (ie 2.5 storeys).

7.3.4 The provision of a new vehicular access would impact the character and appearance of Green Street, introducing an urbanising feature along what currently has the characteristics of a rural lane. Formation of access points would result in the loss of some vegetation. However, it is noted that replacement planting and enhancements to existing landscaping could be sought at the reserved matters stage. The development would include the introduction of new bus stops with flags and shelters, which could also add to the urbanising impact of the development.

7.3.5 As noted above, the final design of the proposed development would be an essential consideration, with the LPA placing great importance on any development having regard to the important characteristics, features and design context of the Chilterns National Landscape. This application does not consider Appearance or Layout (which are reserved for consideration at a later date).

#### 7.4 Affordable Housing and Housing mix

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

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

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

7.4.4 Therefore, the development of 675 houses would be expected to make an affordable housing contribution of 304 houses, of which 76 would be First Homes, 213 would be Social Rent and 15 intermediate. The affordable housing must be secured at the outline stage.

7.4.5 The submitted Planning Statement sets out that the development would seek to deliver 50% of the development (ie up to 338 houses) as affordable housing, meeting the 25%/70%/5% tenure split set out above. This would exceed the minimum requirement and meet the necessary tenure mix.

7.4.6 In respect of housing mix, the 2020 Local Housing Needs Assessment suggests the highest need for three bedroom market houses, two bedroom affordable home ownership houses and 1 bedroom social/affordable rented houses. The indicative housing mix at table 3.1 of the Planning Statement suggests 38% of housing would be three bedroom, 30% two-bedroom, 19% one-bedroom and 13% four-bedroom. The final details of this can be secured by condition attached to any outline planning permission for future agreement, to ensure the council's needs are met. Regard must also be had to Policy 4 of the Chorleywood Neighbourhood Development Plan which requires dwellings suitable for elderly/disabled persons or smaller dwellings suitable for first time buyers/downsizers to be provided.

#### 7.5 Impact of proposal on heritage assets

- 7.5.1 Strategic Objective S10 of the Core Strategy is “To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings”. Core Strategy Policy CP12 states that “in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets”.
- 7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:  
“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 7.5.3 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.”
- 7.5.4 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.”
- 7.5.5 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...”
- 7.5.6 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, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
- 7.5.7 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.5.8 Chorleywood Neighbourhood Development Plan policy 1 states that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.

- 7.5.9 The Environmental Statement includes a chapter on Cultural Heritage (Chapter 9) which assesses the potential effects of the proposed development on the historic environment.
- 7.5.10 Impact on the setting of the Chorleywood Common Conservation Area
- 7.5.11 Chorleywood Common was designated a conservation area in 1976 and was designated for its historic and architectural interest (which originates from the open rural nature of the Common and the integration of the built form surrounding it). Historically the common has been used for grazing land used by the commoners for the exercise of their common rights of pasture and to harvest wood. The existence of trees and scrub land contrasts strongly with the appearance of the Common in past centuries when the area would have been free of such greenery. The character appraisal notes “The built form located along the fringes of the Common is considered to be subservient to the vast expanse of the Common, thus, maintaining the open and rural character of the Conservation Area”. The appraisal sets out that “the overwhelming character of the Chorleywood Common Conservation Area is rural, centring around an open common”. It states that “To the west of the Common again the variations in land levels create an interesting feature within the Conservation Area. The layout of the dwellings, by Old Common Road and their varying heights relate to the topography of the land level creating an interesting landscape as viewed from the common”. The appraisal states “views within, into and out of the Common and surrounding areas can add to the character and appearance of the conservation area. It is important that these views are maintained and not disturbed by inappropriate forms of development”.
- 7.5.12 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.5.13 The Cultural Heritage chapter of the submitted ES sets out that the main impact, which would arise during the operational phase, was assessed to be the impact upon the wider setting of the Chorleywood Common Conservation Area. It sets out that design mitigation is incorporated, including locating the development to the west side of the site, retaining planted screening, retaining building heights up to 12.5m, with the tallest located where they would have least impact, and providing additional landscaping. The impact is set out as being moderate adverse, equivalent to a medium degree of less than substantial harm (Para 9.6.20).
- 7.5.14 The LPA’s conservation officer (9.1.24) and Historic England (9.1.20) have both raised objections to the proposal relating to its impact on the Chorleywood Common Conservation Area and its setting. The conservation officer raises an objection on the basis that the proposal would result in a medium level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the urbanising effect on the setting and the environmental changes including the change in the use, the light spill and movement. Historic England consider the development would detract from the overall rural character and appearance of the wider landscape and harm the setting and significance of the conservation area. They consider the impact on the conservation area could be further reduced by drawing the development away from the eastern boundary of the site, and they recommend the scheme be refused.
- 7.5.15 Impact on the setting of the adjacent Listed Buildings
- 7.5.16 There are a number of listed buildings close to the site, but no listed buildings directly adjoin the site. To the north of the site fronting Green Street are the grade II listed Great Greenstreet Farmhouse and two grade II listed barns.
- 7.5.17 The Cultural Heritage chapter of the submitted ES suggests that the site’s current contribution to the significance of these listed buildings is low. It suggests that there is likely to be a permanent long term effect on the Great Greenstreet Farmhouse and barns of minor significance and suggests the design of the proposed development would provide

mitigation. The Conservation Officer considers the proposal would not harm the significance of the adjacent listed buildings.

#### 7.5.18 Impact on Archaeology

7.5.19 In respect of Archaeology the submitted Cultural Heritage chapter sets out that the below ground archaeological resource is considered to have a high sensitivity to change, and the magnitude of change is considered to be large with the significance of the environmental effect on the below ground archaeological resource across the site, without mitigation, being major. In respect of mitigation, intrusive archaeological investigations are proposed across the site, and each phase of the proposed development will be mitigated through a programme of fieldwork following an agreed Written Scheme of Investigation.

7.5.20 The County Archaeological advisor comments on this point within their consultation response (9.1.8) and requests trial trenching be undertaken prior to any decision being taken, given the geophysical survey report notes anomalies which may represent heritage assets. Trenching would enable them to assess the significance of any assets and also review other areas that are blank. This information would also allow an informed design for the masterplan which appropriately considers the historic environment.

7.5.21 As part of the assessment, it will be necessary to establish the harm that might arise from the development on underground heritage assets. If the lack of information is considered to result in a potential level of substantial or less than substantial harm, this would need to be weighed against the public benefits of the proposal.

#### 7.6 Highways Impacts

7.6.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.

7.6.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

7.6.3 The NPPF at para 114 sets out that in assessing specific applications for development it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

7.6.4 Paragraph 115 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

- 7.6.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.6.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
  - j) It is appropriate in scale to the existing infrastructure...*
  - k) It is integrated with the wider network of transport routes...*
  - l) It makes adequate provision for all users...*
  - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
  - n) The impact of the proposal on transport has been fully assessed...*
  - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.6.7 Policy 10 of the Chorleywood Neighbourhood Development Plan requires developments of 10 or more dwellings to provide satisfactory information and proportionate evidence which demonstrates that the development is or could be practicably made accessible to Chorleywood station and environs around Lower Road by safe pedestrian and cycle routes. Policy 15 states that existing public rights of way and means of public access will be protected and where possible enhanced by any development.
- 7.6.8 This application includes a number of highways works and as explained above, whilst the application is submitted in Outline form, matters of access are for full consideration as part of the application. The impact of the proposed highway works are to be assessed by Hertfordshire County Council as the Local Highway Authority, and National Highways as the Highway Authority for the strategic road network. Active Travel England are also a statutory consultee considering how active travel is incorporated into the development.
- 7.6.9 This application would include the following works to the highway:
- Formation of access (vehicular and pedestrian/cycle) to the site from Green Street south of the existing cattle barn.
  - Formation of access (vehicular and pedestrian/cycle) to the site from Green Street north of the junction with Orchard Drive
  - Alterations to Green Street to provide right turn lane for vehicles travelling from Chorleywood to enter the site.
  - Alterations to the junction with Orchard Drive to provide revised pedestrian crossing arrangement.
  - Widening of footway along Green Street to 4m from the northernmost access to the site down to Orchard Drive, with the footway to be 3m south of this, and provided as a footway/cycleway.
  - Additional bus stops introduced on Green Street close to site entrance.
  - Provision of tactile paving and wider footway at Gilliat's Green.
  - Renewal of highway markings of existing pedestrian crossings at junction of Green Street/Station Approach
  - Provision of new parallel crossing north of Green Street service roads (opp No. 51 and 58).
  - Reconfiguration of the Green Street/Station Approach/Shire Lane/Homefield Road junction to provide two lanes approaching the junction from Green Street
  - Contribution toward additional cycle parking at Chorleywood Station and an additional ticket gate.

- 7.6.10 At the time of writing Hertfordshire County Council as Highway Authority have not provided comments on the application. They have sought additional clarification from the applicant's Highways Consultant and are awaiting receipt of that information. Concerns have been raised in respect of highways matters by members of the public and the Parish Council and those concerns are being reviewed by the County Council alongside the applicant's submissions.
- 7.6.11 The submitted information has been reviewed by National Highways (Para 9.1.19), and TfL (9.1.32) and their consultation responses are reported.
- 7.6.12 National Highways have raised no objections to the proposal, confirming the presented trip generation, distribution and assignment are acceptable, and overall numbers of trips predicted to reach the strategic road network are reduced.
- 7.6.13 Transport for London have requested improvements to walking and cycling infrastructure to the station from the site to accommodate increased trips, and increased cycle parking at the station. They have also requested a financial contribution, to be secured by S106, towards new ticket gates at Chorleywood Station. Subject to the costs of the entrance gate being secured by S106, TfL have no objections.

## 7.7 Vehicle Parking

- 7.7.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions set out in Appendix 5.
- 7.7.2 As previously noted, this application is submitted in outline with matters of access for consideration. The site's layout would be considered at a later date as a reserved matter and it is expected that the proposed car parking layout and provision would be dealt with at that time. Having regard to the number of dwellings proposed on site, it is acknowledged that a significant number of car parking spaces would be required (at least 675) in addition to car parking for the new school. It is considered that the quantum of spaces could be accommodated within the site.

## 7.8 Impact on amenity of neighbouring occupiers

- 7.8.1 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.
- 7.8.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.8.3 The application is submitted in outline, with matters of access for consideration. However, the application is accompanied by an illustrative masterplan which suggests a form of development where a significant buffer distance could be maintained between the rear gardens of properties fronting Orchard Drive and Woodlands Lane, and the houses within the development site.

## 7.9 Pollution – Air Quality

- 7.9.1 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;

7.9.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
- Introduce new point sources of air pollution e.g. furnaces.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.

7.9.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.9.4 The Environmental Statement includes a Chapter on Air Quality, informed by an air quality assessment. This shows that with the baseline pollutant concentrations and proposed traffic generation onto the existing road network, the impact of new vehicle emissions from the proposed development would be negligible. Mitigation measures could be used to reduce impacts at the construction phase. The Environmental Health officer has reviewed the submission and raises no objections.

#### 7.10 Pollution – Noise and vibration

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 sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.10.3 The Environmental Statement includes a chapter on noise and vibration impacts and any potential mitigation. The Environmental Health Officer has considered the submission and their comments are reported.

#### 7.11 Pollution – Light

7.11.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.



- 7.11.2 Chapter 13 of the Environmental Statement reviews the landscape and visual impacts, including lighting and suggests the proposals would not have significant night time impacts, and would have a minor adverse effect.
- 7.12 Pollution – Land Contamination
- 7.12.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.
- 7.12.2 The application is accompanied by a preliminary contamination risk assessment which suggests a low risk.
- 7.13 Impact on Wildlife, Biodiversity and Agricultural Land
- 7.13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.13.2 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.13.3 Footnote 62 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.
- 7.13.4 Paragraph 185 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.13.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.13.6 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.13.7 The applicant has submitted an Agricultural Land Classification which concludes the land is Grade 3B land which is not considered best and most versatile land.
- 7.13.8 In respect of biodiversity, the submission includes Biodiversity Net Gain calculations which detail that the development would result in a 17.05% increase in habitat units and 45.46% increase in hedgerow units. The gain is achieved with the creation of both on-site and off site habitats. Herts Ecology have reviewed the proposed BNG, and raise concerns about

the viability of providing meaningful BNG off-site within an otherwise formal sports complex. Sufficient information has been received to determine the application and achieving the gains would be secured by the mandatory condition, S106, and alongside a requirement to provide a habitat management and monitoring plan

7.13.9 In respect of protected species, Herts Ecology have reviewed the submitted reports and do not consider that protected species would represent a fundamental ecological constraint to the proposals. Mitigation measures are proposed and these could be secured by planning condition. Concerns are raised in respect of the scheme generating further recreational pressure on Chorleywood Common Local Nature Reserve and mitigation of those additional pressures being proposed. Officers consider this could be secured by condition.

#### 7.14 Impact on trees and landscaping

7.14.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.

7.14.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.

7.14.3 The NPPF sets out at para 186c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

7.14.4 The application is accompanied by an Arboricultural Report which sets out that trees will need to be removed within the roadside belt to create the access to the site, but other than these no other trees would be removed. The potential for a scheme to deal with the number of Ash trees and the potential impacts of Ash Dieback is also considered. Whilst the development

7.14.5 The Tree and Landscape Officer notes that the site boundaries would be retained or supplemented with new planting, and the proposal would allow for substantial new tree, shrub and hedge planting, and raises no objections in respect of Arboricultural impacts.

#### 7.15 Energy Use

7.15.1 Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

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

7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013)

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

7.15.4 The application is accompanied by an Outline Energy and Sustainability Strategy (ES Appx 3.1). This sets out that the proposed development is predicted to exceed Part L 2021 carbon emission reduction requirements. As this application does not seek approval for the appearance or layout of the proposed buildings, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

#### 7.16 Flood Risk and Drainage

7.16.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.16.2 The application has been accompanied by a Flood Risk Assessment and this is in the process of being reviewed by the Lead Local Flood Authority. Their comments have not been received.

7.16.3 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The Environment Agency have advised that there are no constraints within their remit at the site and therefore they raise no comments but encourage the use of Sustainable Drainage Systems and water efficiency measures.

7.16.4 Affinity Water have advised that the proposed development site is located within an Environment Agency defined Source Protection Zone and have advised that any pollution found at the site should be suitably monitored and remediated. They have also advised for the need for a Ground Investigation to be undertaken should any excavations be required below the chalk groundwater table.

7.16.5 Thames Water have confirmed that they have identified an inability of the existing foul water network infrastructure to accommodate the needs for the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all foul water network upgrades are completed or a phasing plan agreed.

#### 7.17 Refuse and Recycling

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

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

- 7.17.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.
- 7.17.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. HCC note the submitted Outline Solid Waste Management Strategy which states a SWMP would be prepared, along with a Construction Traffic Management Plan and Construction Environmental Management Plan, and that overall the strategy provides a good base for the production of a SWMP which should be secured by condition.
- 7.17.4 In relation to minerals, the site falls just outside the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt, is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 7.17.5 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.17.6 In respect of domestic waste, it is considered that further details regarding the storage and management of waste on site would be considered at the reserved matters stage.
- 7.18 Infrastructure Contributions
- 7.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sq.m of residential development in this area is £180 (plus indexation).
- 7.18.2 Transport for London have requested a financial contribution be secured of £500,000 (index linked to 2021) to enable an additional ticket gate to be installed at Chorleywood Station. This would enable the development to mitigate its impacts in terms of the additional demand at Chorleywood Station, and encourage the use of sustainable means of transport. Their comments also state that additional cycle parking in and around the station should be provided. A
- 7.18.3 It is anticipated that Hertfordshire County Council as Local Highway Authority will require contributions and highways works to be secured. Further details will be provided once received.
- 7.18.4 Hertfordshire County Council as Education Authority have calculated that contributions are required toward Primary Education (this includes a contribution toward the delivery of a two form entry primary school which should accommodate nursery education), a financial contribution of £4,795,200 toward the expansion of Croxley Danes School, £639,598 towards Special Educational Needs and Disabilities education, and a monitoring fee.
- 7.18.5 The Hertfordshire and West Essex Integrated Care Board have requested £872,038 toward healthcare facilities in the area.
- 7.19 Referral to Secretary of State
- 7.19.1 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. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

7.19.2 Furthermore, in accordance with the comments received from Natural England, in the event TRDC is minded to grant planning permission it would be necessary under S281 of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permissions, the terms on which it is proposed to grant it and how the authority has taken account of Natural England's advice and allow a further 21 days before the operation can commence.

## 7.20 Benefits of the Scheme

7.20.1 The applicant has suggested the following planning benefits would be realised from the scheme and this forms the applicant's case for very special circumstances (Green Belt), exceptional circumstances (AONB/CNL) and public benefits (heritage harm). These benefits are summarised below and presented for information with no weighting given at this time:

- Sustainable Location for Development – Chorleywood is one of the most sustainable settlements in the District with a range of services and facilities serving the local population and is an appropriate location for future development. The site is on the urban fringe of Chorleywood and is well-connected to Chorleywood Station and other public transport links and the village core. The development would make efficient use of this highly sustainable location, contribute to the vitality and viability of the existing settlement and promote sustainable transport modes to reduce the reliance on the car.
- Meeting Housing and Affordable Housing Need – there is a serious shortfall in supply and delivery of market and affordable housing. The proposal would deliver 675 homes and the housing mix would meet local housing need for smaller homes suitable for first time buyers and downsizers as set out in the Chorleywood Neighbourhood Plan as well as family housing. The delivery of 675 houses would equate to 0.9 years supply of the Council's housing need based on the current target of 764 homes per year. The proposal would also deliver 50% (338) affordable homes with a policy compliant tenure split, exceeding the policy requirement percentage overall.
- Land for a two form entry primary school – The development would provide 2ha of land and a financial contribution toward the future delivery of a primary school to be delivered by HCC. There are currently 6 primary schools in the area with spare capacity for 25 pupils, and the need from the development is 220 places. The primary school would deliver an additional 225 places above the development's own need.
- Provision of Local Community Facilities – The proposal will guarantee the delivery of new high quality sporting and community facilities for the local community at the Chiltern Hills Golf Course (CHGC) site to the west of the application site.
  - Through cross-subsidisation of the proposed development, Chorleywood Common Youth Football Club would be given provision of new football pitches and a permanent clubhouse for their use. Chorleywood Golf Club would be granted a long-term lease at a peppercorn rent. CHGC benefits from planning permission for an 18 hole golf course and clubhouse with outbuildings, car park and access. Buckinghamshire Council are considering a planning application to amend previous planning permissions at the site to allow for recontouring of the site to

include a golf driving range/practice area and green plateau for use as football playing pitches, the erection of a temporary clubhouse to serve the football club for 5 years. The site is well located to serve the football club. Due to increased demand the club has a shortage of playing pitches. The proposal would create a community sports hub which would not only serve existing players and members of the club but would allow the club to expand its offering and meet local demand which it is currently unable to do. This would enable football for all and facilitate new sports clubs beyond football (running, cycling, fitness for example). It would generate new revenue streams for the club, allowing staff to be employed.

- Chorleywood Golf Club is a small community club, founded in 1890 as the first golf club in Hertfordshire. It is currently located at the 9 hole course on Chorleywood Common but has an aging membership and difficulties operating a golf course from the common. The common offers a number of difficulties as a golf course, including being insecure from damage, poor quality, causing danger to public users, car park congestion, inability to police Green fees, restrictions of Sunday afternoon golf, and absence of practice facilities. It is proposed that Chorleywood Golf Club would be granted a long-term lease on CHGC at a peppercorn rent, enabling the club to operate from both sites and improve its offering to attract new memberships.
- Economic Benefits – Development will support on average 120 on-site construction jobs for the 7 year construction period, generating £58.4million of GVA over the construction period, generate around 150 full-time equivalent jobs for Three Rivers, provide increased residential expenditure of £3.5million per annum, and provide £28.6million income over 20 years including revenue from New Homes Bonus, Council Tax and Community Infrastructure Levy.
- Open Space and Play – The council’s most recent assessment of the open space needs in Three Rivers shows a shortfall in ‘parks and amenity greenspace’ in Chorleywood with no formal park provision. There are also gaps in walk time catchments for children and young people, and this is particularly detrimental to the north of Chorleywood as existing provision comprises The Swillet play area. The proposal will deliver a range of multifunctional green spaces, providing opportunities for children’s play, recreation paths and biodiversity enhancement, and the level would be above that required to serve the development itself.

7.20.2 In addition to setting out the proposed benefits of the scheme, the application sets out that there is a lack of alternative sites. The applicant sets out that 77% of Three Rivers is Green Belt and a further 6% is in the Chilterns National Landscape. There are 22 conservation areas, two in Chorleywood, and 350 listed buildings. The main settlements and built up areas comprise only 22% of the District Land Area. Therefore new opportunities for significant new development in Three Rivers on brownfield sites or areas not protected by specific designations generally are extremely limited. The applicant therefore suggests that in order to meet targets, greenfield sites and sites where development is typically discouraged such as Green Belt and AONB (National Landscapes) will need to come forward. The applicant sets out that for development to meet the significant need for Chorleywood, it needs to be delivered at the settlement edge of Chorleywood and therefore the AONB land must be considered. The applicant sets out that there is also a lack of alternative sites in or around Chorleywood, demonstrated through the lack of potential allocations in the Emerging Local Plan.

7.20.3 The benefits set out above would need to be considered by the decision maker

7.21 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt), Public Benefits (Heritage) and Exceptional Circumstances (National Landscape)

7.21.1 As part of the decision making process, there are various planning balances that must be undertaken by the decision maker. Whilst summarised in the title above, these are also explained in the relevant part of this report (for example, the need to consider very special circumstances is explained at the end of the Green Belt section of this report).

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

For decision-taking this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.21.3 In respect of d) i. the NPPF sets out that the policies referred to (that protect areas or assets of particular importance) include those relating to land designated as Green Belt, an Area of Outstanding Natural Beauty and designated heritage assets.

7.21.4 As part of the assessment of the proposal, it will be necessary to identify which policies are most important for determining the application, and the weight to be attributed to them notwithstanding that they may be considered out of date. It would then be necessary to undertake an assessment under i or ii above.

7.21.5 When undertaking this assessment, it will be necessary to have regard to the facts of this case, but also the principles of any similar cases in so far as they are material. In that respect, officers consider that the conclusions reached by the Planning Inspector in allowing two appeals for a total of 92 new houses and a new doctors' surgery on two sites off Church Lane in Sarratt should be taken into account, although it is acknowledged that application did not have the same heritage or National Landscape considerations as the current application. The following paragraphs of the Inspector's decision are considered to be of relevance:

*94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.*

*100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development. The overwhelming lack of supply of diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.*

*101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.*

7.21.6 In respect of the Planning Balance it will be necessary for the decision maker to take account of the material planning considerations to the case, and balance any adverse impacts of the development against the benefits put forward by the applicant (see section above) and any other identified benefits. Any adverse impacts are likely to primarily be identified as part of an assessment of the proposal against the statutory development plan and other material planning considerations. These would need to be weighed against the benefits which may also be identified as part of the assessment.

7.21.7 As part of a full assessment of the scheme to be presented at a later date, the full extent of any harm arising from the scheme would be identified, and this would be balanced against the benefits of the scheme to enable a recommendation to be made as to whether planning permission may be granted or not.

## 7.22 Site Visit

7.22.1 It is noted that this development is of a considerable size and scale, impacting a large area of land which is designated as National Landscape and Green Belt, as well as impacting the setting of a conservation area. On that basis, and given the case put forward by the applicant in support of their application and the LPA's housing delivery and housing land supply situation, it is recommended that Members agree to a site visit being arranged prior to the application being presented to Committee for a decision, to ensure Members have the opportunity to view the site and understand its topography and how it relates to its surroundings.

## **8 Recommendation**

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

8.2 There is no recommendation for a decision to be made at this stage in the consideration of the application. Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.



## 9 Appendix 1: Consultation Responses

### 9.1.1 Active Travel England (16 May 2024): [Deferral, more information needed]

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 this outline planning application for up to 675 no. residential dwellings (Use Class C3), a new two-form entry primary school, associated access and other infrastructure. All matters are reserved except for access.

It is understood that the site is not allocated within the Local Plan and *'The Emerging Local Plan does not identify the Site as a potential housing allocation.'* (Planning Statement 5.13)

It is also understood that in 2023, Three Rivers District Council (TRDC) refused outline planning permission for two applications relating to residential development at the Site (refs: 20/898/OUT and 20/0882/OUT). These applications were for 800 and 300 homes respectively. Various reasons were given for refusal, none of which relate specifically to active travel concerns, although the lack of a S106 agreement which meant 'the proposed development fails to maximise sustainable travel options', is understood to relate to a contribution towards a bus service, as well as an agreement to secure a Travel Plan, amongst other things.

ATE had no prior involvement in the above application or historical applications relating to this site. However, a planning application (24/0476/OUT) for 300 homes has been submitted at the same time as this application and ATE have been consulted on this, subject to a separate response.

#### **2.0 Summary**

While it is acknowledged that this application is currently at outline stage, there are numerous active travel matters that require attention in accordance with policy to ensure that sustainable development can be delivered in a way that enables and embeds walking, wheeling and cycling as the first natural choice for local journeys.

The quality of proposed active travel infrastructure and the means by which new residents of the development will access homes, local facilities and their place of work is of relevance. This will have a direct bearing upon the residual impacts of the development, but more importantly the health, lifestyles, and social inclusivity of future residents.

The submitted Planning Statement considers the proposals are in a *'Sustainable Location for Development'* and that being located *'approximately 1.1km north of Chorleywood village centre'* it is in *'within easy cycling distance, as well as within the maximum preferred walking distance.'* (Planning Statement 8.5)

The submitted Design and Access (DAS) explains that *'The site offers excellent potential for sustainable travel, with Chorleywood Train & Underground Station located a short 10-15 minute walk away.'* It goes on to explain that *'The design seeks to maximise the site's excellent sustainable transport potential. The scheme will connect and expand the existing route network surrounding the site, linking the proposed development to its surrounding established context.'*

The Transport Assessment (TA) identifies *'off-site improvements were previously proposed and agreed with Hertfordshire County Council as part of planning application 20/0882/OUT'*

*for up to 800 dwellings. In order to ensure pedestrian and cycle accessibility of the site.'*  
(Paragraph 4.5)

ATE believe the proposals have strong potential to contribute towards active travel given the sites sustainable location, within walking and cycling distance of Chorleywood District Centre, transport links and educational facilities. However, ATE believe that further steps can be taken ensure walking and cycling will be the natural first choice for many journeys as part of these proposals, in line within NPPF Paragraph 109. After considering the submission, ATE is requesting that the application is deferred and requests further assessment, evidence, revisions and/or dialogue as set out in this response and summarised below.

- Further consideration of trip generation for active modes
- A more thorough assessment of active travel routes
- Amendments/improvements to offsite active travel infrastructure
- Improving links to existing footpaths
- Revised approach to internal layout
- A more ambitious travel plan

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

To meet the requirements of government policy, new settlements need to effectively connect to their local area while providing the conditions that prioritise active travel. The following extracts are key considerations in the assessment and recommendations ATE make on planning applications:

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

- Safe and suitable access to the site can be achieved for all users (114).
- 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 (114)

Applications for development should (116):

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- 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;

The National Design Guide sets further expectations for Active Travel routes as follows:

82. ....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 well-chosen junctions and crossings, so that people want to use them.

Gear change: 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. Key requirements of Gear Change sets the following expectations for cycling infrastructure:

- Separation from volume traffic
- Separation from pedestrians
- Cycles treated as vehicles, not pedestrians
- Isolated stretches of good provision are of little value
- Routes must feel direct, logical, and intuitively understandable
- Avoiding cosmetic alterations

- Barriers should be avoided

In relation to new housing developments, LTN1/20 Cycling Infrastructure (2020) sets out how 'new housing development provides a major opportunity to create new and improved cycle infrastructure' (14.3.1), drawing attention to the following aspects of assessment:

14.3.6 It is important that the TA does not overestimate motor traffic travel demands, which could make it difficult to provide well-designed cycle infrastructure, particularly at the site access points. Travel demand forecasts should take into account the potential for the increased levels of cycling that will be enabled by high-quality cycle facilities, both on- and off-site.

**Inclusive mobility:** provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

**Active Design:** sets out how the design of our environments can help people to lead more physically active and healthy lives in relation to active travel (principle 3) and high-quality spaces (principle 5).

#### **4.0 Areas of Concern**

##### **Trip generation and assignment:**

The TA includes a multimodal trip generation and explains a Trip Rate Information Computer System (TRICS) analysis has been undertaken to establish person trip rates with Census 2011 Travel to Work data for the local area (Chorleywood) has been used to provide a mode share of the employment. The TA also explains that for the purposes of this trip generation assessment, it is assumed that the school will predominantly cater for site-related children.

Table 20 of the TA includes Combined Trip Generation by Mode across employment, education and retail trips. The TA notes that 79 (11%) trips are expected in the AM peak hour by train or underground and another 73 (13%) trips in the PM peak hour. Just 5 bicycle trips are expected in the AM peak hour and 3 in the PM peak hour and 180 AM and 110 PM walking trips.

The TA notes that Chorleywood Railway Station is located approximately 1km to the south of the site and is therefore within acceptable walking distance for commuting and within the preferred maximum walking distance for other trip purposes. It is also within acceptable cycling distance. (Paragraph 2.19).

Given the location of the site, close to national and underground rail links to central London, it is highly likely that a significant number of journeys to work undertaken by rail will involve either walking or cycling. The assessment could be made more robust through trip forecasting journeys which include active travel movements to the station as the current methodology risks underproviding for active travel.

##### **Active travel route audit:**

The submitted TA provides a description of surrounding walking / cycling conditions within section 2.0 and this is illustrated with several helpful photographs. However, there is limited analysis of the numerous deficiencies in the surrounding network nor analysis of the primary active travel routes to and from the site to surrounding services.

A thorough audit of routes to key services expected to be undertaken by active modes should be completed with consideration of their coherence, directness, safety, comfort and attractiveness in line with LTN 1/20 1.5 Core design principles as well as Inclusive Mobility guidance.

##### **Pedestrian access to local amenities:**

Table 4: Summary of local facilities (distances to centre of the site) of the TA includes local facilities along with the distance and walk and cycle times to them. Table 2 includes CIHT Guidelines for Acceptable Walking Distances, with between 400 and 1200 m identified as being between desirable and acceptable distances.

It is of note that many facilities are located towards the maximum walking distance from the site. There is also concern that the closest existing primary school is located 1.4km from the site, it is however recognised that this application intends to deliver a primary school as part of the proposal, which should address this issue.

Generally, walking and cycling distances are considered acceptable, however given they are towards the upper end of acceptable, it is considered that surrounding active travel infrastructure should be of an excellent quality to incentivise active journeys to and from the site and offer 'a genuine choice of transport modes' to encourage sustainable travel (NPPF paragraph 109).

**Cycling accessibility:**

Paragraph 2.18 of the TA explains that '*LTN 1/20 (Cycle Infrastructure Design) states that two out of every three personal trips are less than five miles in length, which is an achievable distance to cycle for most people.*' Whilst there are several facilities within this distance from the site, there is no surrounding segregated infrastructure with sufficient protection from motor traffic in accordance with LTN 1/20 such that most potential cyclists would be excluded, particularly less confident cyclists. It is therefore imperative that measures to improve this are of a sufficient standard as agreed with the local highways authority. This is addressed further below.

**Access to public transport:**

Paragraph 2.12 of the TA explains that '*The site is served by public transport with an hourly bus service between High Wycombe and Watford. Bus stops are located on Green Street, approximately 110m south of Orchard Drive. There are also bus stops located approximately 60m south of the A404 junction with Green Street.*'

It is noted that bus stops are approximately 230m and 480m from the edge of the site, however from dwellings within the site this distance increases. It is understood that discussions with Hertfordshire County Council (HCC) to determine whether a bus could enter the site with new stops within the site being provided are ongoing. This would result in all residents of the proposed development being within an acceptable walking distance of the bus service. ATE would welcome the HCCs view on the likely feasibility of such a service, as it is desirable for all residents to be within 400m of a bus stop if at all possible.

**Off-site transport infrastructure:**

Paragraph 2.5 of the TA identifies a number of offsite improvements previously proposed and agreed with HCC as part of planning application 20/0882/OUT. These offsite proposals have been proposed again in order to '*ensure pedestrian and cycle accessibility of the site.*'

ATE have reviewed these proposals and have the following comments to make:

- Green Street (adjacent to site up to Orchard Drive): footway /cycleway widening to 4m (Drawing SK08\_D)
  - Green Street Junction with Orchard Drive: a partial set back of the footway /cycleway with marked priority (Drawing SK51);
  - Green Street (south of Orchard Drive): footway /cycleway improvements including widening the footway /cycleway to 3m, tactile paving and better signing (Drawing SK52);
- The following comments apply to above three drawings.

The existing infrastructure includes a shared use path, with no buffer between the highway and footpath or treatment at side roads as well as posts which restrict useable width. This

plan shows intended changes to the footway across the site frontage along Green Street, from the northern perimeter footpath terminating part way along Green Street.

The proposed changes are considered to be an improvement on the existing situation, in so far as they provide treatment at side roads, affording pedestrians and cycling priority in accordance with LTN 1/20 Figure 10.15: Full set back, marked priority (bent-out) crossing. However, the overall approach is considered inadequate to deal with the proposed development and is not considered in compliance with LTN 1/20.

LTN 1/20 paragraph 6.5.6 states that shared use may be appropriate in some situations and goes on to set out the situations, e.g. places where there are few pedestrians, at and around junctions where cyclists will be moving at a slow speed.

Table 6-3 sets out recommended widths for cycle flows of up to 300 but is only appropriate to apply for situations previously described at 6.5.6. The applicant should therefore provide justification where shared use paths are provided as to how they meet the requirements set out in this section of LTN 1/20. While it may be that shared use is considered appropriate at some locations, the case for this should not purely rely on trip generation forecasts. This is particularly important given that these routes are likely to be used by those on the way to and from schools, and therefore there will be peaks where pedestrians and cyclists are likely to come into conflict.

A primary concern for ATE is the existing gradient on Green Street and the additional risk associated with pedestrian and cycle conflicts at speed, as well as the driveways this facility interacts with.

ATE would urge the applicant to provide a fully segregated cycle track on both sides of the highway between the northern perimeter footpath and the junction with Station Approach. The current approach requires cyclists to rejoin the carriageway at speed and represents an incoherent and incomplete network.

It is also queried whether a right turning lane into the site is entirely necessary. Its removal could allow for increased active travel width as well as reducing vehicle speeds.

- Green Street north of service roads: parallel crossing (Drawing SK49);

The introduction of a zebra and parallel cycle crossing is welcome. However, again there is a concern with the gradient and the position of this facility where cyclists will either be travelling at speed, see LTN 1/20 5.9.9, or needing to carry momentum cycling up Green Street. Thought could be given to providing this facility further up Green Street where the gradient plateaus. Between the two existing bus stops would facilitate those needing to cross Green Street to access either facility.

- *Green Street southern end: re-painting of zebra crossing (Drawing SK53);*
- *Station Approach: re-painting of the zebra crossing (Drawing SK31);*
- *Common Road: It is proposed to provide a tactile crossing point at the junction of Gilliat's Green with Common Road (Drawing SK54);*
- An additional 20 cycle parking spaces at the railway station;

The above interventions are supported, however it is of note that the SK31 works increase vehicle capacity with, paragraph 6.24 of the TA explaining *'by widening the Green Street arm, a small amount on both sides of the carriageway within the existing highway boundary, a lane of 2.75m width and a 2 vehicle flare of 2.75m width can be accommodated on the Green Street southbound arm'*. This is disappointing as it appears no improvements have been made to the surrounding poor quality footways in this area, with space in fact taken away from the usable footway.

Also, of concern is the narrow single footway underneath the railway line which appears to provide the only access to Chorleywood District Centre from the site. Confirmation is sought

regarding compliance with Inclusive Mobility guidance, which requires footways to be a minimum of 2m in width.

- *Widening of Footpath 14 to a 3m wide bituminous macadam surfaced footway /cycleway (Drawing SK12);*
- *A 3m wide footway /cycleway link from Footway 14 to the south-east of the site (Drawing SK12);*
- *A 3m wide footway /cycleway link from the north-east of the site to Footway 11 (Drawing SK12).*

The principle of the above interventions are welcome, however detailed drawings would need to be assessed.

### **Placemaking:**

#### *External*

The development will be set back from Green Street behind existing vegetation. Whilst it is understood that proposals intend to reduce the visual impact on the landscape, the nature of the sites alignment and lack of active frontage is likely to encourage higher speeds, which appears to be the national speed limit. However, clarity is sought regarding whether this speed limit will be reduced as part of these proposals. Regardless, it is felt the site should create a frontage onto Green Street to help reduce speeds but also assist with passive surveillance, increase feelings of safety and encourage vulnerable road users to travel actively.

#### *Internal*

Fig. 4.78 - Illustrative primary street section of the DAS shows that the Primary Street will be a two lane carriageway with dedicated cycle lane, parallel parking, tree pits and pavements. The general approach is supported, and it is encouraging to see dedicated segregated cycle track on both sides of the highway. The proposed design however risks indiscriminate parking on the cycle tracks - see example.

To address this, M.2.i Walking and Cycling Route of National Model Design Code Part 2 Guidance Notes explains Cycles should be separated from vehicles where possible and includes a cross section of a recommended street typology. Figure 6.3: Cycle tracks with full kerb separation from carriageway of LTN 1/20 also provides guidance on this matter. To improve quality of place, a green buffer can be provided.

Whilst it is understood the submitted masterplan in 'illustrative', it is of note that the above cycle track are not shown on the Primary Street.

General pedestrian and cycle permeability within the site appears acceptable. ATE would encourage the applicant to consider the necessity of creating a vehicle 'loop' within the site and whether filtered permeability could be introduced to reduce vehicle speeds. See Natural connections - Building for a Healthy Life Page 15 – 17 for examples.

It is unclear whether the existing footpath to the north will be accessible from the site and clarity is sought on this matter. In addition, whether the site will be accessible to pedestrians from the A404.

### **Cycle parking and trip-end facilities:**

Paragraph 4.11 of the TA explains that '*Vehicle and cycle parking provision will be in line with the guidance set out in the Supplementary Planning Guidance on Parking at New Developments (2002). It is not possible to calculate the required vehicle and cycle parking at this stage as the housing mix will be fixed at the reserved matters stage.*' Whilst this is welcome, given the age of this document it will be necessary to consider whether these accord with more recent standards within LTN 1/20.

### **Travel planning:**

Table 5: Green Street East, Chorleywood – Travel to Work Mode Share Targets of the Travel Plan anticipates an interim mode share target of just 8% of journeys to be undertaken by foot and 1% by bike. Car journeys are expected to be 11% whilst 30% of journeys will be undertaken by rail and 45% of residents will work at home.

As discussed earlier, it is likely that many journeys to work by rail will involve either walking or cycling to the station and this should be considered in more detail. It is also unclear why 45% of people are anticipated to work from home if 2011 census data has been relied upon. There are also no targets for a 5 year travel plan monitoring period.

Regardless, the submitted Travel Plan and Transport Assessment should provide further detail on the level of active travel trips that are forecast to be generated. Details of the infrastructure to be provided and how its use will be embedded by the initiatives in the travel plan should be outlined. 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 / Section 106 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.

ATE would also encourage the applicant to consider Modeshift *STARS when preparing a Travel Plan for the school.*

## 5.0 Next Steps

It is requested that these recommendations are provided to the LPA case officer and forwarded to the agent and applicant. ATE would be content to review further submitted information to help address the above identified deficiencies, with a view to providing a further response and recommended wording for planning conditions and obligations

### 9.1.2 Affinity Water (5 July 2024): [Comment received]

#### Water quality

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

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help

the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

#### Infrastructure connections and diversions

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

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

#### 9.1.3 Buckinghamshire Council: [No comments received at time of drafting report]

No comments received at time of drafting report.

#### 9.1.4 Chilterns Conservation Board (Comments dated 14 May 2024): [Objection]

The Chilterns Conservation Board (CCB) previously raised objections to the history applications for 300/800 dwellings under TRDC reference 20/0882/OUT (800) and 20/0898/OUT (300). These applications were refused planning permission in March 2023.

The Chilterns Conservation Board is the statutory body set up by the government to work with local planning authorities and other stakeholders to promote the conservation, enhancement, understanding and enjoyment of the Chilterns National Landscape (formerly known as the Chilterns AONB). We do this by helping LPAs with their understanding of national planning policies relevant to the landscape, the Chilterns AONB Management Plan 2019-24 (now extended to 2025) and the LPAs' duty to further the purposes of the designation under s.85 of the CROW Act 2000'.

For ease of reference, we attach a note on the new LURA 2023 (Appendix One) and the CCB's previous objection regarding the history application (Appendix Two).

For this application, we are grateful for the opportunity to set out our objection in principle as:

- (1) The principle of development is not established.
- (2). There is clear harm to visual and landscape character, and the proposal undervalues or downplays this harm by 'cherry-picking' the special qualities relevant to its consideration.
- (3). There is a clear conflict with NPPF policy as a result of this harm, and the exceptional circumstances required to justify major development in the National Landscape, or the Green Belt have not been demonstrated.
- (4) The applicants have misunderstood the 'tilted balance' in relation to para 11 of the NPPF.
- (5) The reasoning behind the Council's previous refusal still applies. The principal change in circumstance is the 'duty to further' the conservation and enhancement of the AONB, as set out in the Levelling Up and Regeneration Act 2023. To grant permission for either of these proposals, even if the proposal is justified on planning policy grounds, the decision-maker will need to demonstrate how the duty to seek to further the purposes of conserving and enhancing the National Landscape would be met through granting permission. In our judgment, this cannot be demonstrated. The CCB has concluded that this proposal is



harmful to the designation. The decision-maker then needs to think about whether granting planning permission would further the purposes of designation, and if not, what steps they would need to take in order to demonstrate that they have sought to further the designation and why those steps could not be followed in this case in order to grant permission. The exceptions test in the NPPF at 183 also applies. A high bar is set. It would have to be established that no reasonable alternative outside of the AONB/National Landscape exists that could meet the housing need.

(i) **The principle of development is not established**, and these applications, with amendments over the 2023 proposals, do not address nor overcome the previous refusal and detailed officer commentary in the planning committee report of 23rd March 2023. On National Landscape (AONB) matters, the proposal runs contrary to the Local Plan at DM7(a) landscape character (Three Rivers Local Plan Development Management Policies 2013) and fails the 'exceptional development' test in the NPPF at paragraph 183. Such development within the AONB demonstrably harms the dry valley landscape character and its visual beauty to provide 'a clear reason for refusing the development proposed' as linked to the NPPF in footnote 7. In further explanation of this impact, the proposal harms the **special qualities** of the AONB as set out in the 2019-2024 Management Plan (a reference to intimate dip slope valleys, relative tranquillity, unspoilt countryside, and secret corners).

(ii) **The applicants do not apply the tilted balance correctly.**

The tilted balance applies where the policies most important for determining the application are out of date, including cases where the Council cannot demonstrate a five-year supply (NPPF paragraph 11 D).

The applicants seek to disapply paragraph 11(d) (i) stating in their supporting planning statement that 'policies relating to green belt, AONB and heritage assets do not provide a clear reason to refuse planning permission' (Savills supporting planning statement at 7.3). We rely on the judgment in **Monkhill Ltd v SoSCLG (2019)** to reinforce the point that this proposal clearly harms the special qualities of the National Landscape (AONB). In that judgment, a clear decision-making pathway was set out with a 15-stage analysis of the meaning and effect of the presumption in favour of sustainable development. In a briefing on this case by Town Law LLP (in their Town Library), a helpful summary states that 'Interpreted in this practical and straightforward way, the High Court concluded that the 1st part of para. 172 NPPF was capable of being a "clear reason for refusal policy" falling within the "Footnote 6" list of policies in para. 11(d)(i) of the revised NPPF. (Note: this is now the first part of para 182 and footnote 7.) (Please see <https://www.townlegal.com/townlibrary>).

What the High Court decided in Monkhill greatly assists the decision-maker. The decision maker must balance AONB harm (i.e. landscape character and visual impacts) against the countervailing benefits (in this case, housing, education, open space). The significance of the landscape harm is increased by the policy requirement in the first part of NPPF 182 to give 'great weight' to any AONB harm in the planning balance.

The applicants do not discuss the Monkhill case in their supporting planning statement. To assert that a clear reason for refusing the development proposal does not apply, as they do, is to misunderstand the 15-stage analysis as advised by the High Court. We note that this decision was upheld by the Court of Appeal. (legal reference as *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 1993 (Admin) (24 July 2019).

(iii) The submitted Landscape and Visual Impact Assessment (LVIA) **downplays landscape and visual harm calibration**. Recent revisions to the legal protection of AONB landscapes in the LURA 2023, s245 represent a material change since the last refusal and reinforce this proposal's unacceptability. The 'duty to further' must be considered by the decision-maker, and it is the case here that the dry valley dip slope nationally protected landscape, set against the sylvan and verdant settlement edge of Chorleywood, would be

dramatically eroded by the location of 300/675 dwellings. The applicant's verification of the zone of theoretical visibility (see submitted Design and Access statement in Figure 2.19) confirms a wide impact upon views from the surrounding AONB landscape. The dramatic hedgerow screen on the western (Green St) boundary reinforces this landscape character. The hedgerow would be considerably eroded by 25m of access ingress/egress. The submitted papers (the Design and Access Statement) accept that views of the development would be possible from Green Street as this hedgerow, notwithstanding its dramatic presence, delivers only a partial screen during the winter months. The landscape judgments made in the Landscape and Visual Impact Assessment (ES chapter 13) downplay the calibration of harm, especially on the scale/size of landscape effects and the magnitude of effects on visual receptors and cumulative impact. For example, paragraph 13.6.29 states that, 'the only significant direct effects on landscape character would be within the site itself.....here the change of improved pasture field to an area of housing and associated open space would have a moderate direct adverse effect on the current rural land-use and character'.

Elsewhere, the calibrations report largely benign impacts, calibrating a 'minor' impact' on the dry valley landscape (13.6.33), a 'minor adverse' impact on visual receptors (13.6.41), and a

'minor—adverse' impact on landform (13.11.6). The impacts are far greater and harmful than those reported.

(iv) In **summary of this visual and landscape character harm**. These applications demonstrably erode the AONB, contrary to the Development Plan, National Policy, and the AONB Management Plan. This location is at an established and clear-cut division between the AONB and the settlement edge. In this case, that demarcation is the gentle dip slope of a dry valley landscape, set between the Rivers Colne and Chess, which is both striking and a constituent special quality of the AONB as stated in the AONB Management Plan at pages 10 and 11 (intimate dipslope valleys, relative tranquillity, unspoilt countryside, secret corners). The settlement is set back from the immediate southern boundary of the proposed sites and is denoted by a series of filtered views through well-established trees and some rear gardens. This edge of the 'Ruse in Sub-Urbe' (country in the suburb), sometimes called peri-urban, is open, green and verdant. In this case, a celebrated inter-war Metro-land settlement melds sympathetically into the Chilterns AONB that historically was promoted as the defining feature for this inter-war development pattern ('Metro-land is a country of hills and valleys, ridges and bottoms, with a few broad level plateaux' – page 37 of Metroland (1932, The Metropolitan Railway).

(v). **The special qualities in the AONB Management Plan**. This application site is within an AONB, a highly valued landscape and one highly susceptible to change. The applicants seek to 'cherry pick' the special qualities of the Chilterns by selecting a parcel of land that adjoins a sylvan and verdant boundary to the nearby settlement. Then, they seek to downplay the impact. Walking the PROW that links to the school, you appreciate the intimate dry valley and unspoilt landscape, exhibiting a surprising sense of remoteness (see AONB Management Plan Special Qualities, pages 10 & 11). The strong feature of the enclosing hedgerow is striking. This would be materially eroded by the proposed 25 m wide access point (see 13.11.9 of the LVIA-ES Ch 13) and via glimpsed views through it in the winter (a point confirmed in the D&A at its figure 2.33). Lighting will further erode the tranquillity of this landscape. Notwithstanding the best efforts of the submitted lighting study, it does not, by its own admission, deal with adopted street/highway lighting. That alone will be highly intrusive. Lighting will be evident in the surrounding countryside.

Reference is made to the current application at the golf club (Buckinghamshire Chiltern area reference PL/20/0429/FA for Amendments to extant planning permissions CH/2010/0133/VRC and CH/2003/1758/FA as allowed on appeal, Inspectorate's reference APP/X0415/A/03/1133807 and CH/2017/2292/FA to allow for the recontouring of part of the original application site to include a golf driving range/practice area and green plateau for use as football playing pitches, including one full size football pitch with eight 15m high flood

lighting columns. Erection of a temporary clubhouse to serve football club for a period of 5 years (pending implementation of the main clubhouse) and associated access, landscaping and parking. The Chilterns Conservation Board raised objections to this application, seeking revisions, due to its intrusive design and associated lighting, which were both inappropriate and harmful to this location. In Jan/Feb 2023 amendments were submitted to (1) Remove 25 lattice steel towers and associated protective netting, (2) Remove floodlights associated with the proposed driving range, (3) Removed driving range building and (4). Submitted various updates to proposed landscape and ecological features.

Only one football pitch is proposed for illumination, and this application has not yet been determined.

(vi) When applying the **planning balance**, 'great weight' must be given to the conservation and enhancement of the AONB. Instead, harm follows to landscape character and visual integrity. These applications must be assessed against two fundamental legal tests as applied to the Development Plan (s38(6) of the 1990 Act) and the 'duty to further' the AONB (s85 CROW 2000, amended by s245 of LURA 2023). The benefits associated with housing delivery, including affordable housing and educational facilities, are significantly outweighed by the failure to satisfy policy and legal tests that protect this National Landscape (AONB). Local Plan Development Management Framework policy DM7(a) is not delivered. This is a landscape policy and not a housing policy. It is linked to the 'great weight' point in the NPPF 182 and DM7(a) should also be followed, consistent with the legal principle established by s38(6) of the 1990 Act. This policy, therefore, sits outside the tilted balance and should be given full weight.

The LVIA discusses an 'inherent design mitigation' (13.5). This cannot disguise the fact that a significant limb or, indeed, block of development extends well into the AONB, which is widely visible and discordant with the landscape character and would replace a dry valley dip slope and sylvan landscape to the detriment of the Chilterns National Landscape. The applicant's assertion that this is only 0.015% of the AONB is meaningless (supporting planning statement 7.38). We are familiar with this argument, and it was used in a recent Secretary of State recovered appeal (land East of Tring PINS 3309923, 15th March 2024, at Inspectors Report IR 100). It made no progress in the planning balance when the appointed Inspector and the Secretary of State reported it.

**Recommendation to the LPA:** Refuse planning permission based upon (for AONB reasons)

- Harm to the character and visual beauty of the Chilterns National Landscape's dry valley dip slope landscape (AONB), a constituent of the defined special qualities. This harm comprises both visual harm and landscape character harm.
- Failure to deliver the Development Plan, NPPF (including exceptional development criteria) and AONB Management Plan policy, especially DP1 and DP2.
- Failure to deliver the duty to 'further the purpose' as now included in the updated s85 of CROW 2000 (amended by s245 of LURA, in operation since 26th December 2024).

#### 9.1.5 **Chorleywood Parish Council (received May 2024): [Objection]**

Following a public meeting held at the War Memorial Hall on 02 May 2024, where public views on the application were heard, at an Extraordinary Parish Planning Committee meeting held on 07 May 2024 the Committee resolved to object to the application being considered at Land East of Green Street under ref: 24/0538/OUT on various grounds and to call the applications in to be decided by Three Rivers District Council's Planning Committee. The contents of this objection were subsequently approved for submission to

Three Rivers District Council at a further Extraordinary Planning Committee held on 14 May 2024. The Planning Committee has delegated powers to submit comments on Parish related planning applications on behalf of the Parish Council.

Whilst the detailed considerations are set out on the following pages, the principal concerns raised by the Parish Council are as follows:

- The application is inappropriate development in the Green Belt and the Chilterns National Landscape.
- The proposal would result in detrimental harm to the rural character and the historic setting of Chorleywood Common Conservation Area.
- Failure to align with the policies within the Three Rivers Local Plan and the Chorleywood Neighbourhood Development Plan.
- The impact on species protected by Wildlife and Countryside Act 1981.
- The Traffic Assessment does not fully consider the impact on all of the roads around Chorleywood, many of which are single track country lanes which are highly sensitive to increased traffic volumes.
- The Traffic Assessment does not include the impact of previously approved major planning applications in the area and does not include the traffic movements that would be generated by the linked planning applications for golf and football clubs.
- The Traffic Assessment does not properly consider the limitations imposed on the local road network by the nature of the junction between Green Street, Station Approach and Shire Lane, along with the very narrow road and pavement under the railway immediately adjacent to the junction.
- That the benefits suggested by the provision of the Golf and Football Club are not within Chorleywood Parish, Three Rivers District or Hertfordshire, are not guaranteed and, as both are private clubs, are not truly “Public” benefits.

#### **Green Belt:**

Both developments are in the London Green Belt. The National Planning Policy Framework (NPPF) states in paragraph 142 that “*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*” It then supports this by saying in paragraph 152 that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”

From the definitions provided, the development amounts to inappropriate development. These points are also clearly supported by the current Three Rivers Local Plan (CP11).

In an independent Green Belt review commissioned by Three Rivers District Council as part of the development of the new Local Plan, the Green Street site was categorised as having a “Moderate High” level of harm to the Green Belt if it was released for development. This is above the threshold agreed by the District Council, as Local Planning Authority, for the release of Green Belt for housing in the new Local Plan. As such, development of this site would also be in conflict with the new emerging Development Plan.

#### **Natural Environment - Chiltern National Landscape**

The NPPF is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (now called National Landscapes), which have the highest status of protection in relation to these issues. The NPPF requires development within a National Landscape to be limited in scale and extent; major developments are to be refused in the absence of exceptional circumstances and sufficient public interest.

The harm this development will cause to the landscape character and visual amenity is decisive. The adverse impacts of the proposed development have not been fully considered.

In our view this is a major development in the National Landscape and no exceptional circumstances exist to allow this development. The delivery of housing in this specific location is not an exceptional circumstance.

### **Historic Environment**

The proposed development would give rise to significant detriment to the landscape setting of Chorleywood, this in turn would result in a significant harmful change to the setting of the Chorleywood Common Conservation Area, thereby harming the significance of this heritage asset. This overlap arises largely as a result of the form and character of the village, and the importance of landscape in defining its setting, as detailed in the Conservation Area Appraisal (CAA).

The CAA states that the overwhelming character of the Chorleywood Common Conservation Area is rural, centering around an open common, with core buildings on the fringes dating from the Medieval to Edwardian and Victorian periods. The village has a strong and tangible connection with the past and this is fundamental to the village's historic character.

With elevated positions throughout the village, including both the Chorleywood Common Conservation Area and Chorleywood Station Estate Conservation Area, there are a number of spectacular views that can be gained from various vantage points throughout the village. Its rural setting marks a distinctive characteristic of the village and one which it is stated to be important to maintain.

Trees, vegetation and open space are noted in the Chorleywood Common CAA as playing a fundamental role in establishing the character of the village and reinforcing its visual connection to the surrounding rural landscape.

Moreover, Chorleywood is unusual, as the openness of Chorleywood Common allows the landscape to the north and north-west to extend right into the heart of the village, with this lack of clear definition between rural and built space being a key element of the village's character.

The site's attractive agricultural complex is significant because it is visually prominent in middle distance views from Chorleywood Common and from points within Chorleywood Station Estate Conservation Area. It reflects the former importance of agriculture as the mainstay of the local economy and reflect the rural character of the village and its surrounding area.

The NPPF states great weight should be given to the conservation of a designated heritage asset and the setting of Chorleywood Common Conservation Area will be harmed by development within its setting. This is also in breach of Three Rivers Development Plan (DM3 of the current Three Rivers Local Plan and Policy 1 of the Chorleywood Neighbourhood Plan).

The open nature of the application site, with trees around its boundaries, means any development of it will be seen quite clearly from many locations within Chorleywood Common Conservation Area. This open nature and appearance is heightened during the winter months, when many of the trees' leaves will have fallen.

The proposal would result in an urbanising effect on Chorleywood Common Conservation Area. The proposal would result in a clear change to the currently open nature of the site, and this would be particularly apparent in views from Chorleywood Common.

The degree of harm to the heritage asset would be less than substantial, in the terms set out in the NPPF. The proposal would also fail to either preserve or enhance the character

or appearance of the conservation area clearly contrary to the development plan and the NPPF.

### Archaeology

Owing to the nature of the existing site and the scale and extent of the proposal, the proposal will entail re-modelling and re-profiling which would have a harmful impact on archaeological remains. An archaeological investigation, including geophysical surveys, suggested that there were potentially significant archaeological findings within the site area. Trial trenching would help to fully explain the findings. The proposal should explain the significance of archaeological features before permission is granted so as to allow consideration of whether exceptional circumstances could be demonstrated, or to assess the public benefits of any proposal against any harm to the historic asset. Without the trial trenching, the proposal fails to allow for the understanding of any potential impact on the significance of any remains at the site, contrary to the overall aims of the NPPF in seeking to conserve and enhance the historic environment.

### Natural Environment - Ecology

The applicant contends that a net gain in biodiversity in excess of the 10% level required under the Environment Act will be delivered by the development. However, for the Habitat measure this will be achieved by off-site measures funded through a S106 agreement, with the on-site measures showing a 40% reduction in habitat biodiversity.

In all the analysis undertaken, no consideration has been given to ground nesting birds such as Skylarks (*Alauda Arvensis*) which have been observed on the site. In the mitigations planned there is no provision for these ground nesting birds and, considering the nature of the development, there is no obvious on-site mitigation that can be put in place on site. This is of particular concern as the Skylark appears on the RSPB's Red List for endangered UK bird species and therefore is protected under the Wildlife and Countryside Act 1981. With the specific needs of these birds, it is not easy to see how off-site measures can replace the loss of this valuable habitat.

In its previous application, the applicant's own Bat Survey identified the presence of Barbastelle bats (*Barbastella barbastellus*) on the site. Barbastelle bats are incredibly rare. They are protected under the Wildlife and Countryside Act 1981 and are also listed as Near Threatened globally on the IUCN Red List. There are thought to be as few as 5,000 in the UK. Whilst there were only three passes recorded, considering the extremely endangered nature of this bat, great weight should be given to avoiding any possible impact on them.

The applicant's Environmental Statement and accompanying ecological survey report are incomplete in their consideration of populations of Great Crested Newt (*Triturus cristatus*). In particular, they do not consider populations on properties bordering the site. If this had been conducted, the applicant would have been able to identify a material population within 15 metres of the site boundary. As with the Skylark and Barbastelle bat, Great Crested Newts are protected under the Wildlife and Countryside Act 1981.

### Traffic & Transport

The roads providing access to Chorleywood are not up to the standard of town roads. Many are country lanes that are already having to cope with considerable stress, particularly at access points and junctions during peak hours.

The Traffic Assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. However, none of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.

Despite previous requests, the Traffic Assessment does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25, which already suffers from significant queues.

The Traffic Assessment has taken no regard of the narrow bridge under the railway at the junction of Green Street, Station Approach and Shire Lane and, in particular, the combination of narrow road and pavement present there.

Station Approach is the much used through road which provides access onto Shire Lane into Chorleywood centre. The access is under a railway bridge tunnel which is already a substandard width and does not meet road spacing requirements. There is poor forward visibility and only a 1m footway on side of the tunnel. This is already a very dangerous access and is one of only two crossing between the east and west side of Chorleywood, the other crossing being a narrow crossing over the railway accessed by a narrow road through the Common. This is a significant concern as additional volume of trips by vehicles or pedestrians and cyclist could be dangerous.

An independent assessment previously undertaken on behalf of the Council raised significant concerns over this. Technical consultants are being appointed to refresh this assessment and therefore we reserve the right to submit further information to support the Parish Council's objections on highways grounds once this is received.

The proposal does not appear to have taken into account other major developments in the vicinity of the site, both approved (such as the development of 500 new dwellings between Lodge Lane and Burtons Lane in Little Chalfont) and projected developments linked this application (such as the development of new golf and football clubhouses linked to this development but covered under separate planning applications). Therefore, the traffic modelling appears to be flawed in the context of the extreme sensitivity of the local highway network and requires amending to take account of the cumulative impact of these applications.

In addition:

- The traffic assessment is based on "peak" periods of between 07:15 to 08:15 and 16:15 to 17:15. Consideration should be given as to whether this will continue to be valid once a new primary school is opened, particularly in combination with traffic to St Clement Danes school.
- The traffic assessment identifies increased delays of about 2 minutes at the Green Street / A404 junction due to the additional traffic from the new houses. This is significantly (80%) below the estimates from the previous application – such a significant change requires detailed examination to confirm that this does not indicate flaws in the modelling undertaken.
- As, based upon the applicant's data for new school places required by the new development, up to 150 pupils at the new primary school will not come from the development, the extremely low assessment of journeys related to the new primary school is hard to understand and the modelling for this needs detailed examination.

For these reasons, technical consultants are being appointed to scrutinise the application submission and we reserve the right to submit further information to support the Parish Council's objections on highways grounds once this is completed.

Parking within the village is already difficult at most times of the day. Despite the applicant contending that residents of the new dwellings will be able to walk or cycle to local facilities, due to the topography of the road between the village centre and the new dwellings, many of the residents will need to drive, which will only further exacerbate parking issues in the village.

### **Schooling**

According to the applicant's Environmental Statement, the development of 675 dwellings is estimated to result in 147 new secondary school students, with currently only 64 spare places with the "Walkable Impact Area". However, it should be noted that all of these spare secondary school places are at the Reach Free School and it is not possible to walk to the Reach Free School from Chorleywood village nor is there any practicable public transport.

This provides significant concerns as to whether the additional pupils can be accommodated without an increase in traffic which has not been accounted for in the Traffic Assessment. Travelling by car to the Reach Free School from Chorleywood is likely to be achieved using Long Lane or Shepherd's Lane both of which are single track country lanes which already struggle, at times, to cope with existing traffic levels. As such, considering this within the Traffic Assessment is vital.

The developer is proposing to fund the shortfall in school places through a s106 agreement with the council, though the standard formula may not provide full funding and it is hard to see how existing schools could cope with the increase in students.

The applicant also commits 'land for a primary school'. However, the provision of land alone provides no guarantee of the delivery of the school unless funding for the building of the school is fully committed to.

### **Community Facilities**

The application is supported by a new park, play area and 'land for a school'.

In addition, the developer is proposing to provide Chorleywood Common Youth Football Club with new football pitches and a new club house to the west of Green Street subsidised by the housing development. It should be noted, however, that there is no approved Planning Application for this and it is possible that Planning Permission may not be granted. The site for the football pitches and clubhouse does not fall within Three Rivers District but will be decided by Buckinghamshire Council. As such there is no certainty that this will be deliverable and should not be considered as a benefit of the development without full Planning Permission being in place and the funding secured for its development.

The development is not well connected to existing services e.g. shops, transport, etc., which are approximately 0.5 miles away down a steep hill with narrow pavements at points (in particular through the bridge under the railway). Accessibility to these services e.g. doctors and shops will be very difficult for someone with limited mobility or young children, resulting in a high reliance on private vehicles to meet their needs. No provision has been made within the development for shops or medical services.

The Parish Council reserve the right to make further representations on this matter following a comprehensive review of its socio-economic impact, with particular attention to the impact on existing local infrastructure.

### **Health Impact Assessment**

The submission fails to provide an appropriate Health Impact Assessment that properly accounts for the impact of development in line with National Guidelines. The application cannot proceed to a determination without a fully considered Health Impact Assessment being submitted. The Health Impact Assessment must include a detailed assessment of the air quality impact of this development.

### **Energy and Sustainability**

The Energy and Sustainability statement is generic and fails to provide any firm commitments setting out how this proposal would realistically provide measure within the development that would help towards achieving net zero targets. The application cannot be



determined until the developer provides clarity regarding the sustainability measures that will be used on site and without this a determination of the application is premature.

### **Sewage and Waste Water**

Thames Water made clear with the previous applications that the current sewage / waste-water network has significant capacity constraints. Without upgrades, which could take up to three years to deliver, the current network has capacity for only 60 new dwellings at most. As the main sewer apparently goes along the back of Lower Road, such an upgrade is likely to cause significant disruption to the village centre and may not be feasible in the timelines proposed, particularly considering the financial difficulties being experienced by Thames Water.

### **Density of Dwellings**

The proposal is for a density of 31 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare. Paragraph 130 of the NPPF states that "*significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area*". We would contend that the proposed uplift of 72% on the current density would be wholly out of character with the existing area and, as such, the suggested level of housing is inappropriate under the NPPF.

#### 9.1.6 Chorleywood Residents Association (May 2024): [Comment received]

As part of our work on behalf of local residents, we have undertaken an analysis of the two applications to develop residential property on the fields to the east of Green Street between Orchard Drive and St Clement Danes. In doing this we have used the information provided in the various documents submitted by the developers along with local knowledge and publicly available statistical data for the area.

The analysis considers key planning matters as dictated by the government's planning rules (the National Planning Policy Framework or NPPF) and the district council's planning rules (the current Local Plan). Whilst residents can submit any comments they wish on the applications, decisions made by the council can only be made on valid planning grounds as laid down in these documents.

It should be noted that the applications are in outline only with all matters other than the access being reserved until further detailed applications are submitted. This means that only the size of the site, the maximum number of dwellings and the access routes is fixed by this application with all other elements of the design only becoming fixed in later applications. This application is about agreement in principle to develop. That said, the outline should provide an indication as to what the design of the development might look like and what its impacts on the area may be.

The consultation period is scheduled to run to the 13<sup>th</sup> May.

The applications will be considered by the Parish Council at an Extraordinary Planning Meeting on the 7<sup>th</sup> May, following the Annual Parish Meeting. Prior to this, the Parish Council is holding a public meeting in the War Memorial Hall on 2<sup>nd</sup> May starting at 7:30 to help the Council to formulate its response to the applications. The Parish Council cannot decide the application, this can only be done by Three Rivers District Council (TRDC), but they will make observations and comments that must be considered by TRDC in making the decision. This includes requiring the application to be decided in public by the full TRDC Planning Committee. The precise timing of the decision by TRDC, including its presentation to their Planning Committee, is uncertain at this time but will probably not happen before July. As more information becomes available, we will update residents through our newsletters.

## **Summary of Analysis of Applications**

- Both developments are in Green Belt and would be considered “inappropriate development” so can only be only allowed in “very special circumstances”. The developers contend that these exist under the “presumption in favour of sustainable development” due to the shortage of new housing stock across Three Rivers but this is not an area of certainty. In the past, there are cases where development has been allowed in these circumstances but there are also many cases where such development has been refused.
- Both developments are in the Chiltern National Landscape (previously known as Area of Outstanding Natural Beauty). Planning rules state that in such areas major development is prohibited except in “exceptional circumstances”. The developers contend that these exist under the “presumption in favour of sustainable development” due to the shortage of new housing stock across Three Rivers but this is not an area of certainty. In the past, there are cases where development has been allowed in these circumstances but there are also many cases where such development has been refused
- Both developments are adjacent to the Common Conservation Area. By virtue of extending further up the hill, the development of 675 dwellings would be likely to have a significantly greater impact on views from the conservation area than would the 300 dwellings, which is limited to the lower part of the site and partially obstructed from view on the Common by trees.
- The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary & secondary schools, shops and GP’s which is broadly in line with Three Rivers criteria for accessibility and sustainability.
- The development of 675 dwellings could cause delays of around 2 minutes at the Green Street / A404 junction based upon the developer’s modelling. The basis of the modelling and the outcomes need testing by the relevant Highways Authorities to confirm their relevance and accuracy.
- No assessment has been undertaken on the impact of the development on the exits from Chorleywood other than the A404. These are mainly single-track country lanes susceptible to gridlocking.
- The development of 675 dwellings is expected to result in 220 new primary school students and 147 new secondary school students whilst 300 dwellings would result in 93 new primary school students and 59 new secondary school students. There are currently 11 spare primary school places and 64 secondary school places in the local area, though all of the latter are at the Reach Free School which is difficult to reach from Chorleywood by either public transport or walking. The developer proposes that, for the development of 675 homes, it will deliver a two form primary school on the site and suggests that they would make a contribution to fund additional secondary school places.
- The development would require 0.7FTE of a GP for 675 dwellings or 0.2FTE of a GP for 300 dwellings.
- Both applications include the provision of a new park area and children’s play area in proximity to the centre of the village.
- The developments provide a mix of smaller housing suitable for first time buyers and downsizers along with larger family houses. Between 45% and 50% of the housing is proposed to be Affordable. In this context Affordable housing can socially rented or for market sale (in which case the price must be at least 20% below market prices or on a shared ownership basis). It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.

- The site is in an area of low flood risk (Flood Risk 1) with surface water issues being mitigated through a variety of means. The effectiveness of these mitigations need reviewing by the Lead Local Flood Authority (Hertfordshire County Council).
- 300 dwellings would increase the number of houses in Chorleywood village roughly in line with the expected population growth for the area over the next 15 years (11%) whereas 675 dwellings would significantly exceed this. However, it must be noted that the draft Local Plan also proposes other development sites in the Parish which, in combination with even the 300 dwellings, is likely to significantly exceed local need.

#### Detailed Analysis

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Green Belt	<p>Both developments are in the London Green Belt. The National Planning Policy Framework (NPPF) states in paragraph 142 that “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” It then supports this by saying in paragraph 152 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” From the definitions provided, both of these developments amount to inappropriate development. These points are also clearly supported by the current Three Rivers Local Plan (CP11).</p> <p>It should be noted that, in the most recent update to the NPPF, the Government made it clear that Green Belt boundaries should only be amended in the process of updating the Local Plan and that there is no requirement of Councils to review Green Belt boundaries. (NPPF Paragraph 145 “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.”)</p> <p>In an independent Green Belt review commissioned by Three Rivers District Council as part of the development the new Local Plan, the Green Street site was categorised as having a “Moderate High” level of harm to the Green Belt if it was released for development. This is above the threshold agreed by the Council for the release of Green Belt for housing in the new Local Plan.</p> <p>The developers argue that “very special circumstances” exists to allow building in Green Belt by virtue of the fact that Three Rivers does not currently have a plan to deliver the level of new housing in the area calculated using the Standard Method. In the past. there are cases where development has been allowed in these circumstances but there are also many cases where such development has been declined.</p> <p>Whilst not identical, probably the most relevant recent case is the Secretary of State’s recent decision in Planning Appeal APP/A1910/W/22/3309923 - development of 1,400 homes on the edge of Tring. In this case, the Secretary of State intervened to support Dacorum Council’s decision to refuse the application, principally based on harm to the Green Belt. This was despite the fact that, like Three Rivers, Dacorum Council does not have plans in place to deliver the level of new housing in the area calculated using the Standard Method.</p>	

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Natural Environment (Chilterns National Landscape)	<p>Both developments are within the Chilterns National Landscape (previously known as the Chilterns Area of Outstanding Natural Beauty). The NPPF states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues” and this is supported by the current Three Rivers Local Plan. This does not completely prohibit development in such areas, but the NPPF does say that development should only be allowed in “exceptional circumstances”.</p> <p>The developers argue that “exceptional circumstances” do exist by virtue of the fact that Three Rivers does not currently have a plan to deliver the required level of new housing in the area. For the application 24/0476/OUT (675 dwellings), the developers contend that the proposal for a new primary school also justifies development in the sensitive site. However, it is hard to see how this argument stands up to examination as, without the new development, there is sufficient capacity at the primary level in the area and therefore no need for a new school. There are cases where development has been allowed in these circumstances but there are also many cases where such development has been declined. We are not aware of any truly identical cases to the current one from which to clearly understand what any Appeal decision on this may be.</p>	
Natural Environment (Ecology)	<p>In the Ecology Chapter of the Environmental Statement, the developer contends that “there are no negative likely significant effects on ecology associated with the proposals. General measures such as retention and enhancement of boundary hedgerows and trees; retention of green space in the south of the Site and creation of two ponds; protection of key habitats used by great crested newt and nesting birds; protection of legally protected species; retention of existing dark corridors around the Site; and implementation of appropriate monitoring have all informed the ecology strategy and assessment.”</p> <p>The applicant contends that a net gain in biodiversity, in excess of the 10% level required under the Environment Act, will be delivered by the development. However, for the Habitat measure this will be achieved by off-site measures funded through a S106 agreement, with the on-site measures showing a 40% reduction in habitat biodiversity.</p> <p>In all the analysis undertaken, no consideration has been given to ground nesting birds such as Skylarks (<i>Alauda Arvensis</i>) which have been observed on the site. In the mitigations planned there is no provision for these ground nesting birds and, considering the nature of the development, there is no obvious on-site mitigation that can be put in place on site. This is of particular concern as the Skylark appears on the RSPB’s Red List for endangered UK bird species and therefore is protected under the Wildlife and Countryside Act 1981. With the specific needs of these birds, it is not easy to see how off-site measures can replace the loss of this valuable habitat.</p>	

<p>Historic Environment</p>	<p>The development is adjacent to the Chorleywood Common Conservation Area and a group of four Grade II listed buildings forming the historic core of the Great Greenstreet Farm. The NPPF states that “when considering the impact of a proposed development .... great weight should be given to the asset’s conservation“ and this is supported by the current Three Rivers Local Plan. When considering the impact on the conservation area and the listed buildings, not only development in the heritage area must be considered but also its impact on the setting of the heritage assets and views into and out of the conservation area should be considered.</p> <p>The site is visible from the conservation area, including from the Common itself. By the development covering the whole field, including the higher elevations at the northern end of the field, it will be clearly visible from the Common. As the Common Conservation Area is characterised by its “open rural nature” this will clearly harm the views from the conservation area as well as its setting. The developer recognises that the development will harm the conservation area but have stated that, in their expert’s opinion, the impact is “Medium”, causing “less than significant harm”. This is clearly a judgement issue. Being so obviously visible from the Common and with the defined importance to the area of its “open rural nature”, many will feel that the harm is likely to be more significant than this. However, the developer’s assessment is broadly in line with the assessment of the Conservation Officer for the previous application covering this area. When considering the Grade II listed buildings at Great Greenstreet Farm, as the immediate setting to the buildings is unchanged it is likely development would be considered as not harming the heritage asset if appropriate landscaping to applied to the site.</p> <p>The overall negative impact on heritage assets does not preclude development but would mean that the developers have to be able to demonstrate substantial public benefits to overcome this.</p>	<p>The development is adjacent to the Chorleywood Common Conservation Area and a group of four Grade II listed buildings forming the historic core of the Great Greenstreet Farm. The NPPF states that “when considering the impact of a proposed development .... great weight should be given to the asset’s conservation“ and this is supported by the current Three Rivers Local Plan. When considering the impact on the conservation area and the listed buildings, not only development in the heritage area must be considered but also its impact on the setting of the heritage assets and views into and out of the conservation area.</p> <p>The site is visible from the Conservation Area, including from the Common itself but, by virtue of being limited to the lower area of the site, the development will be concealed somewhat from view from on the Common by trees in the area. However, there will undoubtedly be an impact of light pollution on the Conservation Area. The developer recognises that the development will harm the conservation area but have stated that, in their expert’s opinion, the impact “Medium”, causing “less than significant harm”. The developer’s assessment is actually of a higher level of harm than that expressed by the Conservation Officer when considering the previous application. At that time, the Conservation Officer’s assessment was that the harm would be of a low to medium rating. This is clearly a judgement issue, but with the development being lower and the shielding of trees this may be reasonable. When considering the Grade II listed buildings at Great Greenstreet Farm, as the immediate setting to the buildings is unchanged it is likely development would be considered as not harming the heritage asset if appropriate landscaping to applied to the site.</p> <p>The overall negative impact on heritage assets does not preclude development but would mean that the developers have to be able to demonstrate sufficient public benefits to overcome this.</p>
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Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Traffic & Transport	<p>The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary &amp; secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for these.</p> <p>The traffic assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. Despite requests, it does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25, which already suffers from significant queues.</p> <p>The traffic assessment is based on "peak" periods of between 07:15 to 08:15 and 16:15 to 17:15. Consideration should be given as to whether this will continue to be valid once a new primary school is opened, particularly in combination with traffic to St Clement Danes school.</p> <p>The traffic assessment identifies increased delays of about 2 minutes at the Green Street / A404 junction due to the additional traffic from the new houses. This is significantly (80%) below the estimates from the previous application – this needs to be checked by the relevant Highways Authority in reviewing the modelling.</p> <p>The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. However, none of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.</p> <p>The Traffic Assessment has taken no regard of the narrow bridge under the railway at the junction of Green Street, Station Approach and Shire Lane and, in particular, the combination of narrow road and pavement present there. An independent assessment undertaken on behalf of the Chorleywood Parish Council raised significant concerns over this.</p>	<p>The site is on a two-lane road with pavements and of sufficient width to allow for cars and cyclists to pass each other safely. The site is within 1km of public transport, primary &amp; secondary schools, shops and GP's which is broadly in line with Three Rivers criteria for these.</p> <p>The traffic assessment provided by the developers covers the impact on Green Street, the A404 to the M25 and Shire Lane. Despite requests, it does not extend to other exits from the village which are largely single lane country roads with passing places. Nor does it consider the cumulative impact on the A404 beyond the M25 which already suffers from significant queues.</p> <p>The traffic assessment identifies increased delays of up to 1 minutes at local road junctions due to the additional traffic from the new houses.</p> <p>The Geographical Study Area shown in the Environmental Statement includes Shire Lane, Heronsgate Road and Long Lane to J17 of the M25. None of the data provided about traffic impacts refer to the last two of these roads or the junction with the M25. The nature of the last two of these roads (effectively single track with passing places) means that any increase in traffic can have significant adverse impacts. As such, modelling of the traffic impacts on these roads is required.</p>

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Schooling	<p>According to the applicant's Environmental Statement, the development of 675 dwellings is estimated to result in 220 new primary school students and 147 new secondary school students.</p> <p>From the Environmental Statement, there are currently 25 spare primary school places within a "Walkable Impact Area". However, this is measured purely by reference to straight-line distance (2 miles) from the site and takes no account of the actual ability to walk between the site and school. One of the schools listed is Sarratt Church of England Primary School which is at the extreme limit of the area and to which there is no credible safe walking route for primary school children. As this school provides 14 of the spare primary places, this would mean that the true spare primary school places is 11.</p> <p>The developer proposes including a new 2 form primary school on the development site. This will provide up to 400 new primary school places.</p> <p>According to the developers Environmental Statement, there are 64 spare places at secondary school within 3 miles. However, all of these places are at the Reach Free School which is difficult to reach from Chorleywood other than by car.</p> <p>To accommodate 147 new secondary school students would require a new form stream to be added to a local secondary school. The developer is proposing to fund this through a s106 agreement with the council, though the standard formula may not provide full funding.</p>	<p>According to the applicant's Environmental Statement, the development of 300 dwellings is estimated to result in 93 new primary school students and 59 new secondary school students.</p> <p>From the Environmental Statement, there are currently 11 spare primary school places and 64 spare places at secondary school within a "Walkable Impact Area". However, it should be noted that all of these spare secondary school places are at the Reach Free School.</p> <p>To accommodate this number of students would require a new stream to be added to an existing primary school.</p> <p>For secondary schooling, there are potentially sufficient spare places at the Reach Free School. However, it is not possible to walk to the Reach School from Chorleywood village nor is there any practicable public transport.</p> <p>The developer is proposing to fund the shortfall in school places through a s106 agreement with the council, though the standard formula may not provide full funding.</p>
Healthcare	<p>According to the applicant's Environmental Statement, approximately an additional 70% (0.7FTE) of a GP would be required to service the additional residents from the development. This is based on current capacity in combination with patient to GP ratios from the local CCG.</p> <p>The developer is proposing to fund this through a s106 agreement with the council.</p>	<p>According to the applicant's Environmental Statement, approximately an additional 20% (0.2 FTE) of a GP would be required to service the additional residents from the development. This is based on current capacity in combination with patient to GP ratios from the local CCG.</p> <p>The developer is proposing to fund this through a s106 agreement with the council.</p>

Impact Area	Application 24/0538/OUT 675 Dwellings	Application 24/0476/OUT 300 Dwellings
Community Facilities	<p>The development would not remove any existing facilities and would provide additional facilities in the form of a park and children's play area within walking distance of the village centre.</p> <p>In addition, the developer is proposing to provide Chorleywood Common Youth Football Club with new football pitches and a new club house to the west of Green Street subsidised by the housing development. It should be noted, however, that there is no approved planning application for this and it is possible that Planning Permission may not be granted. The site for the football pitches and clubhouse does not fall within Three Rivers but will be decided by Buckinghamshire Council.</p> <p>It is also proposed that Chorleywood Golf Club would be granted a lease to use the golf course that already exists to the west of Green Street.</p>	
Affordable Housing Provision	<p>It is proposed that up to 50% of the housing (338 dwellings) provided by the development would be Affordable. This level is in excess of the requirement of the current Three Rivers Local Plan but will not be finalised until the Full Applications as part of an agreement with the council, called a S106 agreement.</p> <p>The form of the Affordable Housing (for sale or socially rented) will be agreed as part of the agreement with the Council. In the documentation provided with this application a tenure split of 25% First Homes, 70% Social Rent and 5% Intermediate is proposed.</p> <p>It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.</p>	<p>It is proposed that up to 45% of the housing (135 dwellings) provided by the development would be Affordable. This level is in line with the requirement of the current Three Rivers Local Plan but will not be finalised until the Full Application as part of an agreement with the council, called a S106 agreement.</p> <p>The form of the Affordable Housing (for sale or socially rented) will be agreed as part of the agreement with the Council. In the documentation provided with this application a tenure split of 25% First Homes, 70% Social Rent and 5% Intermediate is proposed.</p> <p>It must be noted that it is not unknown for developers to seek to reduce the level of Affordable Housing provided after application approval on the grounds that changing circumstances have impacted the viability of the delivery. We are not suggesting that this will occur here, but residents should be aware that it does sometimes occur.</p>
Flooding	<p>The site is defined as being Flood Risk 1 (the lowest level of flood risk) but there is a recorded risk of surface water flooding to the southeast of the site. The developer proposes mitigation to the increased risk by development. The Lead Local Flood Authority (Hertfordshire County Council) will assess these mitigations to decide whether they will achieve the required level of mitigation to the risk,</p>	
Sewage / Waste-Water	<p>Thames Water made clear with the previous applications that the current sewage / waste-water network has significant constraints. Without upgrades, which could take up to 3 years to deliver, the current network has capacity for only 60 new dwellings at most.</p> <p>As the main sewer apparently goes along the back of Lower Road, such an upgrade is likely to cause significant disruption to the village centre.</p>	



<b>Impact Area</b>	<b>Application 24/0538/OUT 675 Dwellings</b>	<b>Application 24/0476/OUT 300 Dwellings</b>
Density of Housing	The proposal is for a density of 31 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare.	The proposal is for a density of 30 dwellings per hectare. This is above the current density in Chorleywood of about 18 dwellings per hectare.
Design of Development	<p>The final design of the development will not be finalised until further application(s) are submitted. The current design outline does not appear to be inappropriate for Chorleywood with the maximum height of buildings being 3 storeys (in line with the requirements laid out in the Chorleywood Neighbourhood Development Plan).</p> <p>However, the taller buildings are proposed to be placed along the border with Green Street and reaching down towards Orchard Drive. This will make them prominently visible and increase the impact on the privacy of existing homes in Orchard Drive.</p> <p>The mix of the dwellings proposed is well aligned to that reported in the latest housing needs analysis for Three Rivers and the requirements of the draft Neighbourhood Development Plan. The housing to be provided is focussed on the smaller dwellings (1,2,3 &amp; 4 bedroomed) needed to supply local housing for first-time buyers and down sizers.</p>	

**9.1.7 Environment Agency (25 April 2024): [No comment]**

There are no constraints within our remit at this site and therefore we have no comments on the above proposal.

**9.1.8 Hertfordshire County Council – Archaeology (12 April 2024): [Insufficient information]**

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

As previously advised on applications 8/20/0002/EIAS and subsequently on 8/20/0882/OUT, the proposed development site is some 22.6 ha in area and is gently-sloping hillside agricultural land that historically would have overlooked a dry valley to the south.

The site is in an area that is well populated with heritage assets including those of the Roman period in particular. The Historic Environment Record (HER) notes that a Late Iron Age and Roman farmstead was excavated in the 1940s at Mount Wood to the north of the site (Bucks HER). Roman buildings have been found at Sarratt (HER Record no. 16177) and a villa at Latimer (Bucks HER), and a large, complex Late Iron Age and Roman settlement has recently been revealed at Maple Cross, to the south, prior to infrastructure works.

An undated gully was identified during an archaeological evaluation immediately adjacent to the site, to the north, at Stubbs Farm (HER no. 18650). A possible, but doubtful Roman road may lie circa 500m to the north of the site (HER no. 4594). Roman pottery, specifically a samian bowl, has been found on Chorleywood Common, roughly 250m to the south east (HER no. 1361).

A site the size of 22.6 ha in Hertfordshire, or indeed Buckinghamshire, is statistically almost certain to impact upon archaeological remains of some kind. Given the scale of the proposed development the potential for disturbing particularly significant remains is also increased.

Initial advice for 8/20/0002/EIAS asked for a geophysical survey and archaeological trial trenching pre-determination. In October of 2020, a Gradiometer Survey Report by Wessex Archaeology was submitted to support the aforementioned planning application as well as later applications 8/20/0898/OUT and 8/20/0538/OUT. The results of the survey detected anomalies that were likely to indicate archaeological features, including a possible pit alignment, evidence of possible ring-ditches and a former watercourse. An archaeological evaluation in the form of trial trenching was advised to target and investigate these anomalies to inform on the archaeological potential of the site, however, this evaluation never took place.

At present, there is still not enough information to determine whether remains that may affect the viability of the development and/or that are of sufficient importance to meet NPPF para. 206 (footnote 72) are likely to be present.

It is therefore recommended that the following works be carried out, to (to meet NPPF para 211), and the results submitted with the environmental statement:

- An archaeological trial trenching evaluation.

An informed decision can then be made with reference to the impact of the proposal on the historic environment. Where archaeology is identified, but does not meet NPPF, para. 206 (footnote 72), an appropriate level of archaeological mitigation can then be secured by negative condition (NPPF, para. 211).

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

Comments not received at the time of drafting report.

**9.1.10 Hertfordshire County Council – Highway Authority: []**

Comments not received at the time of drafting report.

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

Comments not received at the time of drafting report.

**9.1.12 Hertfordshire County Council – Minerals and Waste (23 April 2024): [No objection]**

**Minerals**

In relation to minerals, the site is not located within the ‘Sand and Gravel Belt’ or a Mineral Resource Block, as identified in Hertfordshire County Council’s adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. The Minerals Resource Blocks are regarded as the most viable areas for future mineral extraction in the county.

British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.

**Waste**

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council’s adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

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

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

The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The applicant has included an Outline Solid Waste Management Strategy prepared by Savills UK Limited (Savills). In this document, in paragraph 3.8, it is proposed that a SWMP will be prepared. As the Waste Planning Authority, we are pleased to see this commitment from the applicant.

As a minimum, the SWMP should include the following:

#### Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

#### Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)

#### Space for Later Recordings

- Space for the recording of actual figures against the estimated figures

- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to
- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

If a SWMP is not produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for each phase of the development has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

**9.1.13 Hertfordshire County Council – Growth and Infrastructure: [No Objection]**

**Children Services and Education**

I am writing in respect of planning obligations sought towards non-transport services required to mitigate the impact of this development on Hertfordshire County Council (HCC) Services. The information set out here is based on the information which has been shared with HCC to date for the development scheme intended to deliver up to 675 dwellings.

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	-	-
2	64	44
3	151	58
4+	76	12
<b>Total</b>	<b>291</b>	<b>114</b>

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	55	71
2	57	39
3	35	13
4+	-	-
<b>Total</b>	<b>147</b>	<b>123</b>

Year (situation at end of year)	2026	2027	2028	2029	2030	2031	2032	Total
Number of Completions	75	100	100	100	100	100	100	675

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

Estimated Trajectory

The financial obligations set out below are based on the information above and are indicative only due to the outline nature of this scheme. A change to the tenure or mix of dwellings may alter the contributions sought.

At 675 dwellings, the modelling suggests that the peak pupil yield arising from this scheme is approximately 1.91 forms of entry (1.01fe) for primary, which equates to an estimated 227 pupils (including nursery) and approximately 0.98fe for secondary, with an estimated 176 pupils.

The level of contributions that have been calculated are as follows:

**Primary Education** towards the delivery of a new 2fe primary school in the area and/or provision serving the development (£5,082,424 which has a land cost of £88,624 deducted index linked to BCIS 1Q2022)

**Nursery Education** included in the primary school provision above.

**Secondary Education** towards the expansion of Croxley Danes School and/or provision serving the development (£4,795,200 index linked to BCIS 1Q2022).

**Special Educational Needs and Disabilities (SEND)** towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£639,598 index linked to BCIS 1Q2022).

**Monitoring Fees** – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

**Primary School Land** – A planning application was previously considered for this site that was intended to deliver up to 800 dwellings. There was not an identified, deliverable solution to mitigate the impacts of the proposal on local primary schools. Since that application (20/0882/OUT) was determined, the applicant has engaged with HCC to discuss matters relating to the deliverability of an on-site primary school to enable children, arising from the development scheme, access to primary education.

It was agreed that a circa 2ha parcel of land within the site should be provided to HCC via S106 agreement. It was agreed that the site will be serviced in accordance with HCC's latest published serviced land specification and located in an appropriate parcel of the development site that will be appropriately located to enable a 'serviced' site. HCC acknowledges that approximately 2ha of land has been set aside for a safeguarded 2fe primary school on the northwest portion of the site, with access from Green Street. While the size of the site appears to meet the county council's education land specification for a school of this size, a land specification evidence checklist will still need to be completed. This will allow HCC to verify that the land is free from physical or topographical constraints features, and meeting other criteria set out as these might hinder the development and use for its intended purpose.

### General

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site. Although estimated contributions have been included in this response, outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation table will be provided as part of the Section 106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

#### Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

**PLEASE NOTE THE FOLLOWING:**

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions.

Due to the nature of the application, a number of assumptions have been made within this response and further discussions on the mitigations that have been proposed will be welcomed. Should you require any further information please contact the Growth & Infrastructure Unit.

**Green Infrastructure**

Thank you for consulting the County Council on the above application. I am writing in respect of Green Infrastructure related matters and providing comments/ recommendations that are of relevance to HCC's area of responsibility.

Green infrastructure (GI) is "a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity" (as defined in the National Planning Policy Framework (NPPF) 2023 Annex 2: Glossary). GI as a term of reference, encompasses open spaces such as parks and public gardens, but also allotments, woodlands, hedgerows, fields, river corridors and catchments, lakes, ponds, playing fields, Public Rights of Way and cycle routes. At the street level, this might include green walls, green roofs, soft verges, trees/canopies and Sustainable Drainage Systems (SuDS).

GI opportunities and requirements need to be considered at the earliest stages of development proposals, as an integral part of development and infrastructure provision, and taking into account existing natural assets (and the opportunities for enhancement these present) and the most suitable locations and types of new provision.

The NPPF states that "New development should be planned for in ways that: avoid increased vulnerability to the range of impacts arising from climate change...through suitable adaptation measures, including through the planning of green infrastructure (para. 159)." Furthermore, Paragraph 124a) states "Planning policies and decisions should encourage multiple benefits... including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside". Natural England, Government's advisors on Green Infrastructure have also developed a GI Framework.

Hertfordshire County Council in partnership with Hertfordshire Infrastructure and Planning Partnership (including Three Rivers District Council) produced a Green Infrastructure Strategy which outlines the overarching vision to support green infrastructure enhancements. The Strategy encourages the integration of GI early in the planning process to support landscape-led design, ensuring GI sits at the heart of placemaking to deliver healthier and greener developments. It is also identified that S106 agreements or CIL offer opportunities to contribute to funding green spaces and improvements to nature.

At district level, Three Rivers' Local Plan Core Strategy Policy CP9 seeks net gain in the quality and quantity of green infrastructure through the protection and enhancement of assets and provision of new green space.

In providing advice HCC seeks to ensure that adequate provision, protection and improvements of high-quality GI are consistent with the objectives and planning principles set out in the Hertfordshire Green Infrastructure Strategy and relevant policies in Three Rivers District's adopted Local Plan. Having reviewed relevant supporting documents of the application, including the parameter plans (especially the Illustrative GI Parameter Plan, the Illustrative Landscape Masterplan, the Planning Statement, the Environmental Statement, and the BNG Matrix), HCC does not object to the proposal from a GI perspective. However, having reviewed the supporting documents, the following recommendations ought to be considered in order to improve local GI and help achieve net environmental gains in accordance with local and national policy:

- Connectivity to the wider GI network – We note that the site is currently used as agricultural land and currently has neither high biodiversity value nor significant recreational value for the local communities. It is the setting for 2 Public Footpaths This application proposes a GI network including areas of natural and semi-nature greenspace. In particular, proposed planting and landscaping along the eastern edge of the site will allow the creation of new habitats, as well as an opportunity to further extend wildlife connections towards the wooded areas north of the A404. Consideration should also be given to how the development could further enhance habitat connectivity by improving habitats along the footpath at the southeast corner of the site, with onward connection to much larger Chorleywood Common.
- It should be considered whether off-site improvement to the wider GI network could be delivered, including improvement to Chorleywood Common.
- Improvements to the PROW routes on and off site (e.g. 011 ,014 and 032a) should be sought given their proximity to the site and likely increase usage- CROW have a Non-Motorised Route Design Guide that would be helpful in understanding what might be appropriate.
- Considering the site is located within the Chilterns National Landscapes and the Chilterns Landscape Character Area, we welcome the reference to a 'landscape-led' design approach and proposal for extensive planting (see Planning Statement para 3.23-3.25). However, there seems to be no specific reference to longer term management/stewardship of the GI provision. A detailed and comprehensive management strategy should be required as part of the planning proposal, either through conditions or agreement with the applicant. Long term maintenance of other facilities that are connected to the GI provision such as SuDS, play space and play equipment (NEAPs and LEAPs), will also need to be considered as they do have an effect on the accessibility and quality of the GI.

The comments provided in this response are intended to be helpful in steering discussions with the applicant team to secure the most beneficial outcomes for the surrounding environment.

#### 9.1.14 Hertfordshire County Council – Public Health: [Comment received]

For all development proposals Public Health recommends that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance , Public Health England's Spatial Planning for Health evidence resource and the NHS England 'Putting Health into Place, 10 Principles' Guidance document 2019 .This sets out our expectation of developers in terms of the delivery of healthy development and communities, and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so, this recognises the wider determinants of health as a diverse range of social, economic and environmental factors which influence people's mental and physical health, and would demonstrate that an application for development has been positively prepared.

#### National and Local Policy

The recently revised NPPF, in its planning objective 8b, sets out that the planning system has a social objective to support strong, vibrant and healthy communities and to support



communities' health and social wellbeing. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 92 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 92c).

Paragraph 93b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

The Hertfordshire Health and Wellbeing Strategy 2022 – 20265 sets out the vision and strategic priorities for improving health and wellbeing and reducing health inequalities in the County. This strategy outlines three key overarching ambitions and six themed strategic outcomes we are collectively aspiring to in Hertfordshire.

## Health Impact Assessment

### Specific Comments on the Proposal

1. Air quality: The effects of air pollution on health have been intensively studied in recent years. The results of these studies showed that air pollution harms human health and particularly is harmful for those who are already vulnerable because of their age as children and older people or existing health problems. Ambient air pollution has been associated with a multitude of health effects, including mortality, respiratory and cardiovascular hospitalizations, changes in lung function and asthma attacks. Whilst it is better to reduce air pollution at source than mitigate the consequences, every new development will have an impact on air quality, usually by increasing emissions from buildings or from traffic generation. The links between poor air quality, human health, and the environment are well documented and is classed by Public Health England as a major public health risk alongside cancer, heart disease and obesity.

Public Health advises that the developer should consider sensitive placement of sensitive receptors to air pollution. This includes careful location of any affordable dwelling contribution in areas likely to have low concentrations of air pollutants and noise.

I defer to the Three Rivers District Council Environmental Health team to ensure that development will not create air quality problems. In particular, I seek reassurance that this development will not contribute to a worsening of local air quality that may lead to poor health outcomes (through exposure) for the existing community living in the vicinity, or for new and vulnerable populations (such as the elderly or young children).

The Planning Authority may wish to consider the National Institute for Health and Care Excellence (NICE) 2017 Guidance on Outdoor Air Pollution, as well as the 2019 Quality Standard (QS181) which covers road-traffic-related air pollution and its impact on health. The Quality Standard describes high-quality actions in priority areas for improvement, with Quality Statement 2 focussed on planning applications.

2. Indoor air quality: Exposure to poor indoor air quality can impact negatively on health. The National Institute for Clinical Excellence (NICE) have recently published guidance on indoor air quality (NICE guideline NG149).

3. Creating access for all: To meet the needs of an ageing population and individuals with physical disabilities and limiting illnesses it is recommended to give consideration to the accessibility across the development. This includes: footpath surfaces and colour schemes (particularly for people with dementia) and street furniture design (i.e. seating suitable for older adults).

4. Adoption of active travel behaviours from the new occupants: We recommend there is appropriate signage for pedestrian/cycle routes towards key local destinations (including the bus and train stations) and rights of way which includes journey times. To encourage the adoption of new active travel behaviours, this needs to be in place prior to first occupation when individuals are more susceptible to change. The planning authority may wish to consider this by way of a condition.

5. Active Design: The development should maximise opportunities for encouraging physical activity by following the guidance in Sport England's and Public Health England's Active Design guidance <https://www.sportengland.org/how-we-canhelp/facilities-and-planning/design-and-cost-guidance/active-design>. In particular, the checklist in the Active Design guidance should be used for informing the design and consideration of how the checklist has been considered should be included in a planning application e.g. as part of the Health Impact Assessment or Design and Access Statement. The planning authority may wish to consider this by way of a condition to request details to be submitted and approved which demonstrate how promoting physical activity has been considered in the design and layout of the development. Public Health strongly advises the developer to consult Sport England on this application.

6. Affordable Housing: having a good quality home is important to our health and wellbeing and ensuring accessibility to affordable housing is a priority across the County. It isn't clear how and where the affordable housing will be provided. It is, without a doubt, crucial that the development provides its affordable housing in a way which is integrated and avoids demarcation. It should also have equal access to the green space provided.

7. Provision of healthy, affordable food: We seek to encourage affordable, healthy food choices and a balance in the range of food outlets occupying the retail space to enable individuals to make healthy choices, whilst promoting local commercial diversity. The environment in which we live, work and play has a considerable influence on our food choices. Easy access to affordable, healthy food choices can help to support a balanced diet and prevent unhealthy weight in the population. We look to the local planning authority to consider licencing restrictions for food outlets within this development to provide a balance of food choices available.

8. Contributions towards modal shift and active recreation: We recommend the planning authority considers seeking contributions by way of a planning condition towards local schemes to encourage modal shift towards active and sustainable travel.

9. Charging points for electric vehicles: To encourage the use of cleaner vehicles, electric charging points should be provided for all new residential and non-residential buildings with associated parking.

10. Car club: We would like to see the developer making a contribution to setting up a car club.

11. Safe crossing points beyond site perimeter: to encourage residents to use active travel, a key indicator will be perceptions of safety. Safe crossing points will encourage behaviour change for residents to use active travel in favour of car usage. It is not clear from the plans if there are safe crossing points on nearby roads to the proposed site.

## Health Impact Assessment

Health Impact Assessment (HIA) is a recognised tool that can assist development applications demonstrate both the positives of the proposal as well as identifying any unintended consequences. Robust assessments of the health implications of development proposals consider how different populations will be positively and negatively impacted by the development; HIA can draw out these inequalities in relation to the impact of a

development on existing local communities and how the development may influence the health and wellbeing of its new residents. It is also important to consider the cumulative impact of neighbouring developments on new and existing communities which can be taken into account when undertaking an HIA.

In November 2019, Hertfordshire County Council adopted a HIA Position Statement which sets out that an HIA is undertaken for developments in excess of 100 residential units. It also clearly sets out the recommended frameworks to use for each stage of the HIA process. This includes guidance on the quality assurance framework that will be used to assess how well an HIA has been undertaken. The Hertfordshire County Council (HCC) HIA Position Statement can be downloaded from the link below:

<https://www.hertfordshire.gov.uk/media-library/documents/public-health/health/hia-positionstatement.pdf>

The HIA Position Statement does not specify a particular methodology to use for the appraisal stage - this is to be determined by the developer. However, we recommend developers familiarise themselves with the "Wales Health Impact Assessment Support Unit (WHIASU) Quality Assurance Review Framework for HIA" to ensure the framework chosen to undertake the HIA meets the requirements of a high quality HIA. Hertfordshire Public Health will be quality assessing HIAs (using the WHIASU Quality Assurance Review Framework) submitted with planning applications either as standalone assessments or as part of Environmental Impact Assessments.

Given the scale of the proposed development, Public Health will require the developer to undertake a Health Impact Assessment (HIA) to assess the potential positive and negative health impacts of this development. In doing so, the applicant would be demonstrating how it is meeting the various requirements of the NPPF, chapter 8.

In the absence of an agreed national set of guidelines on HIA, and appreciating there are different methodologies, our expectation is that an HIA must:

- consult Public Health and the planning authority on its scope;
  - have robustly considered health inequalities and demonstrate an understanding of how health inequalities apply in the context of the development proposal;
  - have clearly and appropriately identified vulnerable populations as part of the HIA process (see Population Group Checklist<sup>11</sup> for example);
  - have utilised relevant local health profiles and other appropriate community data, preferably down to ward level where possible;
  - be robust in its consideration of the wider determinants of health, and can demonstrate understanding of what these are in the context of the development proposal and wider communities;
  - be balanced in its findings.
- To ensure the completeness and quality of the Health Impact Assessment: (a) the developer must ensure that the Health Impact Assessment is prepared by competent experts; and (b) the Health Impact Assessment must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

For a development of this size, we would be expecting a Rapid / Full HIA to be undertaken. The applicant should consider how much more work this would entail set against the benefits of demonstrating to the local planning authority how the proposal is positively planned and how it will offer opportunities to the existing and new communities.

The development proposals represent significant change to the built environment which, whilst intended as positive, may have unintended negative impacts on health that an HIA may highlight. There are a range of guidance and resources that can be used to inform HIA development to ensure it is robust, balanced, evidence-driven and puts health at the heart of planning. See Table 1 of the recent Public Health England publication on HIA. More

useful guidance on HIA is available here: <https://www.hertfordshire.gov.uk/services/health-inherits/healthy-places/the-role-of-public-health-in-planning.aspx#HIA>.

Public Health notes that the developer has not submitted an HIA report alongside the planning application. Therefore, Public Health requests a planning condition to be imposed requiring HIA to be submitted and approved. A suggested planning condition is as follows:

“No development shall commence until an HIA report is submitted and approved in writing by HCC Public Health to demonstrate both the positives of the proposal as well as identifying any unintended consequences for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development.”

Reason: To ensure that the impacts on health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the borough.

#### 9.1.15 Hertfordshire County Council – Water Officer

This will require additional fire hydrants, which we'd like to request via a condition to ensure there are adequate water supplies available for use in the event of any emergency, at no cost to the County Council, or Fire and Rescue Service.

#### 9.1.16 Hertfordshire Constabulary: [Comment received]

I can see no reference to crime prevention or security in the documents provided which is worrying for a development of this size. However, from a security perspective the site layout looks well designed:

- Good surveillance across the site
- Good road layouts, preventing “Rat Runs”
- Positive frontages facing onto perimeter pathways
- Adequate car parking at the front of the dwellings

I would ask that if this application is granted, not only the 50% affordable housing (338) dwellings but the entire development is built to the police preferred security standard Secured by Design. Evidence has shown that if crime is not considered or designed out these areas become very unpleasant places for people to live and places huge demand on the local police.

At this stage in the application process, I have not detailed the physical security standards required to achieve the Secured by Design award. If the application is granted, I would like to discuss crime prevention at the earliest opportunity with the architects/developers.

#### 9.1.17 Herts and Middlesex Wildlife Trust: [No comment received]

#### 9.1.18 Herts Ecology (21 May 2024): [No Objection]

### **Overall Recommendation**

Application can be determined with no ecological objections (with any Informatives/Conditions listed below).

### **Summary of Advice**

- Mitigation and compensation measures for protected species and sites should be resolved at Reserved Matters.

- A Habitat Management and Monitoring Plan (HMMP) should be secured by a Section 106 Agreement, alongside the mandatory Biodiversity Gain Plan Condition.

## **Supporting Documents**

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

- 24/0538/OUT Environmental Statement Chapter 10: Ecology by Savills.
- Bat Activity Report by Johns Associates (13 March 2024).
- Great Crested Newt eDNA Survey Technical Note by Johns Associates (14 March 2024).
- Biodiversity Net Gain Assessment – 700 Unit by Johns Associates (March 2024).
- Statutory Biodiversity Metric – 24/0538/OUT (21 March 2024).

## **Comments**

### **Biodiversity Net Gain (BNG)**

The Biodiversity Net Gain Assessment and accompanying Statutory Metric detail a proposed net gain to biodiversity and demonstrate that the Trading Rules have been satisfied.

Through a combination of on-site and off-site measures, the application details a net gain of 17.05% habitat units and 45.46% hedgerow units. However, the off-site location proposed for BNG lies within a formal sports complex which raises potential concern surrounding the viability of delivering meaningful BNG. At this stage, only limited information is provided on how this habitat will be managed and its value maintained for the full 30-year period, and ultimately only long-term monitoring will demonstrate how these communities develop and whether the BNG claimed is being achieved. We therefore advise that a Habitat Management and Monitoring Plan (HMMP) should be secured by a Section 106 Agreement, alongside the mandatory Biodiversity Gain Plan Condition.

### **Protected Species**

The Bat Activity Report listed above concludes the site to be suitable for foraging and commuting bats, therefore a mitigation strategy regarding a sensitive lighting design and landscaping will need to be resolved at the Reserved Matters stage. The report highlighted potential for roosting bats within the site boundary, and updated bat activity surveys are proposed to be undertaken between April to June 2024.

At this stage, we do not consider protected species will represent a fundamental ecological constraint to the proposals. The Environmental Statement listed above outlines mitigation measures regarding bats, badgers, great crested newts, breeding birds, hedgehog, and roe deer. Such measures will need to be expanded upon at the Reserved Matters stage in order to demonstrate how they will be effectively implemented.

The Great Crested Newt eDNA Survey listed above concluded great crested newts to be absent from the site. Should any subsequent permission be granted, the applicant proposes to apply for a GCN District Level License (DLL) from Natural England. Repeat badger surveys and monitoring prior to construction is proposed to form part of a Construction Environmental Management Plan (CEMP) in order to ascertain whether a badger license from Natural England will be required to allow the proposed development to take place.

### **Chorleywood Common Local Nature Reserve (LNR)**

Whilst we do not consider the modified grassland to represent a fundamental ecological constraint to the proposals, the development represents a major intrusion into, and

urbanisation of, the AONB at this location. This is a substantial number of new dwellings within a sensitive, urban fringe area and is highly likely to generate considerable further recreational pressure on Chorleywood Common Local Nature Reserve (LNR) and Chorleywood House Estate LNR, which are already subject to high amenity use. Consequently, I consider that measures to mitigate additional pressures on the LNRs should be proposed to the satisfaction of the LPA.

### **Mitigation and Compensation Measures**

Chapter 10 of the Environmental Statement by Savills (as listed above) provides mitigation and compensation measures surrounding protected species and protected sites subject to potential impacts by these proposals. We support the measures proposed within these statements and advise that such measures will need to be expanded upon at the Reserved Matters stage in order to demonstrate how they will be effectively implemented.

#### **9.1.19 National Highways (26 April 2024): [No objection]**

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 outline application is for the demolition of the existing farm building and comprehensive development of the Site, delivering up to 675 no. residential dwellings (Use Class C3), a new two-form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

National Highways has been consulted on this application for delivery of up to 675 homes and a primary school (ref. 24/0538/OUT), as well as on another concurrent application at the same site for a residential development comprising up to 300 homes and other ancillary facilities (ref. 24/0476/OUT).

The SRN in the vicinity of the proposed development are the M25 Junction 17 and Junction 18, which are approximately 1.69 miles and 1.16 miles away, respectively. The site is proposed to be accessed via Green Street, a local highway. The site does not have a common boundary with the SRN.

We were previously consulted on two other applications at this site which proposed developments of up to 300 dwellings (ref. 20/0898/OUT) and 800 dwellings (ref. 20/0882/OUT) respectively. We concluded our review of application ref. 20/0898/OUT in August 2021 and ref. 20/0882/OUT in October 2022.

Regarding the most recent previous application for 800 dwellings (ref. 20/0882/OUT), our recommendation of no objection in October 2022 was based on a thorough review and agreement with the detailed modelling, as well as the acceptable transport impacts on M25 Junctions 17 and 18.

We have reviewed the Transport Assessment, prepared by Origin in March 2024, which is part of this planning submission. The presented trip generation, distribution, and assignment are deemed acceptable. Given the significant reduction in quantum of the proposed development compared to the most recently reviewed previous application, the overall numbers of trips predicted to reach the SRN are reduced. Given that this current application proposes up to 675 dwellings, we anticipate significantly lesser traffic impact on the SRN to what we had reviewed and accepted 18 months ago. As for the proposed two-form entry primary school, we anticipate any traffic impact from it on the SRN would be insignificant, due to its catchment area.

**Recommendation – No Objection.**

We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023) in this location and its vicinity.

**Standing advice to the local planning authority**

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 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

#### 9.1.20 Historic England (25 April 2024): [Concerns]

##### **Significance of heritage assets**

The land that is the subject of this application lies to the East of Green Street on the northern edge of Chorleywood. The far south east of the site is adjacent to the Chorleywood Common Conservation Area, character area D. It is on a patch of rising ground that has panoramic views across the town and surrounding countryside.

Chorleywood Common is a large tract of open land to the north of the town with typical common edge ribbon settlement to its western side. As Chorleywood has grown, the common has seen development to its western and eastern sides, the southern extent being defined by the railway line. The south western boundary of the site is defined by houses which were developed between 1938 and 1955 in a linear fashion along streets. The eastern boundary is adjacent to an area of properties with large gardens and is well treed. The western boundary lies along the boundary with the neighbouring local authority and the Chilterns Area of Outstanding Natural Beauty.

The land in question has historically formed a part of the open setting for Chorleywood Common and is a positive factor in the character of the Conservation Area. Despite the more recent larger houses separating the more historic development along Common Road from this piece of land, the land is a rural backdrop to the ribbon development in this area creating a link back to the more rural origins of settlement in this area.

##### **Impact of proposals**

Proposals are to build 675 houses on this piece of land with associated open space and access. Proposals for such a substantial new settlement would inevitably cause a degree of harm to the rural character of Chorleywood Common Conservation Area.

Because of the topography of the land the proposed houses would be visible from the Conservation Area and through gaps between the buildings along Common Road. This would impair the sense of space and openness of the Conservation Area along Common Road, leaving the open, rural backdrop of this traditional settlement compromised.

The proposed homes would be separated from the boundaries of the site by enhanced planting and where the site borders the Conservation Area, a sustainable urban drainage system would be developed leaving this area for recreation. The site is proposed to have extensive planting and a mixture of hard surfaces and different sizes and styles of housing.

### **Policy and legislation to consider**

The application needs to be determined in accordance with policies of the National Planning Policy Framework (NPPF). Paragraph 205 states great weight should be given to the conservation of designated heritage assets, which includes listed buildings and conservation areas. Paragraph 201 stresses the need to avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Paragraph 206 states any harm to the significance of a designated heritage asset should be clearly and convincingly justified, and paragraph 208 of the Framework requires harm to be weighed against public benefits. Clear public benefits which outweigh the degree of harm must be demonstrated.

The site is within the Greenbelt (Planning Policy P2) and the Chilterns AONB.

### **Historic England's Position**

The proposed development, by reason of its form, scale and density would detract from the overall rural character and appearance of the wider landscape and cause harm to the setting and significance of the Chorleywood Common conservation area. As the rurality of the conservation area would be markedly eroded rather than completely destroyed, we assess the level of harm to its significance as less than substantial as defined by the National Planning Policy Framework.

We consider that the impact upon the Conservation Area could still be reduced by drawing the development significantly away from the eastern boundary of the proposed site area. This would enable the development to meet the requirements of paragraph 201 of the NPPF.

A similar scheme was submitted in 2020 (20/0882/OUT) to which we raised concerns (8 July 2020 and 6 February 2022). The scheme was refused consent on 27 March 2023 for several reasons, including the level of harm it would cause to the Conservation Area.

Though the present scheme presents a slightly reduced scheme, our fundamental concerns about the impact of the development on the rural setting of the conservation area remains.

Our recommendation is that the application should be refused unless the Council are convinced that, having worked through paragraphs 201-208 of the NPPF, the harm is clearly and convincingly justified. Given the level of harm and the great weight that should be given to that harm in the planning balance, major public benefits would need to outweigh it.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 201, 206 and 208 of the NPPF.



Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

9.1.21 National Grid: [No response received]

9.1.22 Natural England (10 May 2024): [Objection]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES AND PROTECTED LANDSCAPES

As submitted, the application could have potential significant effects on Chilterns National Landscape (CNL); Frogmore meadows Site of Special Scientific Interest (SSSI) and Sarratt Bottom Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The proposals are considered to be partitioning the site at Land East of Green Street, ChorleyWood and as such mitigation is required to ensure the application will not result in an adverse effect on site integrity.

The following information is required:

- Further consideration of recreational impacts on Frogmore meadows SSSI
- Further consideration of recreational impacts on Sarratt Bottom SSSI
- Further analysis of mitigation measures on the Chilterns National Landscape (CNL)

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Natural England previously raised objection to application, since withdrawn, for a 300/800 housing development at this location, reference(s) 20/0898/OUT (300) and 20/0882/OUT (800).

We welcome the opportunity to comment on this new submission.

#### **Additional Information required**

##### **Recreational impacts**

Both Frogmore meadows SSSI and Sarratt Bottom SSSI, at their closest point, lie approximately 1.81 and 1.85km respectively from the proposed development. The Environmental Statement acknowledges the proximity of the protected site and has ruled out negative environmental effects due to proposed measures to be implemented during occupational stages of development (para 9.48 – 9.50; Ecological statement non-technical summary). However, Public Rights of Way (PRoW) and accessibility of the site means they are within walking distance. The notified features of the SSSI(s) are sensitive to recreational pressure hence the effects of increased pressure associated with the proposed development should be considered further.

We disagree that development will not have an adverse impact on Frogmore Meadows SSSI and Sarratt Bottom SSSI and that effects of increased recreational impacts arising

from new residents have been considered in full. We acknowledge the provision of some green infrastructure measures within the development design with scope for retained green space, hedgerows, and creation of water features. However, we note that the balance between providing for ecology and providing mitigation for recreational disturbance requires careful design. We suggest that further mitigation measures are employed to reduce potential recreational impacts (leaflets, signage) and recommend liaising with the site managers to determine what measures would be appropriate to adequately address additional visitor pressure. With regard to the extent and design of high quality accessible natural greenspace provision, we advocate the use of Natural England's Green Infrastructure Framework: Principles and Standards. Useful reference can also be made to our SANG guidelines for specific criteria on effective green space design. Such criteria include but are not limited to:

- A minimum circular walk of 2.3-2.5km
- A minimum of 100m width between paths within open spaces
- A need for semi-natural feel with naturalistic space including open countryside and trees
- Provision of access points based on intended visitors to SANG
- Allowance of open space and off-lead areas for dogs

A draft green space strategy, incorporating sufficient extent, design, and long-term management of on-site accessible natural greenspace provision to avoid adverse impact to the nearby designated sites, should be provided, taking into consideration our advice above. Should the applicant wish to seek Natural England's advice on the draft Strategy, we would be happy to provide this through our Discretionary Advice Service.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### **Other Advice:**

In addition, Natural England would advise on the following issues

#### **Protected Landscapes – Chilterns National Landscape (CNL)**

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns National Landscape.

The Chilterns National Landscape's (AONB) landscape and scenic beauty is afforded the highest level of protection by national planning policy. Its statutory management plan describes the features, characteristics and cultural associations which makes the area both a unique and high-quality landscape. As such they provide a helpful articulation, rooted in the original designation description and Order but more relatable and readily applied to issues like planning proposals, of how natural beauty is expressed within and across the designated area. A commonly used shorthand term for these defining features and characteristics is 'special qualities.' The Chilterns AONB Management Plan, defines the natural beauty, character, and special qualities of the Chilterns AONB thus:

'In particular the Chilterns was designated to protect its special qualities which include the steep chalk escarpment with flower-rich downland, woodlands, commons, tranquil valleys, ancient routes, villages with brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.'

This description, together with other more fine-grained and detailed descriptions and cataloguing of the area's special qualities, and the area's Landscape Character Assessment, should provide the baseline against which the potential impacts of the proposed Chorley wood project on the Chiltern National Landscape (AONB) landscape should be assessed. A significant adverse effect on any of those defining characteristics or

special qualities would be a strong indicator that the ability of the AONB to deliver its statutory purpose could be compromised.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal. Natural England do not consider that exceptional circumstances have been demonstrated in this case.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

It should be noted that Natural England does not support the conclusions drawn within the current submitted Landscape Visual Impact Assessment (LVIA) in regard to impacts on the Chilterns National Landscape. We direct you to comments provided by the Chilterns Conservation Board and would recommend referral to their advice in this matter, including an update to the LVIA.

### **Best and Most Versatile Agricultural Land**

We note from the Applicant's Agricultural Land Classification report (ES APPX 5.4) that a magic map search indicates that the proposed development will affect c.23ha of ALC 3b soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working

and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

9.1.23 NHS Hertfordshire and West Essex Integrated Care Board (8 May 2024): [Comment received]

Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.

Please accept this letter as the HWE ICB's position on primary healthcare capacity and need arising from this planning application and the health financial contribution sought if Three Rivers District Council is minded to grant planning permission.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.8m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.
- help the NHS support social and economic development in Hertfordshire and west Essex.

A strategic aim of the NHS HWE ICB is the improvement of primary and community and mental health care outside of hospitals. To achieve this the NHS commissions a number of services from general practices in addition to their "core" activity. On the ground this means more joined up care, for example, primary and community healthcare hubs with co-ordinated multidisciplinary professionals/ teams. Therefore, a doctors' general practitioners' surgery may also include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals to provide care to residents.

**NHS GP premises funding**

By way of context, GP Practices are independent contractors that deliver NHS services - in most cases through General Medical Services (GMS) contract. In line with their contract, they receive payments for the delivery of GMS services as well as reimbursements of their premises costs.

According to the terms of their GMS contract, GP contractors receive rent from NHS for using their premises (which they either own or lease) to provide NHS services from. In line with NHS Premises Costs Directions 2013, for the premises that the GP's own, NHS pays Current Market Rent (i.e. fair and reasonable rent as determined by the District Valuer). For leased premises, NHS reimburses the lease rent that they pay to their landlord (also as verified by the District Valuer). In addition, NHS reimburses business rates and water rates.

If new and/or extended surgery buildings are required, these can be funded in various ways:

- NHS capital investment in the building works – GP practice will sign a Grant Agreement and as a result, their rent reimbursement is abated proportionately to reflect the amount of capital invested for a specified time period in line with NHS Premises Costs Directions 2013.
- S106/CIL investment in the building works – as above, treated in the same way as NHS capital investment.
- Capital investment by the practice
- Capital investment by the landlord/third party developer

In the latter two cases, where there is no NHS capital investment, yet we receive the benefit of an increased and/or improved building, there is an increase in either the Current Market Rent (GP owned) or the lease rent (leased building) and the NHS commissioner will be liable for that additional revenue consequence. It should be noted that because all GMS contracts are contracts in perpetuity, NHS will be liable for these costs indefinitely.

### **Primary Care Networks**

Within the HWE ICB there are 35 PCNs across the 14 localities, each covering a population of between circa 27,000 and 68,000 patients. PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services to ensure an integrated approach to patient care.

Patients are at liberty to choose which GP practice to register with, providing they live within the practice boundary. However, most patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: walking distance, quickest journey time, accessibility by public transport, parking provision.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained, the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

The HWE ICB keeps up to date PCN patient lists and closely monitors the current and future capacity of GP surgeries against Local Plan allocations/ housing trajectories.

The HWE ICB also ranks PCNs using existing premises data and known development data. This will identify and rank hotspots across the PCN patch where there is a need to explore projects to increase capacity, for example, by either re-configuring, extending or relocating GP premises to provide sufficient space to increase resources and clinical services to keep patient lists open.

### **Assessment of impact on existing Healthcare Provision**

This development will have an impact on primary/secondary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision. This scheme is expected to deliver 675 homes, which based on an average occupancy of 2.4 will create circa 1,620 new patients.

These new residents will mainly impact on RCS PCN practices. Even though there appears to be some capacity in Chorleywood MC and Gade Surgery's branch in Witton House - their patient per m2 ratio being lower than the ICB average - collectively as a PCN they are still constrained.

In order to illustrate their current situation, individually as well as collectively in terms of premises capacity, we have included a small table below showing data for all practices in Chorleywood and Rickmansworth.

Surgery Name	Settlement/ Area	PCN	Number of patients capacity/ constraint relative to 18 per m2	Settlement level			PCN level		
				Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Capital impact of existing capacity/ shortfall	Number of patients capacity/ constraint	Total NIA capacity/ shortfall	Capital impact of existing shortfall
Chorleywood Health Centre	Rickmansworth/ Chorleywood	RCS	1,382	-213	-12	-£64,060	-213	-12	£64,060
Gade House Surgery		RCS	-4,728						
Witton House Surgery		RCS	2,201						
The Colne Practice		RCS	931						

Table demonstrates that the closest GP practice to the proposed development – Chorleywood HC and Witton House Surgery have a capacity to register new patients, however, the RCS PCN collectively is constrained and any spare capacity that there is in those practices is likely to be taken up by the increasing number of additional services that PCN's are required to deliver.

Cost calculation of additional primary healthcare services arising from the proposed development

The proposed development is expected to deliver 675 residential units. The HWE ICB uses a standard occupancy factor of 2.4 resulting in 1,620 new patient registrations.

The cost calculation of additional primary healthcare services arising from the proposed development is therefore:

675 residential units x 2.4 = 1,620 new patients  
 1,620/ 2,000 = 0.81 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")\*  
 0.81 x 199m2 = 161.19m2 additional space required  
 161.19 x £5,410 (build costs including land, fit out and fees) = £872,037.90  
 £872,037.90 / 675 = £1,291.91 per dwelling

Total GMS contribution requested £872,038.

*\*It should be noted that the NHS England "Premises Principles of Best Practice" is only concerned with the GP core services and does not consider the increasing number of additional services that GP practices are now delivering.*

Furthermore, the above does not consider the impact on NHS community, mental health and acute care services, all of which will be at the disposal of new residents. Detailed calculations of the tariff reflecting the capital impact can be provided and we have summarised the cost per dwelling based on 2.4 occupancy below:

NHS Service Cost per dwelling  
 Acute Care - £2,187.69  
 Mental Health - £201.38  
 Community Services - £182.03

The Acute Care: 675 x £2,187.69 = £1,476,690  
 Mental Health Service: 675 x £201.38 = £135,931  
 Community Services: 675 x £182.03 = £122,870

The HWE ICB acknowledges that these services are more appropriately funded through CIL as each facility usually covers a larger geographical area.

The HWE ICB requests that the GMS contribution of £872,038 is secured through a planning obligation attached to any grant of planning permission, in the form of a Section 106 agreement. A trigger point of payment on occupancy of the 1st dwelling & 200th dwelling is also requested.

To clarify, the financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated on the number of units proposed and does not consider any existing deficiencies or shortfalls.

Please also note, the above developer contribution figures are a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus the GMS contribution on additional GP facilities in one of the strategic development sites as per our Regulation 18 consultation response dated 8th December 2023.

It should be noted, however, that the purposes specified above are based on the information received from the TRDC to date. These projects are to be reviewed, should there be any changes to the planned development in the TRDC Regulation 19 Local Plan consultation

#### 9.1.24 Three Rivers District Council - Conservation Officer (10 July 2024): [Objection]

The outline application is for the demolition of the existing farm building and comprehensive development of the Site, delivering up to 675 no. residential dwellings (Use Class C3), a new twoform entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).

A very similar application was submitted in 2020 (20/0882/OUT) for 800 houses and without the proposed development plot for education uses. The proposed area of development remains largely identical between the two schemes. Due to the similarities between the previous scheme and the now proposed scheme, the advice remains broadly the same.

The site is located to the north west of the Chorleywood Common Conservation Area and to the north of the Chorleywood Station Estate Conservation Area. Within the Chorleywood Common Conservation Area are a number of listed buildings and the two within closest proximity to the site are situated on the western side of Common Road. Berkeley House is Grade II listed (list entry no. 1348212) and dates to the early-mid seventeenth century with substantial nineteenth century alterations. It was formerly the Berkeley Arms Public House and is prominent element of the streetscape overlooking the Common. Further north on Common Road is the Grade II listed building of The Old Cottage and Pond Cottage (list entry no. 1296284) with a sixteenth and seventeenth century timber framed core encased in red brick in the eighteenth century and with subsequent alterations in the nineteenth and twentieth centuries. The Conservation Area also includes a number of locally listed buildings including the Rose & Crown Public House, a building with seventeenth century origins fronting the Common, and The Cottage located on Homefield Road which is a good example of early twentieth century design typical of the growth of the area following the opening of Chorleywood Station.

A cluster of four Grade II listed buildings forming the historic core of Great Greenstreet Farm, including the farmhouse (list entry no. 1124748) and three barns (list entry nos. 1332569, 1252815 and 1252819), is situated to the north of the site on the western side of

Green Street. These buildings are located outside the Three Rivers District boundary within Buckinghamshire. The site forms part of their wider landscape setting.

The heritage assets potentially impacted are the Chorleywood Common Conservation Area and the four Grade II listed buildings at Great Greenstreet Farm. The proposal is not considered to individually impact the settings or significance of the listed and locally listed buildings within the Conservation Area. These buildings and the spaces between them form part of the Conservation Area

Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) on The Setting of Heritage Assets has been considered in assessing the proposal.

#### Chorleywood Common Conservation Area

Chorleywood Common Conservation Area was designated in 1976 and amended in 1991. The special interest of the area is defined within the Chorleywood Common Conservation Area Appraisal (2010):

*Chorleywood Common Conservation Area is of both historic and architectural interest. The open rural nature of the Common and the integration of the built form surrounding the Common creates an area of architectural interest. The variation in character of the buildings located around the Common, ranging from 16th and 17th Century to 19th Century buildings demonstrates the growth of the area throughout history... The special interest of the Conservation Area relates to the types of buildings and how the built form surrounding the Conservation Area has developed and grown throughout history. The original buildings consist of the farm cottages. These buildings reflect the historical agricultural use of the Common... Chorleywood Bottom reflects the early village settlements of the Conservation Area. The arrival of the Metropolitan Railway line resulted in a change in the urban form particularly around Station Approach. The north eastern part of the Conservation Area has an urban character created by the development of Rickmansworth Road (A404)...The juxtaposition of low density home and gardens with more intensive terraces or rows of houses does impart a special character to the area. (pg.3)*

The Common was historically used as agricultural land for the grazing of animals. Some of the earliest buildings within the Conservation Area are dispersed farm cottages reflecting the agricultural use of the Common. Development around the edge of the Common, particularly to the south west of the Conservation Area, intensified in the nineteenth century following the construction of Chorleywood Station. However, the Conservation Area retains its open and rural character and appearance.

The setting of the Conservation Area contributes to an appreciation of its significance as a historic rural settlement centred on the open land of the Common within a wider agrarian landscape. Areas of open landscape have survived to the north and south, but the former open landscape has been eroded to the east with the growth of Rickmansworth and the construction of the M25, and the west with development around the station. The site is an important area of open land to the north west of the Conservation Area forming part of the surviving agrarian landscape. The site in its present undeveloped form is considered to make a positive contribution to the setting of the Conservation Area.

Due to the unique topography of the area there are clear views of the site from the eastern part of Chorleywood Common looking north west beyond the buildings on Common Road. These views provide an appreciation of the historic landscape setting of the Conservation Area and the development of the settlement within an agrarian landscape. They are an important aspect of the setting of the area. Whilst views from the west of the Common looking north west towards the site are not included on the 'Important Views' map within the Appraisal (Appendix 8), it should be noted that the Appraisal is not an exhaustive record of every element contributing to the area's significance (stated on pg. 4).



One of the views from the Common towards the site is illustrated in View 10 (Figures 13.21 and 13.22) of the Environmental Statement. The wireframe overlay demonstrates that this view of the open landscape setting from within the Conservation Area will be lost and replaced with a view of the proposed housing development. The urbanising effect on the setting of this part of the Conservation Area and the environmental changes including the change in the use of the land, light spill and movement are all attributes of the proposal which will detract from the setting of the Conservation Area and the appreciation of its significance. The proposal is considered to result in less than substantial harm to the significance of the Conservation Area. Planning Practice Guidance (para. 018) recommends that the level of harm is clearly articulated, therefore, if this harm were considered on a spectrum of low, medium and high, the harm would be at a medium level.

#### Great Greenstreet Farm (Grade II listed buildings)

The four Grade II listed buildings comprising Great Greenstreet Farm include the former farmhouse and three associated barns. These assets form a group and have been assessed as such. The farmhouse is of seventeenth century origin with alterations and extensions dating to the eighteenth and nineteenth centuries. The three barns are all timber framed and weatherboarded and date to the eighteenth century. The barns have been converted to residential use but retain their legibility as former agricultural buildings within a farmstead. The buildings are all of architectural and historic interest and their setting contributes to an appreciation of their significance as part of an isolated historic farmstead within an open, agrarian landscape.

The site forms part of the wider agrarian landscape setting of the listed buildings and historically formed part of the same landholding. The Historic Environment Desk-Based Assessment (DBA) (March 2024) notes that the Tithe map and apportionment of 1838 identifies the fields comprising the site as being owned by the Duke of Bedford and occupied by Thomas Crabbe. Further research of the Tithe map and apportionment shows that Great Greenstreet Farm was owned and occupied by the same individuals. The site was therefore same ownership and cultivated as part of Great Greenstreet Farm historically.

The former farm buildings are located to the north of the site and are separated from it by Green Street and an area of open land between the north of the site and Stubbs Farm. There are some limited glimpsed views from the site to the listed buildings, however, the intervisibility is limited because of the existing hedgerow and tree planting along Green Street. The proposal will result in a change to the wider landscape setting of the historic farmstead through the loss of an open field, however, it is considered that mitigation measures including a robust landscaping scheme, appropriate site layout and sensitive building heights to the north of the site could minimise the impact.

Due to the immediate setting of the listed buildings within an open landscape being unchanged by the proposal, their distance from the site, the intervening open land south of Stubbs Farm, the existing hedgerow along Green Street, and the potential to minimise visual impact through design, the proposal is not considered to cause harm to the significance of these four heritage assets.

#### Conclusion

The proposal is considered to result in a considerable level of less than substantial harm to the significance of the Chorleywood Common Conservation Area through the loss of part of its open, agrarian landscape setting and the adverse impact of the environmental changes of the development. There is also an adverse impact on views from the eastern side of the Common within the Conservation Area looking north-west towards the open landscape of the site. The harm is at a medium level, if it were considered on a spectrum of low, medium and high. The submitted DBA has found the same level of harm (see paragraph 6.11).

Paragraph 208 of the NPPF should be applied. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

9.1.25 Three Rivers District Council - Environmental Health (16 May 2024): [No objections, subject to conditions]

### **Air Quality**

I have reviewed Environmental Statement Chapter 7: Air Quality prepared by Hawkins Environmental Ltd.

The impacts of the demolition and construction phases will see the site designated as a high-risk site overall. However, with mitigation the residual effects are not considered to be significant. The assessment indicates that the impact of the operational phase of the proposed development will be “negligible”. Mitigation is not considered to be necessary.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The Dust Management Plan should incorporate the measures presented in Section 7.7 of Chapter 7 of the ES.

### **Contamination Land**

I have reviewed the Preliminary Contamination Risk Assessment (Report ref. P23-356pra\_6.5) and the Ground Investigation (Report ref. P23-356pra) prepared by Paddock Geo Engineering.

The investigation undertaken did not identify concentrations of contaminants of concern that pose a risk to future users. However, the consultant states that due to the significant size of the site and that the objective of the investigation was to undertake an initial screening to inform the outline application, it is possible further focused and detailed investigation will be required (i.e. beneath the hardstanding of the yard, barn and silo etc.).

I would recommend the following conditions:

1. Following demolition of the existing and prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A further site investigation, based on the Preliminary Contamination Risk Assessment (Report ref. P23- 356pra\_6.5) and the Ground Investigation (Report ref. P23-356pra) prepared by Paddock Geo Engineering, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9.1.26 Three Rivers District Council - Landscape Officer: []

No response received at the time of drafting report.

9.1.27 Three Rivers District Council – Landscape Consultant (to review LVIA): [Comment received]

## **INTRODUCTION**

### **1.1 Purpose of this report**

1.1.1 This report presents the findings of an objective assessment of two separate landscape and visual impact assessments (LVIAs) submitted to Three Rivers District Council by Chiltern Hill Golf Club Ltd. The two applications are for differing proposals for residential development of the same site as follows:

- 24/0476/OUT - Outline Application, delivering up to 300 no. residential dwellings, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems; and
- 24/0538/OUT - Outline Application, demolition of the existing farm building and development of up to 675 no. residential dwellings, a new two-form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems.

1.1.2 In terms of the LVIA reporting they differ only within the sections describing the potential landscape and visual effects and proposed layout. This review therefore follows the same process and differentiation is only made with regards to the assessment of effects and design elements. The review has been undertaken in accordance with the Landscape Institute Technical Guidance Note 1/20, Reviewing LVIAs and LVAs as follows:

1. Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed;
2. Checking the baseline, content and findings of the assessment;
3. Checking the presentation of the assessment findings.

1.1.3 The review has been undertaken with Stephenson Halliday's own objective and field-checked assessment to test the scheme in terms of potential landscape and visual impacts. The field survey was undertaken by a Chartered and experienced landscape architect from Stephenson Halliday, who is familiar with the site and its context.

#### **Site location, context and characteristics**

1.1.4 The site forms part of the southern side of a low ridge that runs to the south of the River Chess. The site itself consists of three fields, subdivided by post and wire fencing that is currently used for grazing livestock, with a barn located adjacent to the site's access off Green Street. The southern, eastern and western boundaries of the site are formed by mature hedgerow, tree and other garden vegetation which provides a softened green edge to the settlement of Chorleywood which adjoins its southern boundary.

1.1.5 The site is located within Metropolitan Green Belt between Chorleywood and Little Chalfont and within the Chilterns National Landscape which adjoins the northern and western edges of the former. The site is located on a south-east trending dry valley, typical of the dip slope landscape of the wider Chiltern National Landscape.

1.1.6 Chorleywood is located outside of the M25 London Orbital Motorway but connected to Greater London by the Metropolitan Railway, hence its description by Sir John Betjeman as 'essential Metro-land', characterised as a suburban, leafy character with relatively large detached and semi-detached houses set within gardens.

1.1.7 The two Outline Planning Applications seek to create residential development, and, in the case of the larger development, a primary school, to the more gently sloping upper levels of the site to the north and west, whilst creating a series of SuDS basins to the steeper south eastern slopes.

#### **Structure of this report**

1.1.8 This report is structured as follows:

- Section 1.2: Policies, guidance and standards.
- Section 1.3: Assessment Methodology and Significance Criteria.
- Section 1.4: Baseline Conditions.
- Section 1.5: Assessment of Effects
- Section 1.6: Summary and conclusions.

#### **Scope of the technical assessments**

1.1.9 The scope of the LVIAs, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis is considered generally appropriate for the scale of the proposed development.

1.1.10 Details have been provided on consultation with the local planning authority and relevant stakeholders and the response of consultees with regard to the scoping opinion. Table 13.1 provides a summary of the scoping opinion comments and locations within the document that provide the applicant's response. This table records the comments and requirements with regards to the methodology, planning policy and guidance, study area, viewpoint locations and the approach for visualisations.

## **1.2 Policies, guidance and standards**

### **Planning policy**

1.2.1 The LVIAs provide a review of international, national, regional and local planning policy including:

- The Council of Europe Landscape Convention, 2006-2007;
- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018, updated 2019);
- The National Planning Policy Framework (NPPF) (September 2023);
- The National Planning Practice Guidance (NPPG) (February 2024);
- The National Design Guide (January 2021);
- Landscapes Review: Final Report ('Glover Report', 2018);

- Local Development Framework Core Strategy (Three Rivers District Council, Adopted October 2011); and
- Development Management Policies Local Development Document (Three Rivers District Council, July 2013).

1.2.2 The planning policy review acknowledges that, other than in exceptional circumstances, permission should be refused for applications for major development within Areas of Outstanding National Beauty (AONBs). The policy review omits other relevant paragraphs from the NPPF Chapter 15 relevant to the proposed assessments in terms of the protection of nationally valued landscapes (para. 180.a) and with regard to the protection of Green Belt.

1.2.3 The LVIA notes that the site forms part of the wider Chilterns National Landscapes and the requirement to protect and enhance the landscape of the site as such. Reference could have usefully been made to NPPF Chapter 15 paragraph 182 which states that the scale and extent of development should be limited within Areas of Outstanding National Beauty (AONB). In particular, planning permission, “should be refused for ‘major development’ other than in exceptional circumstances,”. What constitutes ‘major development’ is a, “matter for the decision maker, taking into account its nature, scale and setting, and whether it could have significant adverse impact for the purposes for which the area has been designated...Consideration of such applications should include an assessment of...c) any detrimental effect on the environment , the landscape and recreational opportunities, and the extent to which that could be moderated.”

1.2.4 As stated within the LVIA submissions, the Chilterns Conservation Board considers the proposed development does constitute a ‘major development’.

1.2.5 The starting point for the assessment of landscape and visual effects is therefore as a proposed development that constitutes a major development within a nationally protected landscape considered as valued in NPPF terms. This ‘sets the bar’ very high in terms of protecting and enhancing the landscape and visual resource.

1.2.6 Other planning policy, such as the NPPG and local planning policy, reiterates the requirement to afford significant protection and enhancement to these particularly important landscapes.

## **Local Planning**

### **Adopted TRDC Development Plan (Local Plan Core Strategy)**

1.2.7 A new Local Plan is currently in production. As this is not yet adopted the Local Plan Core Strategy, which was adopted in 2011, remains in force.

1.2.8 The ‘Landscape Strategy’ (2001), referenced within the Local Development Document (LDD July 2013) states that the Council will, “ensure that development complements the surrounding local landscape of Three Rivers as identified in the current Landscape Character Assessment, through the siting, layout, design, appearance and landscaping of development” and will consider:

- The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change
- The pattern of woodlands, fields, hedgerows, trees, waterbodies, walls and other features
- The topography of the area.” (p.28)

1.2.9 The landscape strategy must therefore clearly demonstrate that these criteria are fulfilled.

1.2.10 Within the Adopted TRDC Core Strategy the following policies are of relevance:

- Policy CP3: Housing Mix and Density. This states that that new development should, “Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District”;
- Policy CP11: Green Belt: This states, inter alia, that the general extent of the Metropolitan Green Belt in the district will be maintained and that TRDC will encourage appropriate positive use of the Green Belt and measures to improve environmental quality.

1.2.11 The reasoned justification for the policy furthermore notes the general presumption against inappropriate development in the Green Belt that would not preserve its openness, or which would conflict with the purpose of inclusion of land within the Green Belt.

### **Guidance and standards**

1.2.12 The LVIA's provide an up to date review of relevant guidance including:

- The third (2013) edition of 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3), produced by the Landscape Institute with the Institute of Environmental Management and Assessment;
- The Landscape Institute, Visual Representation of Development Proposals Technical Guidance Note (2019); and
- Visual Representation of Development Proposals: Camera Auto Settings (Landscape Institute Technical Information Note 08/19, September 2019).

1.2.13 A description of the accurate visual representation (AVR) production methodology is provided in Appendix 13.2 which describes how the wireline model has been located within the photograph. A combination of annotated photographs (Type 1) and wireline images (Type 3) have been used as appropriate to the visibility of the scheme.

1.2.14 In the case of an LVIA prepared as part of an Environmental Impact Assessment (EIA), the Regulations (Reg. 18 (5)) stipulate that the developer must ensure that the Environmental Statement (ES) is prepared by 'competent experts' and that the developer must include a statement "outlining the relevant expertise or qualifications of such experts". The LVIA has been prepared by Mike Habermahl, CMLI, who, as stated in the ES Chapter 1, can be considered a 'competent expert' with regard to drafting the technical chapter.

### **1.3 Assessment methodology and significance criteria**

1.3.1 The assessment methodology within the LVIA's is stated as being based on the principles contained within the GLVIA3. The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA3.

1.3.2 The LVIA's define the sensitivity of landscape and visual receptors as dependent on the importance / value of the receptor and its susceptibility to change. This approach is considered appropriate and based on guidance within GLVIA3.

1.3.3 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape or view. Explanation is provided in terms of the factors that enable the levels of magnitude to be judged. Sensitivity and magnitude are then combined to provide an overall level of landscape and visual effects in the form of significance of effects matrices in Tables 13.9 and 13.14. Likely significant effects are identified as those of 'moderate' significance or above. Assessment of nature of effect relies on what distinguishes effects as beneficial (resulting in enhancement), adverse (resulting in harm) or neutral (neither beneficial nor adverse). This approach is generally consistent with GLVIA3.

1.3.4 Whilst the methodology is broadly in accordance with GLVIA3, it is noted that at each stage of the assessment where criteria are combined, the tables do not allow for intermediate judgements to be made and instead, levels of effects are always rounded down. This is the case for the following:

- Table 13.4 – Overall Landscape Sensitivity;
- Table 13.9: Overall Significance of Landscape Effects;
- Table 13.12: Overall Sensitivity of Visual Receptor; and
- Table 13.14: Overall Significance of Visual Effects.

1.3.5 For instance, it is common practice for a combination of high and medium to result in a judgement of major-moderate, or at least a reasoned decision as to the choice of either major or moderate. This is not the case in these LVIA's with the effects judged as always moderate at most. Whilst this selection is part of the professional judgement of the

competent expert, it appears in this instance that such nuance has been removed by stipulating combined judgements always at the lower end of professional judgement.

1.3.6 It is therefore considered that the methodology is overly prescriptive and does not enable sufficient weighting of judgements to be made by the experienced professional. This prescriptive approach reduces the scope for professional decision making to provide a reasoned judgment between a higher and lower level of effect; effectively the decision is made by the matrices and not the competent expert. The matrices provided therefore tend to provide judgments that are towards the lower end of significance; GLVIA3 explicitly warns against an over reliance on matrices and tables (para 3.35, p.41). In the case of the assessment, judgements are all too readily defined by the matrices with no discretion used by the assessor to weigh the assessment through professional judgement.

1.3.7 This reviewer considers this to be a notable omission in the application of GLVIA3 methodology.

1.3.8 A description of the AVR production methodology is provided in Appendix 13.2 as noted above wherein it is stated that the latest guidance from the Landscape Institute (TGN-06-19 Visual Representation of Development Proposals) has been followed.

1.3.9 The visualisations provided state that a suitable viewing distance for the A3 sheet is 300mm despite the viewpoints apparently being made up of different number of combined images. It is therefore, unclear to this reviewer how these can be considered as providing, for instance a 100% enlargement of the original image.

1.3.10 The guidance sets a higher standard in terms of presentation of the photographic visualisations than appears to be presented within the LVIA's. The visualisations should be presented as Type 1 annotated viewpoint photographs at a scale and size that, "aids clear understanding of the view context". The LI guidance states a 'mathematically correct' image for a single image (of 39.6 degrees Horizontal Field of View) equates to a size of 390mm x 260mm on an A3 sheet, which should be held at a distance of approximately 550mm from the eye. Instead of this the photographic visualisations appear to be presented as wider panoramas of unspecified field of view to be held 300mm from the eye; the views, as presented, appear to significantly reduce the scale of view and are considered unhelpful and possibly misleading in terms of illustrating the view context.

1.3.11 Similarly, whilst the Type 3 visualisations provided may be accurately produced their presentation results in the same issues as the annotated AVR Level 1 (AVR1) views; namely, that the extent of development within the view appears to be less than would actually be experienced when standing at the viewpoint. This is particularly important when considering that the assessment stage where extent of the development in view effects the overall level of significance of effect. Whilst it may not be the case that the assessor has erred in using the AVR Level 3 (AVR3) images to assess views (although when accurately scaled they can be an extremely helpful tool) the images are likely misleading for other readers of the ES (officers, consultees and the general public) for whom it is particularly important that presented images aid clear understanding of the view context; essentially, the visualisations as presented, appear to significantly underestimate the extent of the proposed development within view.

1.3.12 This reviewer considers this to be a notable omission in the application of TGN-06-19 methodology.

1.3.13 It is typical for the temporal scope of major developments to be assessed in terms of effects experienced during construction, operation (year 0) in winter (worst case scenario) and summer (year 15) to allow for mitigation planting to be considered at a reasonable level of maturity. However, whilst the LVIA provides an assessment at construction and year 15 it completely omits a separate assessment at year 0.

1.3.14 The year 0 assessment would typically be the point at which the development results in maximum potential impacts upon the identified sensitive receptors. The report states that, "It is assumed that the landscape and visual effects at Year 0 (at completion) will be the same as during construction, so these have not been separately assessed."

1.3.15 GLVIA3 is clear that the duration of effects is a consideration in judging overall effects as per para 5.51. Relying on an assessment of short-term construction effects as representative of the operational effects is therefore likely to under assess medium to long term effects of the scheme before proposed planting has matured sufficiently to form

substantial mitigation. In the opinion of this reviewer this assumption cannot be not justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0.

1.3.16 This reviewer considers this to be a notable omission in the application of GLVIA3 methodology.

#### **1.4 Baseline conditions**

1.4.1 The LVIA makes use of previously published landscape character assessments from a national and local level. These include discussion of the key characteristics, condition and sensitivity of the existing landscape context. This approach enables an understanding of the effect of the development on the existing landscape context within the study area and provides a suitable level of detail for the assessment of landscape effects.

1.4.2 The LVIA describes the national (NCA110) and county (Hertfordshire Landscape Character Assessment Character Area 2 Heronsgate Heights) landscapes as enclosed and visually contained due to the gently undulating topography, hedgerow enclosed fields and generally well-wooded nature of the landscape. The Herts LCA assesses the landscape to be of the highest condition and strength of character for which the management strategy is to safeguard and manage.

1.4.3 With the exception of the golf course, the landscape to the west of Green Street is similar in nature to that of the site and is relatively enclosed and of a somewhat rural and peaceful character. The Chilterns LCA (2011) covers the landscapes to the west of Green Street and describes the landscape (LCA 18.3 Little Chalfont Rolling Farmland) as being of small to large sized pasture fields with hedgerows interspersed with woodland within a rolling landscape.

1.4.4 The land to the north extends to pasture fields and discrete residential and business developments of some former farm buildings. South of the site is identified as urban area which the LVIA describes as of low to medium density and single to two storey outside of the village high street. To the east are large detached properties in a wooded setting beyond which lies Chorleywood Common Area of Open Access and Local Nature Reserve.

1.4.5 The LVIA provides an adequate description of the baseline conditions including a review of landscape character areas within the study area.

#### **1.5 Assessment of effects**

1.5.1 The LVIAs provide a value judgement of landscape receptors and of views in the form of Tables 13.16 and 13.17. The judgements with regards to landscape receptors are agreed to as they primarily respond to the LCA and designated landscape assessments. There are, however, inconsistencies with the value of views for the users of the 'private' footpath to the north of the site and of properties to the east and south of the site which have views into the AONB. A 'worst case' scenario should be taken in terms of properties which may have seasonal views from the property or its curtilage to within the AONB, which, as elsewhere in the assessment, should result in a high value of view and of sensitivity.

1.5.2 The judgements with regards to susceptibility are also questioned. GLVIA3 provides a useful categorisation of the scale over which effects may be experienced: the site; its immediate setting; the landscape character area within which the proposal lies; several LCAs. In the case of the proposed developments the scale of effect is primarily the site and its immediate setting although the impact on the LCA is also important. The assertion that the levels of susceptibility for the immediate site setting are lower than for the site itself are predicated on the overall visibility of the site. However, as per GLVIA3 para 5.40, the judgement should relate to the susceptibility of the receptor to the 'absorb' the changes to the landscape baseline. This reviewer would argue that, where these changes are perceived from within the immediate site setting, which includes parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths, the susceptibility and therefore overall sensitivity should remain high.

1.6 To provide a comparison of effects, this reviewer has undertaken an assessment of landscape and visual effects for both schemes based on the Stephenson-Halliday Methodology, as attached at Appendix 1. The results of these assessments are provided in Appendix 2 (300 dwellings) and Appendix 3 (675 dwellings) for the two schemes.



## **Construction**

### **Landscape effects**

1.6.1 The overall judgement of landscape effects within the LVIA during the construction of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during construction.

1.6.2 Based on the assessment for the construction phase, the reviewer maintains that there would be major/moderate adverse effects experienced at the level of the site and moderate adverse effect to its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this is considered a short-term significant adverse effect for the landscapes effected.

1.6.3 The overall judgement of landscape effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to within the Stephenson-Halliday review, as illustrated in Table 2 below. Significant effects are described for the landscape of the site and LCA 2; Heronsgate Heights (site setting). The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

1.6.4 The provision of an indicative phasing programme would have helped in the understanding of construction impacts with a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this is considered a significant medium-term adverse effect for the landscape and visual receptors effected.

### **Visual effects**

1.6.5 Similarly, the overall judgement of visual effects within the LVIA during the construction of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. The LVIA has assessed significant adverse effects for users of the private footpath to the north of the site and PRoW Chorleywood 014 to the south, but not Chorleywood 011 to the north; this reviewer maintains that walkers on the latter would experience significant adverse effects during construction.

1.6.6 Based on the assessment for the construction phase, the reviewer maintains that there would be moderate adverse effects experienced for PRoW 011 for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this is considered a significant short-term adverse effect.

1.6.7 The overall judgement of significant visual effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to, as illustrated in Table 2 below. Significant effects are described for the local footpaths and Chorleywood Common. The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

1.6.8 The provision of an indicative phasing programme would have helped in the understanding of construction impacts with a project of this scale and sensitivity. However, based on the assessment for the construction phase, it can be assumed that there would be significant adverse effects experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this can be considered a significant medium-term adverse effect for the visual receptors effected.

## **Completed Development**

### **Landscape effects**

1.6.9 It has been described in section 1.3.14 – 1.3.16 how the assessment is deficient in assessing the worst case completed development scenario. Neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed developments. From a review of the effects as described, the reviewer would expect that there would be

significant adverse long-term and irreversible landscape and visual impacts that are not reported within the current LVIAs.

1.6.10 The overall judgement of landscape effects within the LVIA during the operational (year 15) stage of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during operation. Based on the assessment for the operational phase, the reviewer maintains that there would be major adverse effects experienced at the level of the site and major/moderate to moderate adverse effect to its setting for the 300 unit scheme. This is considered a permanent significant adverse effect for the landscapes effected.

1.6.11 Similarly, the overall judgement of landscape effects within the LVIA during operation of the 675 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 2 below. This reviewer maintains that landscape effects for LCA 2: Heronsgate Heights (site setting) would be significant during operation. Based on the assessment for the operational phase, the reviewer maintains that there would be major adverse effects experienced at the level of the site and major/moderate adverse effect to its setting for the 675 unit scheme. This is considered a permanent significant adverse effect for the landscapes effected. The assessments are based on the significant scale of changes and the total loss of pasture fields to development and the influence this would have to the immediate setting of the site.

### Visual effects

1.6.12 The overall judgement of visual effects within the LVIA during the operational (year 15) stage of the 300 unit scheme are somewhat reduced in comparison to that within the Stephenson-Halliday review, as illustrated in Table 1 below. In particular, this reviewer maintains that effects for recreational users of Chorleywood common and associated footpaths, would be significant.

1.6.13 Based on the assessment for operational stage, the reviewer maintains that there would be moderate adverse effects experienced by such recreational receptors for the lifetime of the 300 unit scheme. This is considered a permanent significant adverse effect for this popular recreational resource. Similarly, the other local footpaths and residential areas in close proximity to the site would experience permanent significant adverse effects as illustrated in Table 1.

1.6.14 The overall judgement of visual effects within the LVIA during the construction of the 675 unit scheme are broadly agreed to in terms of whether significant or not. These include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site. However, in each case, the level of harm assessed in each judgement is reported as less within the LVIA reporting, in comparison to the Stephenson-Halliday review.

1.6.15 These effects would equate to considerable harm of the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance.

Table 1: Comparison of Landscape & Visual Effects: 300 no. dwellings  
Effects in bold are considered to be 'significant'; Negligible effects are not included

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>Landscape effects</b>			
<b>LVIA: Site</b>	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH: Site</b>	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA: LCA 2 Heronsgate Heights (site setting)</b>	Minor adverse	Not assessed	Minor adverse
<b>SH: LCA 2 Heronsgate Heights (site setting)</b>	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate to Moderate adverse</b>

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>LVIA:</b> Chorleywood urban area	Negligible	Not assessed	Minor adverse
<b>SH:</b> Chorleywood urban area	Minor adverse	<b>Moderate adverse</b>	Moderate-Minor adverse
<b>Visual effects</b>			
<b>LVIA:</b> Private footpath to the north of the site.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Private footpath to the north of the site.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>
<b>LVIA:</b> Green Street.	Negligible to Minor adverse	Not assessed	Negligible to Minor adverse
<b>SH:</b> Green Street.	Moderate to Moderate-Minor	<b>Moderate adverse</b>	Moderate to Moderate-Minor
<b>LVIA:</b> PRoW Chorleywood 011.	Minor adverse	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> PRoW Chorleywood 011.	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate to Moderate adverse</b>
<b>LVIA:</b> Chorleywood Common.	Minor adverse	Not assessed	Minor adverse
<b>SH:</b> Chorleywood Common.	Moderate-Minor adverse	<b>Moderate adverse</b>	<b>Moderate adverse</b>
<b>LVIA:</b> Users of PRoW Chorleywood 014.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Users of PRoW Chorleywood 014.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>

Table 2: Comparison of Landscape & Visual Effects: 675 no. dwellings  
*Effects in bold are considered to be 'significant'; Negligible effects are not included*

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
<b>Landscape effects</b>			
<b>LVIA:</b> Site	<b>Major adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Site	<b>Major to Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	Not assessed	Minor adverse
<b>SH:</b> LCA 2 Heronsgate Heights (site setting)	<b>Moderate adverse</b>	<b>Major-Moderate adverse</b>	<b>Major-Moderate adverse</b>
<b>LVIA:</b> Chorleywood urban area	Minor adverse	Not assessed	Minor adverse
<b>SH:</b> Chorleywood urban area	Moderate to Moderate-Minor adverse	<b>Moderate adverse</b>	<b>Moderate adverse</b>
<b>Visual effects</b>			
<b>LVIA:</b> Private footpath to the north of the site.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> Private footpath to the north of the site.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major adverse</b>
<b>LVIA:</b> Green Street.	Minor to Moderate adverse	Not assessed	Negligible to Minor adverse
<b>SH:</b> Green Street.	Moderate to Moderate-Minor	<b>Moderate adverse</b>	Moderate to Moderate-Minor
<b>LVIA:</b> PRoW Chorleywood 011.	<b>Moderate adverse</b>	Not assessed	<b>Moderate adverse</b>
<b>SH:</b> PRoW Chorleywood 011.	<b>Major-Moderate adverse</b>	<b>Major adverse</b>	<b>Major-Moderate adverse</b>

Receptor	Construction effects	Operational effects Year 0	Operational effects Year 15
LVIA: Chorleywood Common.	Moderate adverse	Not assessed	Moderate adverse
SH: Chorleywood Common.	Moderate adverse	Major-Moderate to Moderate adverse	Major-Moderate to Moderate adverse
LVIA: Users of PRow Chorleywood 014.	Major adverse	Not assessed	Moderate adverse
SH: Users of PRow Chorleywood 014.	Major to Major-Moderate adverse	Major adverse	Major to Major-Moderate adverse

### Effects on Designated Landscapes

1.6.16 The LVIAs provide no separate consideration as to the effects of the proposed development on the Chilterns National Landscape. Whilst the explanation and judgements on landscape value, as set out in Tables 13.10 and 13.18, appear generally reasonable, the LVIAs appear to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan.

1.6.17 For instance, in Table 13.16 the LVIAs state that, “Whilst the area does not represent the features associated with the highest quality landscapes associated with the Chilterns... the Landscape Character Assessment considers it to be in ‘good’ condition and of ‘strong’ character.” The landscape of the site clearly displays the classic Chilterns dipslope, described in the Special Qualities of the Chilterns AONB Management Plan as follows:

“A large proportion of the AONB is covered by plateau and dipslope as the land gradually falls away to the east and Greater London. Though less visible and striking than the scarp, this landscape forms a key part of the classic Chilterns landscape.

The topography is complex, with areas of plateau dissected by long, narrow, often dry valleys.”

1.6.18 What the LVIAs dismiss as features not representative of the highest quality landscapes are actually considered a “key part of the classic Chilterns Landscape”. In addition, the site also displays relative tranquillity and dark skies that are also included as part of the Special Qualities of the Chilterns.

1.6.19 This lack of recognition of the importance of the Special Qualities of the landscape is continued to within the assessment. In Table 13.18 the susceptibility of the landform and overall sensitivity is described as medium as the proposed development may result in “localised earthworks”. The extent of earthworks required to develop the large scale attenuation basins to the area of the dipslope is not clearly represented in the ES, but such features would clearly require more than superficial earthworks. These works would change the special character of the dip slope by the creation of engineered terraces and basins that would be completely alien to this typical Chilterns topography.

1.6.20 This lack of recognition of effects upon the Special Qualities of the landscape continues to the significant under evaluation of landscape effects to the site and its setting within the LVIAs, as illustrated by Tables 1 and 2 above. The LVIAs report only moderate adverse permanent effects on the site landscape in comparison to the Stephenson-Halliday assessment of major adverse effects. Similarly, effects on the local landscape setting are described as minor adverse in the LVIA as opposed to major-moderate to moderate adverse in the Stephenson-Halliday assessment.

1.6.21 This under assessment appears to be the result of the methodological anomalies already described in Section 1.3 above, and the substantial under evaluation of effects on the Special Qualities of the Chilterns National Landscapes that would be affected by the proposed development.

### Effects on the Green Belt

1.6.22 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt. In particular the primary Green Belt purpose of relevance

is Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the openness of the Green Belt. The Town Planning Statement prepared by Savills as part of the application, notes that, with regard to the Green Belt, the NPPF states:

- Paragraph 142, which notes the key aim of Green Belt is to prevent urban sprawl by keeping land permanently open – ‘the essential characteristics of Green Belts are their openness and their permanence’. No further definition as to what constitutes openness is otherwise provided, however; and
- Paragraph 143 which reinforces the above by defining the Five Purposes of Green Belt land.

1.6.23 The Planning Statement goes on to state that with regards to “openness”, the PPG states that:

- “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.”

1.6.24 A number of recent pieces of case law and precedent have sought to reach clarity in the definition of openness in the context of Green Belt.

1.6.25 Most notably these include the 2020 Judgement in the Supreme Court in relation to the case of R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (appellant), hereafter referred to as the ‘Samuel Smith case’. Whilst this judgement was in relation to a minerals development and had a very different context, it establishes a valuable and informative precedent and also comes from the UK’s highest court. The primary question before the appeal in that case was whether the County Council as the mineral local planning authority had correctly understood the meaning of openness in the context of Green Belt.

1.6.26 The Judgement by the Supreme Court in the Samuel Smith case made reference to the earlier decision in the Court of Appeal and the leading judgement by Lord Justice Lindblom, which noted the potential relevance of visual impact in considering openness of the Green Belt.

1.6.27 Following review of a number of other Green Belt cases of relevance, the Judgement noted that the consideration of visual effects in contributing to impact on the openness of Green Belts is a matter ‘not of legal principle, but of planning judgement for the planning authority or the inspector’.

1.6.28 The emphasis of the LVIA has been to state the enclosed nature of the site. It has identified that the site has intervisibility with receptors to a localised extent and that effects on openness to the wider landscapes, particularly to the west are limited by intervening topography and mature vegetation. However, it fails to note the loss of openness that would result to the site itself should either of the proposed schemes be constructed.

1.6.29 In particular, whilst permanent effects on the site landscape are described as moderate adverse and its environs minor adverse, there is no mention of the loss of openness that would result as a result of new built form on completion. The proposed boundary mitigation planting would only further emphasise the loss of openness in an attempt to hide or soften the dense suburban edge of the scheme. Considering the heights of proposed dwellings of up to 12.5 m, it appears reasonable to conclude that views would be generally of the tops of built form above the proposed planting. The proposed screen planting itself would therefore potentially emphasise the loss of openness across the site experienced by local receptors. This reviewer cannot therefore agree with the conclusions of the LVIA that permanent effects of the proposed development will often be less than those for the construction stage.

1.6.30 The review of landscape and visual effects using the Stephenson-Halliday methodology has judged that permanent effects would generally increase over those during construction, with no effects judged to decrease as illustrated by Tables 1 and 2 above. It is this reviewer’s judgment that the dense urbanisation of an area of existing open countryside would result in significant adverse landscape and visual effects as the result of a loss in openness of the site.

1.6.31 Both of the proposed schemes would result in an increase in built development on currently open green fields, resulting in a substantial local diminishment of physical openness in the land adjacent to Green Street. Whilst some compensatory

interventions are proposed it is noted that the main area of open space, 'Great Greenstreet Park' would be required to contain the large attenuation basins needed for the scheme. It is noted that the topographical engineering required to develop the proposed attenuation basins would so alter the existing dip-slope so as to render it unrecognisable as a natural feature. It is therefore not considered that such compensation could potentially offset or reduce the degree of the harm from loss of Green Belt land.

1.6.32 Local views would clearly be foreshortened as a result of the proposed development as demonstrated within the submitted LVIAs. The significant adverse effects described in the LVIA to the private footpath to the north, PRoW 011 and 014 to the east and south and adjacent local residencies, although not mentioning openness, note the increase in views of built infrastructure.

1.6.33 Whilst the opinion as to whether the proposed development is inappropriate in the Green Belt context is a matter for planning judgement, the observations from the Stephenson-Halliday assessment is summarised as follows:

- There would be a physical impact on openness and a concomitant degree of encroachment and associated localised harm to the Green Belt;
- The proposed development would therefore materially change the characteristic of land which is currently free of development;
- In terms of the visual dimension of openness, the key issue is the local effects which would be experienced in near distance views from footpaths and residential receptors from where there would be a fundamental change to the open character of views as a result of the presence of the proposed development;
- With regard to key middle distance views, notably from Chorleywood Common, impacts on the visual dimension of openness and associated visual foreshortening would be localised considering the wider proportion of the view. The proposed development would therefore contribute to encroachment into the countryside at a local level; and
- The primary compensatory provision and landscape and environmental mitigation provided in the form of Great Greenstreet Park is not in character with the site, its context and with the wider countryside.

### **Cumulative Effects**

1.6.34 Cumulative effects have been considered for the proposed recreational development to the west of Green Street which would include a golf driving range and protective netting and a plateau for football pitches and floodlighting. The assessment of cumulative effects within the LVIAs appears to minimise the suburbanising influence these two proposals would have together, positioned either side of Green Street on the entrance to the village of Chorleywood. This would particularly be the case during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

### **Design and Mitigation**

1.6.35 The LVIA chapter includes a description of the landscape strategy in terms of section 13.5 Inherent Design Mitigation, which are intended to reduce landscape and visual impacts.

1.6.36 Both applications are considered as large-scale major development because the residential units to be constructed are in excess of 200 units. The vision and objectives should set out the design quality and expectations for the extension to Chorleywood and how its edge of settlement relationship with the AONB, Greenbelt and Conservation Areas will affect the future character and existing communities.

1.6.37 Although the illustrative layout and Design and Access Statement (DAS) attempt to achieve this it cannot be avoided that this is a major proposed development in a sensitive area. The DAS which accompanies the ES should reflect the 10 characteristics set out in the National Design Guide to set the parameters for the design quality. These include context, identity, built form, movement, nature, public spaces, uses, homes and

buildings, resources and lifespan. A review of the landscape strategy for both developments is provided below.

1.6.38 **Layout** – Both schemes would constitute a major urban extension to Chorleywood in an edge of settlement, AONB and Green Belt location and are therefore inappropriate and by definition harmful to the Green Belt (NPPF para.152-154). The layout of the 300 unit development appears somewhat ‘cut-out’ from the larger 675 unit scheme with a few minor edge amendments; it essentially appears as a first phase of the bigger development whereas it should have been considered as a standalone scheme. It is still considered as large-scale major development and therefore not appropriate to the site.

1.6.39 The reviewer has been unable to ascertain the proposed density of either of the proposed development layouts, however, they are clearly of high density in a sensitive edge of settlement location. An edge of village density within an AONB would be expected to be around 20dph and approximately 60% developable area, however this development does not appear to achieve this percentage. The high density also results in features such as the Local Areas for Play being pushed to the periphery of the site whereas they should be integrated into the scheme. Even with better design it is unclear how such large schemes can positively respond to the AONB and Green Belt designations. The structural planting to the edges attempts to ‘hide’ the scheme but the development should better respond to its context with lower densities and greater green infrastructure.

1.6.40 **Indicative Form, Scale and Housing Mix** – Potential Height of Buildings, Core Policy CP3 Housing Mix and Density (TRDC Core Strategy) states ‘Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District’. The scale and extent of this scheme should be limited given its sensitivities with the landscape and designations. The application fails to demonstrate how appropriate 3-storey apartments blocks are within the setting of the AONB. The justification needs to respond to the Chilterns Building Design Guide to review the distinctive character that could be created.

1.6.41 **Movement** – The layout is of a dense suburban type where it should better respond to a rural edge settlement vernacular within an AONB. The introduction of more substantial green spaces to within the housing areas illustrated on some of the earlier design iterations has been replaced with dense suburban housing with green space pushed to the periphery or the ‘Great Greenstreet Park’.

1.6.42 **Green Infrastructure and Open Space** – The open space provision appears low for the scale of the development considering it will have to combine SUDs, biodiversity, play facility and physical activity. As a multifunctional space, Great Greenstreet Park needs to demonstrate how all these aspirations will co-exist; it is not sufficient to label areas as habitat/ecological areas when heavy recreational use is likely to preclude this and the proposed scheme fails to quantify these areas. The SUDs appears particularly problematic with large areas required for attenuation basins as set out in the Flood Risk Assessment. These large attenuation basins would require considerable cut and fill earthworks and quite possibly engineered retention structures, located as they are to the steepest slopes of the site. They would undoubtedly significantly alter the topography of the existing archetypal dipslope landform within the AONB. No sections are provided to illustrate how this could work and it is considered that the necessary earthworks would cause significant harm to the existing landscape resource of the site.

1.6.43 To summarise, both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to ‘hide’ the development behind buffer planting is indicative of its inappropriate design and density within the proposed location. This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links. Even with better design it is unclear how such a large scheme can positively respond to the AONB and Green Belt designations.

## 1.7 Summary & conclusions

## **Scope & Guidance**

1.7.1 The scope of the LVIA has been developed in conjunction with the LPA and is generally sufficient for the level of development; Table 13.1 provides a useful reference to locate the applicant's responses to information requests. The planning policy and guidance is generally appropriate for the purposes of the assessment, however, a similar table would have been useful to provide a commentary as to how the proposed development was compliant with planning policy.

1.7.2 The LVIA is clear from the outset that the site is located within an NPPF designated valued landscape and that both of the developments constitute 'major development'. There is, therefore, an implicit requirement that the proposed developments demonstrate that they protect and enhance the landscape and visual resource of the valued landscapes.

1.7.3 Although Green Belt is not a landscape designation, a commentary on how the proposed developments effect its key attributes would have been appropriate in this location. No such review is provided.

## **Methodology**

1.7.4 There are a number of issues with the methodology which question the validity of the LVIA.

1.7.5 Overall, there appears to be a somewhat over reliance on matrices that steer judgements towards the lower end of significance. In the view of this reviewer, there is insufficient professional judgement applied to view the assessment 'in the round'.

1.7.6 The presentation of the photography and AVRs appears to fall short of the standards expected within the current LI guidance with the result that the images do not aid clear understanding of the view scale that would be experienced in the field. Images of the site and proposed development extents appear to be illustrated as misleadingly small.

1.7.7 Notably, the LVIA completely omits a separate worst-case assessment of effects of the operational development that should be made as of winter year 0. In the opinion of this reviewer this cannot be justified and worst-case levels of effect must be evidenced by a detailed landscape and visual assessment at winter year 0 for such a large scale and potentially harmful development.

## **Assessment of Effects**

### **Landscape and visual effects**

1.7.8 The reviewer finds that the judgements for a number of local visual receptors (parts of the urban area of Chorleywood, Chorleywood Common and various local footpaths) with potential views into the AONB should be of high and not medium sensitivity.

1.7.9 The reviewer maintains that there would be moderate to major significant adverse effects experienced at the level of the site and its setting for the three-year construction period for the 300 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.10 The LVIA demonstrates that there would be a major significant adverse impact experienced at the level of the site and its setting for the eight year construction period for the 675 unit scheme. Although 'temporary' in nature, this can be considered a medium-term significant adverse effect for the landscape and visual receptors effected.

1.7.11 As described, neither LVIA is considered complete without an assessment of the year 0 winter effects of the proposed development. From a review of the effects as described, the reviewer would expect that there would be significant adverse long-term/permanent and irreversible landscape and visual impacts that are not fully reported within the current document.

1.7.12 These include landscape impacts on NCA10, LCA Area 2 Heronsgate Heights, the 'townscape' setting of Chorleywood and the AONB landscape at the scale of the site and its immediate setting and for the effects on the site landform and the pasture field.

1.7.13 Similarly, from a review of visual effects, these include significant adverse long-term/permanent and irreversible visual impacts on footpath users to the north, west and south of the site, from Chorleywood Common and from the private dwellings to the south and west of the site.



1.7.14 Even so, the LVIA judgements as they stand, find that there will be significant adverse long-term/permanent and irreversible landscape and visual impacts within the site and its setting. These effects would equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. In other words, the proposals do not demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development in this location.

#### **Effects on designated landscapes**

1.7.15 The LVIA provides no separate consideration of the effects of the proposed development on the Chilterns National Landscape and appears to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan. In particular, the importance of the site's dip slope topography is not sufficiently recognised or effects evaluated.

1.7.16 The extent of earthworks required to develop the large scale attenuation basins to the area of the dip slope is not clearly represented in the ES. It is considered that these works would change the special character of the dip slope by the creation of engineered terraces and basins that would be completely alien to this typical Chilterns topography. The LVIA considerably under assesses the overall levels of effect to the site and its setting as a result of this omission.

1.7.17 This under assessment appears to be the result of the methodological anomalies already described above, and the substantial under evaluation of effects on the Special Qualities of the Chilterns National Landscapes that would be affected by the proposed development.

#### **Green Belt**

1.7.18 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt. In particular the primary Green Belt purpose of relevance is Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the spatial and visual aspects of openness of the Green Belt.

1.7.19 The LVIA fails to note the loss of openness that would result to the site itself should either of the proposed schemes be constructed. Whilst the opinion as to whether the proposed development is inappropriate in the Green Belt context is a matter for planning judgement, we summarise below the observations from our assessment as follows:

- There would be a physical impact on openness and a concomitant degree of encroachment and associated localised harm to the Green Belt;
- The proposed development would therefore materially change the characteristic of land which is currently free of development;
- Visual effects would be experienced in near and middle distance views from footpaths and residential receptors from where there would be a fundamental change to the open character of views as a result of the presence of the proposed development.

1.7.20 The primary compensatory provision and landscape and environmental mitigation provided in the form of Great Greenstreet Park is not in character with the site, its context and with the wider countryside.

#### **Cumulative effects**

1.7.21 Cumulative effects have been considered for the proposed recreational development to the west of Green Street. The assessment appears to minimise the suburbanising influence these two features would have together, particularly during winter months and at night when illuminated. It is considered that such effects have the potential to be significant and adverse upon the landscape of the AONB and road users entering the village along Green Street as a result of the suburbanisation of the countryside including the loss of tranquillity and relatively dark skies.

#### **Design and Mitigation**

1.7.22 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location within the AONB and Green Belt. The fact that the design appears to try to 'hide' the development behind buffer planting is indicative of its inappropriate design and density within the proposed location.

1.7.23 This aside, the proposed designs do not sufficiently demonstrate how a scheme with such a high density of development and with such limited green infrastructure can deliver sufficient and/or well located formal and informal play and amenity space, wildlife areas cycle and footpath links. Even with better design it is unclear how such large schemes can positively respond to the AONB and Green Belt designations.

### Summary

1.7.24 The reviewer questions the application of the assessment methodology in terms of an assessment that is overly reliant on matrices and tables with insufficient room for professional judgement in the round.

1.7.25 The AVR1 and AVR3 images presented appear misleading and should be sized correctly.

1.7.26 The LVIA omits an assessment of the worst-case scenario (year 0 winter) which should be standard for a development of the scale proposed. The LVIA should not be considered as complete without this.

1.7.27 This reviewer considers that there will be significant adverse long-term/permanent and irreversible landscape and visual effects in addition to those reported to within the LVIA.

1.7.28 The LVIA provides no separate consideration of the effects of the proposed development on the Chilterns National Landscape and appears to minimise the impacts of the scheme on the Special Qualities of the site as defined by the AONB Management Plan.

1.7.29 The LVIA provides no consideration as to the effects of the proposed development on the Green Belt, in particular with reference to Purpose 3: To assist in safeguarding the countryside from encroachment, and with particular reference to the spatial and visual aspects of openness of the Green Belt.

1.7.30 Cumulative impacts with regard to the proposed recreation development to the west of Green street appear under reported.

1.7.31 Both schemes indicate major development to the edge of Chorleywood of a scale that is inappropriate to its location and it is unclear how such large schemes can positively respond to the AONB and Green Belt designations as currently designed and assessed in the application.

1.7.32 Even considering the level of effects reported to within the LVIA, these equate to considerable harm to the landscape and visual resource of the area in contradiction to national and local planning policy and landscape guidance. The proposals do not, therefore, demonstrate the protection and enhancement of the landscape and visual resource that would be required to enable such development.

9.1.28 Three Rivers District Council – Leisure Development Team: [Comment received]

No response received at the time of drafting report.

9.1.29 Three Rivers District Council – Local Plans Team (18 July 2024): [Comment received]

**Representation:** The application proposes up to 675 residential dwellings with associated works. The application site is located on the edge of the Key Centre of Chorleywood and is wholly within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB).

The National Planning Policy Framework (NPPF) (2023) states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The statutory status of AONBs is confirmed at Paragraph 182 of the NPPF, which states that AONBs have the highest status of protection in relation

to issues of conserving and enhancing the natural environment. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in this landscape designation. The Chilterns AONB is therefore considered to have the highest status of protection in relation to the issue of conserving and enhancing landscape and scenic beauty. The NPPF goes on to state that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest (Paragraph 183). It is not considered that the existing proposal for up to 675 dwellings is likely to constitute a limited scale and extent of development and therefore exceptional circumstances and a demonstration that the development is in the public interest must be shown.

In addition to the above, Policy DM7 of the Development Management Policies LDD (2013) states that in considering proposals for development within or near the Chilterns AONB, the Council will support development unless the proposal would:

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

Paragraph 183 of the NPPF states the requirement for an assessment of:

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

The considerations set out above should be taken into full account in determining the exceptional circumstances necessary to justify major development in the AONB.

The application site is located in the Metropolitan Green Belt. The NPPF states that the construction of new buildings in the Green Belt is inappropriate. The exceptions to inappropriate development are not considered to apply to the proposal and therefore, the proposal is considered to propose inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. It is considered that a major development comprising of up to 675 dwellings would be likely to fail in preserving the openness of the Green Belt and subsequently the proposal is not considered to comply with Policy CP11. Additionally, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Paragraph 153 of the NPPF sets out that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In light of the above, exceptional circumstances and a demonstration that development would be in the public interest are necessary to justify approval for the major development proposed in the AONB (Paragraph 183). As well as this, it is important to consider that any application would be required to assess the cost of and scope for developing land outside of the designated AONB area, which may accommodate a proportion of Three Rivers'

housing need that is proposed on the application site. An assessment of the scope for meeting the housing need in some other way (e.g. through an alternative site) must be made in order to justify development within the designated AONB area (Paragraph 183). Additionally, unless the potential harm to the Green Belt is judged to clearly outweigh other considerations, very special circumstances must be shown to exist to justify inappropriate development in the Green Belt.

Policy 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.

Whilst the site is located outside of an existing settlement boundary, it adjoins and is bounded (to the east and south) by the key centre of Chorleywood. Given that the site adjoins the settlement boundary of Chorleywood and its proximity to transport links and facilities, it is considered that the site is located within a sustainable location.

The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.9-year housing land supply. The delivery of up to 675 dwellings would make a significant and positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. The submitted planning statement states that development proposes 50% affordable housing, which would make a significant and positive contribution to the delivery of much needed affordable housing within the district.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The 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:

	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4+ bed</b>
<b>Market Housing</b>	5%	23%	43%	30%
<b>Affordable Home Ownership</b>	21%	41%	28%	9%
<b>Social / Affordable Rented Housing</b>	40%	27%	31%	2%

The table below sets out the illustrative housing mix (as set out within the submitted Planning Statement):

<b><i>Unit Type</i></b>	<b><i>% Split</i></b>	<b><i>Number of Units</i></b>
1 bed	19%	126
2 bed	30%	204
3 bed	38%	257
4 bed	13%	88

A breakdown of affordable and market housing has not been provided, however, the proposal does not appear to be in accordance with Policy CP3. Whilst not complying with indicative targets, current market conditions need to be taken into consideration. Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

- 25% First Homes
- 70% social rented, and
- 5% intermediate

According to the submitted planning statement the development proposes 50% affordable housing with a policy compliant tenure split, therefore complying with Policy CP4.

Whilst not located within a conservation area, the site partly adjoins the boundary with the Chorleywood Common Conservation Area. Paragraph 208 of the NPPF sets out that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

#### 9.1.30 Three Rivers District Council – Housing (10 May 2024): [Comment received]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

It is noted that you are proposing a total of 675 dwellings, with a policy compliant 50% (338), of the dwellings to be provided as affordable housing. Whilst the sizes of these 338 dwellings to be provided as affordable housing has not been provided in detail, it is encouraging to see that you intend to provide a good mix of different size accommodation and the guide tenure split suggested by the Council will be followed.

I can confirm that Housing Services would support this application in principle, on the basis that 70% of the affordable housing to be provided is at social rent and the size of dwellings provided fulfils our current requirements.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

9.1.31 Thames Water (10 May 2024): [No objection]

**Waste Comments**

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

**Water Comments**

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

#### 9.1.32 Transport for London (23 April 2024): [Comments received]

Thank you for consulting Transport for London (TfL) on the above planning applications. Due to the proximity to Chiltern Rail and Metropolitan Line services from Chorleywood station we have reviewed both of the above applications in terms of access to and capacity of public transport. We have also identified opportunities for mitigation where impacts are expected

##### **Access**

For the previous applications we noted that the route to the station from the site for pedestrians and cyclists is undulating and indirect and there is currently no frequent bus connection. There is likely to be a need for improvements to existing walking / cycling infrastructure in and around Chorleywood to accommodate increased trips. This could include improved all weather surfacing, lighting and crossing facilities, removal of vegetation and improved personal safety or security measures. Additional cycle parking in and around the station should also be provided. A lack of alternatives to access the station may lead to an increase in car use which we would not want to encourage. The existing station car park is regularly full to capacity on weekdays so further restrictions to prevent parking on streets in a wider area around the station may be required. It is understood that these issues have been the subject of discussions between the local transport authority and the applicants. We welcome improved provision for cycle parking at Chorleywood station and improved access routes from the development site to the station as part of the current applications.

##### **Capacity**

For the previous applications TfL requested an assessment of line loading and station capacity which is currently restricted by the ticket gates. The applicant's consultants carried out a technical assessment which demonstrated that there was a need for an additional ticket gate to cater for the additional trips generated by the development. The principle of a contribution was agreed by the applicant and was to form part of a section 106 agreement. TfL is pleased to note that the transport assessments for both of the current applications retain this commitment which needs to be carried forward into any new section 106 Heads of Terms. We supplied initial estimated costs for installation of the ticket gate of £500,000 in 2021 although the exact costs will need to be confirmed through feasibility and design work, for which we will need to be provided with a cost indemnity letter or other form of funding agreement. Costs will have risen in the intervening period and so will need to be index linked from 2021. TfL has not yet carried out any detailed feasibility, design or costing work and we would expect the full capital and revenue costs associated with the works to install a new ticket gate to be met. We would also reserve the right not to proceed with the works if there is any financial risk to TfL or if we believe at some future point that the works are no longer required or not viable.

In terms of line loading it should be noted that the transport assessments state that Metropolitan Line capacity will have a uplift of 33% as part of the 4LM (4-Line Modernisation) programme. However the improvements on the Metropolitan branch serving Chorleywood would have been much lower than the quoted uplift and that improvement is now on hold.

The potential uplift in capacity will be limited to the central section and so this statement should be removed. Line loading is not likely to be adversely affected by the trips generated by the development even without the capacity increase. This does not change the requirement for a new ticket gate to address station capacity constraints.



Green Street Pictures



