THREE RIVERS DISTRICT COUNCIL

Three Rivers House
Northway
Rickmansworth
Herts WD3 1RL

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 17 July 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Oliver Cooper
Harry Davies
Steve Drury
Philip Hearn
Stephen King

Elinor Gazzard (Vice-Chair)
Chris Lloyd
Abbas Merali
Chris Mitchell
Debbie Morris

Joanne Wagstaffe, Chief Executive
Wednesday, 9 July 2025

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

Details of the procedure are provided below:

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

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

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

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

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

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

1. Apologies for Absence

2. Minutes (Pages 7 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 19 June 2025.

3. 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.

4. Declarations of Interest

To receive any declarations of interest.

5. 24/1231/FUL – Demolition of existing store building; subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works at 9 Ashleys, Mill End, Rickmansworth WD3 8JU (Pages 13 - 52)

Demolition of existing store building; subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works at 9 Ashleys, Mill End, Rickmansworth.

Recommendation: that planning permission be granted subject to conditions.

6. 24/1963/FUL: Construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross, WD3 9SW (Pages 53 - 146)

Construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross.

Recommendation: that following the completion of a S106 agreement to secure financial contributions toward biodiversity monitoring, travel plan monitoring and sustainable transport improvements, planning permission be granted subject to conditions.

7. PRELIMINARY REPORT - 24/2073/OUT - Outline Application: Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated (Pages 147 - 258)

infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems. (Layout, scale, appearance and landscape as reserved matters) at Land To North Of Little Green Lane, Croxley Green, WD3 3SP (Preliminary Report)

Outline Application: Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems. (Layout, scale, appearance and landscape as reserved matters) at Land To North Of Little Green Lane, Croxley Green.

Recommendations:

(1) that Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision; and

(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.

8. 25/0332/FUL – Demolition of existing outbuilding and erection of two storey detached building containing one, one bedroom flat and one two-bedroom flat (Class C3), including alterations to the existing car park at The Western, 205 High Street, Rickmansworth WD3 1BB (Pages 259 - 306)

Demolition of existing outbuilding and erection of two storey detached building containing one, one bedroom flat and one two-bedroom flat (Class C3), including alterations to the existing car park at The Western, 205 High Street, Rickmansworth.

Recommendation: that planning permission be granted following the completion of a S106 agreement to secure a financial contribution towards affordable housing and amendments to the Traffic Regulation Order.

9. 25/0391/RSP – Part-retrospective: demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations at 44 Wolsey Road, Moor Park, Northwood HA6 2EN (Pages 307 - 324)

Part-retrospective: demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations at 44 Wolsey Road, Moor Park, Northwood.

Recommendation: that part-retrospective planning permission be granted subject to conditions.

10. 25/0428/FUL – Demolition of existing bungalow and erection of a replacement two storey self-build dwelling at Denewood, Chorleywood Road, Rickmansworth WD3 4EP (Pages 325 - 346)

Demolition of existing bungalow and erection of a replacement two storey self-build dwelling at Denewood, Chorleywood Road, Rickmansworth.

Recommendation: that planning permission be granted.

11. 25/0564/FUL – Two storey side extension, part-single part-two storey rear extension and bay window infill, at 35 Manor House Gardens, Abbots Langley, Hertfordshire, WD5 0DH. (Pages 347 - 364)

Two storey side extension, part-single part-two storey rear extension and bay window infill, at 35 Manor House Gardens, Abbots Langley.

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

12. ITEM WITHDRAWN 25/0666/FUL - Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at Bullsland Hall, Bullsland Lane, Chorleywood WD3 5BQ (Pages 365 - 374)

Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at Bullsland Hall, Bullsland Lane, Chorleywood.

Recommendation: that planning permission be refused.

13. ITEM WITHDRAWN 25/0667/FUL – First floor side extension at 2 Arundel Road, Abbots Langley WD5 0TP (Pages 375 - 386)

First floor side extension at 2 Arundel Road, Abbots Langley.

Recommendation: that planning permission be granted.

14. ITEM WITHDRAWN 25/0694/RSP – Retrospective: construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley WD5 0EG (Pages 387 - 402)

Retrospective: construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley, Hertfordshire.

Recommendation: that retrospective planning permission be granted subject to conditions.

15. ITEM WITHDRAWN 25/0901/ADV – Advertisement consent: installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth WD3 1AQ (Pages 403 - 412)

Advertisement consent: installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth.

Recommendation: that advertisement consent is granted subject to conditions.

16. 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).

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

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THREE RIVERS DISTRICT COUNCIL

Three Rivers House
Northway
Rickmansworth
Herts WD3 1RL

Planning Committee
MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 19 June 2025 from 7.30 - 9.47 pm

Present: Councillors Chris Whately-Smith, Elinor Gazzard, Oliver Cooper, Stephen Cox, Steve Drury, Andrea Fraser, Chris Lloyd, Abbas Merali, Chris Mitchell, Reena Ranger and Keith Martin

Also in Attendance:

Parish Councillor Diana Barber, County Councillor Paula Hiscocks, Councillor Louise Price, Councillor Narinder Sian

Officers in Attendance:

Matthew Barnes, Planning Solicitor
Lauren Edwards, Senior Planning Officer
Emma Lund, Senior Committee Officer
Adam Ralton, Development Management Team Leader
Kimberley Rowley, Head of Regulatory Services

PC1/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stephen King, Harry Davies, Debbie Morris and Philip Hearn.

The substitutes were Councillors Stephen Cox, Keith Martin, Andrea Fraser and Reena Ranger respectively.

PC2/25 MINUTES

The minutes of the meeting of the Planning Committee held on 22 May 2025 were confirmed as a correct record and signed by the Chair.

PC3/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC4/25 DECLARATIONS OF INTEREST

Councillor Reena Ranger declared a non-pecuniary interest in agenda item 5 (24/0532/FUL: Overbury, Woodside Walk, Northwood). Councillor Ranger stated that she would leave the room whilst the application was considered and would not participate in the debate or vote.

PC5/25 24/0532/FUL: DEMOLITION OF EXISTING BUILDINGS; SUBDIVISION OF SITE AND CONSTRUCTION OF TWO SELF-BUILD TWO-STOREY DETACHED DWELLINGS WITH ACCOMMODATION IN THE ROOFSPACE SERVED BY FRONT/REAR DORMERS AND SIDE ROOFLIGHTS; WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING WORKS, AT OVERBURY, WOODSIDE WALK, NORTHWOOD, HA6 3ET

Councillor Ranger left the meeting room.

The application was for demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at Overbury, Woodside Walk, Northwood.

The Planning Officer reported that since publication of the agenda three letters of support had been received, all of which were from people who had not previously made a representation on the application.

The Committee received a presentation showing the differences between the amended application which was before the committee, and a previous application which had been refused and had been subject to appeal in 2020. The presentation also included floor plans and roof plans and the wider aerial context for the amended application.

A member of the public spoke against the application.

The agent spoke in favour of the application.

Parish Councillor Diana Barber of Batchworth Community Council spoke on the application.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- For the reasons set out in the report, and by virtue of the separation distances between the proposed dwellings and the boundary with Dell Lodge, officers considered that the previous concerns about overlooking had been addressed (or would be addressed by planning conditions). It was not considered by officers that there would be any demonstrable harm arising from the amended application in relation to overlooking or loss of light: the impact of the development on neighbouring properties had not been upheld by the Planning Inspector in the appeal decision. In respect of protected trees, the application, by virtue of the re-sizing and re-siting of the proposed buildings, resulted in a reduction in the loss of trees compared with the appealed application, and allowed for greater space for those trees being retained and for newly planted trees to grow and develop. Officers also considered that the amended application would preserve the character and appearance of Woodside Walk, overcoming the concern identified in the appeal decision.

- Although the existing property on the site was an Arts and Crafts style house dating to c1900 it was neither nationally nor locally listed, and there had not been any assessment as to whether its listing was possible or desirable. No concern in respect of harm to a heritage asset had been identified in the appeal decision.

- Whilst acknowledging that the proposal represented an improvement on the previous scheme, several Committee Members remained concerned about the loss of trees and the maturity and siting of the proposed replacements, noting that trees planted close to boundaries can cause issues to neighbouring properties. Officers responded that a landscape plan had been conditioned (Condition 6), which required details of landscaping to be provided in accordance with the Proposed Landscape Plan. However, the wording of Condition 6 could be amended if considered necessary by Members, to require a new landscape plan to be provided. Once submitted, this would be considered by planning

officers and the Council's Trees and Landscape Officer to determine if the proposed species and siting were appropriate (including that the proposed species would not outgrow its allotted space) and in keeping with the character of the surrounding area.

Councillor Cox proposed, and Councillor Whately-Smith seconded, approval of the application subject to conditions and amendment to Condition 6 to require further details of landscaping to be provided, with the wording of the amended condition 6 to be circulated to Committee Members for approval.

On being put to the vote this was approved, the voting being 9 for, 0 against, 1 abstention.

RESOLVED: that the application be approved subject to conditions and amendment to Condition 6 to require further details of landscaping to be provided.

Councillor Ranger re-joined the meeting.

PC6/25 24/1963/FUL: CONSTRUCTION OF WAREHOUSE UNITS (USE CLASSES E(G)(III), B2 AND B8) INCLUDING ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT MAPLE CROSS HOUSE, DENHAM WAY AND KIER OFFICES OFF MAPLE LODGE CLOSE, MAPLE CROSS, WD3 9SW

The application was for construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross.

The Planning Officer reported that since the agenda had been published, an updated Landscape Masterplan drawing and site plan had been received. These provided further detail on the tree planting (which was also contained on another drawing). Reference to plan/drawing numbers in conditions 2 and 21 therefore required updating to reflect the revision. Condition 39 also required updating to reference a later revision of the landscape maintenance strategy document, which had been updated to provide clarity on the provision of replacement planting should any of the existing boundary trees fail. The Planning Officer also reported that officers would like to add an informative note to any approval to remind the applicant of the acceptable hours for noisy construction works in Three Rivers i.e. 8am to 6pm Monday to Friday, 9am to 1pm on Saturday: this was a standard informative for most planning permissions. Finally, the Planning Officer also reported that the applicant had provided further clarification on noise levels around the site and the predicted operational noise, and on this basis had requested that the hours for deliveries and collections at units 5 and 6 be amended to allow a 6am start on Monday to Friday. This request had been reviewed by the Environmental Health Officer (EHO), who had not been able to agree the 6am start time. However, the EHO had commented that based on the information provided, they considered that condition 36 could be amended to allow collections and deliveries from 7am on Saturdays and from 8am to 11pm on Sundays. If Members considered this acceptable, condition 36 could be updated on this basis.

The Planning Committee noted that the application was a major development which proposed the redevelopment of the entire site to provide 6 warehouse units within 2 buildings (one containing 4 units (units 1-4), and the other 2 units (units 5 and 6)). The Planning Officer clarified that condition 36 which restricted the hours of use, applied only to units 5 and 6. This was due to concerns about the potential noise and disturbance to neighbouring residents from loading and unloading of vehicles to those units. Restriction on the hours for collections and deliveries were not proposed for the other units as the buildings themselves were considered to provide noise mitigation due to their location between the residential dwellings at Franklins and the loading bays and the attenuation provided by the construction quality, which would be to BREEAM standards. Access to the site would be solely from Denham Way; the access from Maple Lodge Close would be conditioned to only be used in connection with maintenance of the grounds. A 6m high timber acoustic barrier was proposed along the

bottom boundary of the site to mitigate noise from units 5 and 6; this would be softened by planting on the residents' side.

A local resident spoke against the application.

The agent spoke in favour of the application.

County Councillor Paula Hiscocks spoke on the application.

District Councillor Louise Price spoke on the application.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- Committee Members expressed significant concern about the potential for noise disturbance to nearby residents, particularly arising from the 24-hour proposed operational hours for units 1-4, and the siting of units 5 and 6. Officers clarified that there was no legal maximum noise limit: any noise nuisance reported would require investigation by Environmental Health under the Control of Pollution Act. An operational noise management plan had been conditioned in order to secure other details of how the site would operate (such as refuse collection arrangements). This would enable refuse collections to be limited to specific hours in order to minimise the disturbance to nearby residents. In relation to the 24-hour operation of units 1-4, the planning officer reported that the Environmental Health Officer had reviewed the noise impact assessment and was satisfied that operations could take place 24/7 without causing significant adverse impacts: Committee Members would therefore need to be satisfied that any condition restricting the operation hours for units 1 – 4 was reasonable and evidence based and could be justified if appealed. It was noted that there were a number of other potential sources of noise, such as shutters and reversing vehicle alarms, which could cause nuisance to nearby residents: officers advised that these were mostly covered by the operational noise management plan: aside from refuse collection which was site-wide, the matters captured by the operational noise management plan related solely to units 5 and 6.

- The application was for Use Classes E(g)(iii), B2 and B8; however, as the application was speculative the precise use of the units, and whether or not the nature of their businesses would require 24/7 operation, was not yet known. Several Committee Members expressed concern about the potential impact on neighbouring residences arising from 24/7 operations at units 1-4, and also the operating hours proposed for units 5 and 6. It was noted that the applicant would be entitled to appeal any condition, and there was potential for costs to be awarded against the Council if an appealed condition was found to be unreasonable.

- A Committee Member noted that the report set out that the parking provision was at the lower end of compliance with the parking standard and commented that those working at the site were probably more likely to travel to the site by private rather than public transport, particularly if they were working unsocial hours. It was recommended that officers should seek further information from the applicant as to what would happen in the event of parking pressures at the site, and how parking arrangements would be managed. Officers commented that to some extent the parking was expected to be self-managing, as employees would not wish to restrict their employer's business by parking in such a way as to affect operations. If overspill parking took place this would not in itself be considered harmful; refusal on the grounds of parking provision would require it to be demonstrated that there would be an adverse impact on highway safety arising from overspill parking. A car parking management plan could be conditioned if considered appropriate by Members. A travel plan was already conditioned, with a financial contribution to be secured to improve the cycle route between Denham Station and

Rickmansworth Station, so that there were other ways to reach the site aside from by car and bus.

- Several Committee Members suggested that a change to the orientation of units 5 and 6 may help further mitigate the potential noise issues which were causing concern.

Councillor Whately-Smith proposed, and Councillor Mitchell seconded, deferral of the application to seek further information in respect of noise impacts, noise mitigations, building orientation, and on-site car parking management. On being put to the vote this was agreed unanimously.

RESOLVED: that the application be deferred in order for officers to seek further information in respect of noise impacts, noise mitigations, building orientation, and on-site car parking management.

PC7/25 25/0153/FUL – CHANGE OF USE FROM BUILDER'S MERCHANT (SUI GENERIS) TO CLASS B8 (STORAGE AND DISTRIBUTION) USE WITH ANCILLARY TRADE COUNTER AT UNITS A & B, VALLEY PARK, OLDS APPROACH, RICKMANSWORTH, WATFORD, HERTFORDSHIRE WD18 9TL

The application was for change of use from builder's merchant (Sui Generis) to Class B8 (Storage and Distribution) use with ancillary trade counter at Units A & B, Valley Park, Olds Approach, Rickmansworth.

The Planning Officer reported that since publication of the agenda, the Environmental Health Officer had provided their comments and it was proposed to update Condition 5 as follows:

"The level of noise emitted from the site as a result of the development hereby permitted, including all noise associated with deliveries and vehicle movements including parking within the car parking areas and service yards, shall not exceed 30 LAeq between the hours of 18:00 to 07:30 Monday to Friday inclusive and 13:00 on Saturdays to 07:30 the following working day as measured by the relevant person instructed by the Local Planning Authority using a suitably calibrated and certified device 1m from the façade of any residential property in Moor Lane Crossing."

Councillor Diana Barber of Batchworth Community Council spoke on the application.

Committee Members asked questions about the details of the application which were responded to by officers. The Committee's discussions included the following:

- The proposal included 24/7 operations for a limited number of deliveries. Officers were of the view that, given the location of the site, the proposed use on that basis was acceptable, and that on the basis of the submitted and revised noise impact assessment the impact both in terms of the transport and noise was acceptable.

- The site was located in Moor Park and Eastbury (not Rickmansworth Town).

- Committee Members expressed the view that a small part of the site which was located closest to housing should not be subject to 24/7 use, in order to avoid disturbance to residents. Officers responded that a Car Parking Management Plan could be conditioned, requiring that part of the site to be closed off during night-time hours. Committee Members agreed that this condition should be added.

Councillor Whately-Smith moved, and Councillor Cooper seconded, that the application be approved subject to conditions, amendment to Condition 5 as outlined above, and addition of a further condition requiring a Car Parking Management Plan to be submitted. On being put to the vote this was agreed, the voting being 9 for, 0 against, 2 abstentions.

RESOLVED: that the application be approved subject to conditions, amendment to Condition 5 as outlined above, and addition of a further condition requiring a Car Parking Management Plan to be submitted.

CHAIR

PLANNING COMMITTEE – 17 July 2025

24/1231/FUL – Demolition of existing store building; subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works at 9 ASHLEYS, MILL END, RICKMANSWORTH, HERTFORDSHIRE, WD3 8JU

Parish: Non-Parished
Ward: Penn & Mill End
Expiry of Statutory Period: 15.10.2024 (Extension of time agreed to 25.07.2025)
Case Officer: Tom Norris

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by three members of the planning committee unless Officers are minded to refuse planning permission, to discuss the impact on neighbouring amenity.

Application Type: Minor Dwellings

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=SHKSSZQFKR200

1 Relevant Planning History

1.1 23/0797/CLPD - Certificate of Lawfulness Proposed Development: Construction of single-storey rear extension - 27.07.2023 – Permitted, not implemented.

2 Description of Application Site

2.1 The application site is located on the northern side of Ashleys, Mill End, at the end of the cul-de-sac.

2.2 The existing dwelling is semi-detached and fronts the street in a regular manner. The dwelling is traditional in character with a facing brick exterior and dark tiled hipped roof form. The site contains a section of land to the west of the dwelling which forms part of the amenity garden serving the dwelling. The application dwelling does not contain any off-street parking provision to the site frontage.

2.3 The surrounding area consists of dwellings of largely identical scale and design which front the road in a similar manner to the application dwelling. The land levels of the site increase from an east to west direction.

2.4 Adjoining the front and side of the site is a track driveway which leads to a garage site located to the north-west of the application site. There is a parking area in this location, fenced off from the amenity garden and laid with hardstanding, which is used by 9 Ashleys.

3 Description of Proposed Development

3.1 Full planning permission is sought for the demolition of existing store building; subdivision of site and construction of two storey detached dwelling with associated solar panels, access, parking and landscaping works.

3.2 It is proposed that the existing site is subdivided to form a separate site to the west of no.9, measuring 250sqm in total area. The existing attached store serving no.9 would be demolished, and a two-storey dwelling constructed which would physically adjoin no.9 at ground floor level with a gap of approximately 1m at first floor level. The proposed dwelling

would have an approximate 0.8m higher base height to no.9 Ashleys, and its ridge would be approximately 0.3m higher than no.9.

3.3 The proposed dwelling would have a total width of 7.1m and a principal depth of 4.9m. The dwelling would contain a front gabled feature which would have a width of 3.6m and project 2.0m forward of the principal part of the dwelling. The dwelling would have a hipped roof form with an eaves height of 4.9m and an overall height of 7.0m. The dwelling would have a ground floor rear projection which would span the full width of the property and would have a depth of 3.0m and a height of 3.0m. The dwelling would contain a rear sunken patio area with steps up to the garden.

3.4 The proposed dwelling would have a rear amenity garden of some 110sqm in area and the existing dwelling would retain a garden of approximately 100sqm in area. The dwelling would have a small front garden and would provide two parking spaces to the side for the proposed dwelling, accessed via the track serving the separate garage site adjoining the rear of the application site.

3.5 The proposed dwelling would be finished in materials to match the existing dwelling at no.9. The dwelling would contain glazing in its front, rear, and flank elevations. The dwelling would contain a flank rooflight and solar panels to its front and flank roof slopes.

3.6 Amended plans were received during the application which detached the proposed dwelling at first-floor level from no.9 Ashleys.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 14

4.2.2 Responses received: 10 total objection comments from 4 addresses.

4.2.3 Site notice posted 17.09.2024, expired 08.10.2024.

4.2.4 Press notice not required.

4.2.5 Summary of responses

- Loss of sunlight and daylight
- Concerns over cramped appearance
- Concerns over narrow access to property
- No permission to access parking
- Concerns over parking pressure
- Understand need for housing
- Concerns with refuse collection
- Concerns with access for emergency and delivery vehicles

4.2.6 Given some material changes to the amended plans, these were reconsulted on for 21 days on 08.04.2025.

5 Reason for Delay

5.1 Committee cycle; Officer negotiation over amendments, BNG, and affordable housing contributions.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.1.4 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

The Three Rivers Local Development Plan

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

6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.

6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

6.3 Other

6.3.1 Affordable Housing Supplementary Planning Document (adopted June 2011).

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of one dwelling. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 The NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. It should be noted that Annex 2: Glossary of the NPPF defines that 'previously developed land' excludes 'land in built-up areas such as residential gardens.' The land is therefore not considered to be previously developed however it is also recognised that the NPPF does not include a presumption against development on or within private residential gardens. The application would therefore need to be assessed against all other material planning considerations.

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

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

7.1.4 The application site is located within Mill End which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that future development will be focused predominantly on sites within the urban area and on previously developed land.

7.1.5 Policy PSP2 of the Core Strategy deals with development in the Key Centres and states that development will be focussed predominantly on sites within the urban area, on previously developed land and will provide approximately 60% of the district's housing requirements over the plan period.

7.1.6 The application site comprises land utilised as garden land of 9 Ashleys and therefore does not constitute previously developed land. It is recognised however that the site is located within an existing residential area, along a road frontage within an established residential area. Any proposal would be required to have regard to Policy PSP2 in terms of its design which is discussed in more detail in the following sections of this advice note.

7.2 Housing Mix

7.2.1 Policy CP3 sets out that the Council will require housing proposals to consider the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. The South West Herts Local Housing Needs Assessment Update (LNHA) was published in March 2024 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:

	Market	**Affordable home ownership**	**Affordable Housing (Rented)**	
			General Needs	**Older Persons**

1-bedroom	5%	20%	20%	50%
2-bedrooms	20%	40%	30%	50%
3-bedrooms	45%	30%	35%	
4+-bedrooms	30%	10%	15%	

7.2.2 It is considered that a development of this nature, for one dwelling, would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Affordable Housing

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

7.3.2 As a net gain of one unit, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the “Rickmansworth South and Maple Cross” market area where the figure is £550 per square metre. The proposed development would require an affordable housing contribution of £37,950 (plus indexation from June 2011 when the AHSPD was adopted).

7.3.3 The application was accompanied by a Viability Assessment which concluded that the proposed development cannot support any affordable housing contribution and remain viable. This assessment was reviewed by the Council’s independent viability consultant, Adams Integra. The submitted information also included a build costs plan, which was assessed by an independent Quantity Surveyor, appointed by Adams Integra. It was concluded that the scheme could not support an affordable housing payment and remain viable. It was therefore recommended that, should the Council be minded to grant approval, the applicant should not be required to provide an affordable housing contribution. The Council accept the recommendation of Adams Integra and will not seek an affordable housing contribution in this instance.

7.3.4 In summary, the Council will not be seeking an affordable housing contribution for the proposed development. The proposed development would therefore be acceptable in this respect in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

7.4 Impact on Character and Appearance

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of ‘backland’, ‘infill’ or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

i. Tandem development;

ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
iii. The generation of excessive levels of traffic;
iv. Loss of residential amenity;
v. Layouts unable to maintain the character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.4.3 The application site comprises land utilised as garden land serving no.9 Ashleys. The proposed site, following its subdivision from no.9, would be relatively large in scale, including in its general depth and width, whilst leaving no.9 with a plot size, including amenity garden, which would maintain the character of the area. The proposed new dwelling would largely conform to the established front and rear building lines of no.9 and the attached neighbour. It is therefore not considered that the proposal would result in tandem development or a layout unable to maintain the character of the area. The remaining criteria (ii, iii, iv) are dealt within the following sections of this report. An objection is therefore not raised regarding the proposed subdivision in terms of the resultant plot sizes.

7.4.4 The proposed dwelling would appear principally detached from no.9 Ashleys with a 1.0m two-storey flank spacing. It is noted that this would fall short of the 1.2m policy however the Design Criteria states that 1.0m will be considered in higher density areas. Given the relatively high-density context, it is not considered that this would result in demonstrable harm to the street scene. There would be a discreet, single-storey flat roofed link to the outer flank wall of no.9 however this would be set back from the principal front gabled feature of the proposed dwelling and no.9.

7.4.5 The proposed dwelling is designed to reflect the character of dwellings found throughout the cul-de-sac, including hipped roof form, fenestration, front gabled feature, and materials. The proposed dwelling would have a comparative height to no.9 and no.10 (approximately 0.3m higher) and harmoniously follows the increase in land levels in a western direction. The front gable to the proposed dwelling would also be set back by approximately 1.0m relative to no.9.

7.4.6 Overall, it is considered that the proposed dwelling would sit comfortably within the site in terms of its footprint, and its design and massing allows it to integrate acceptably with the street scene. The proposed drawings include detailed existing and proposed levels which demonstrate that the plot, and therefore the proposed dwelling, sits higher relative to no.9 however any resultant prominence is offset by the ridge height not significantly exceeding no.9 (approximately 0.3m). It is therefore not considered that demonstrable harm would arise to the character and appearance of the area or street scene.

7.4.7 The proposed dwelling includes features such as solar panels and rooflights. Given the presence of these locally and generally, it is not considered that they would be harmful features. The proposed development includes hard and soft landscaping to the front and side of the site. It is considered appropriate to include a condition for a detailed hard and soft landscaping scheme. It is also considered appropriate to include a condition for boundary treatment to ensure that the proposed development has a satisfactory appearance.

7.4.8 It is considered appropriate to remove permitted development rights for further extensions to the property, including enlargements and roof additions, to prevent the dwelling becoming harmfully prominent or the plot being overdeveloped in future, outside of the control of the LPA.

7.4.9 The proposed development is therefore acceptable in this regard, in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the Development Management Policies LDD.

7.5 Impact on amenity of neighbours

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

7.5.2 The proposed dwelling would not intrude the 45-degree splay line with no.9 or any other neighbour. The proposed ground floor projection to the proposed dwelling is relatively shallow in depth, at 3.0m which is compliant with the Design Criteria which generally allow 4.0m to a detached dwelling, therefore is considered to have an acceptable impact on the rear outlook of no.9.

7.5.3 It is noted that the neighbour to the south-west at no.8 is positioned at a lower land level relative to the application site. It is acknowledged that the proposed dwelling would be visible from this neighbour's perspective to varying degrees, including from their front windows and within their rear amenity garden. While this would be the case, it is not considered that the proposed dwelling would be overbearing or result in a loss of light to this neighbour. The proposed dwelling would be approximately 7m from this neighbour and separated by the service road to the garage site at the rear of Ashleys.

7.5.4 The proposed dwelling would contain front, flank and rear glazing. It is not considered that the proposed development would cause harm because of overlooking. Views towards the ends of the rear gardens of no.9 would be achieved. There would be approximately 40m between the rear elevation of the dwelling and the dwellings to the rear on The Queens Drive and it is not considered that harmful overlooking would arise here. The proposed dwelling would have front glazing which would largely overlook the road and some of the frontage to neighbours including no.8. It is not considered that the rear amenity garden of no.8 would be overlooked or any neighbour beyond to this side.

7.5.5 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Highways & Parking

7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy CP10 states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the district. Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the DMLDD set out the car parking requirements for the district. Car parking spaces should be shown on a proposed site layout plan submitted to accompany a formal planning application, with care taken to ensure that the size of any proposed car parking area is the minimum necessary to facilitate parking.

7.6.2 Appendix 5 of the Development Management Policies DPD sets out the following parking standards:

- 2-bedroom dwellings - 2 spaces per dwelling (1 assigned space)
- 3-bedroom dwellings - 2.25 spaces per dwelling (2 assigned space)

7.6.3 It is noted that the existing dwelling is a three-bedroom dwelling and does not contain any off-street parking provision. There is an existing parking shortfall of 2.25 spaces (2 assigned spaces).

7.6.4 It is noted that there is an area for parking up to two vehicles to the western side of no.9 Ashleys. This has been cut out and fenced off the amenity garden of no.9 and uses the TRDC owned access track to the garage site at the rear. Officers understand that, while this may be used on a casual basis for parking, there is no formal agreement in place with TRDC for use of the track. This therefore cannot be regarded as lawful parking provision, and as noted above there is an existing shortfall of 2.25 spaces which would remain following the proposed development.

7.6.5 It is noted that there are existing parking pressures within Ashleys. The parking provision consists of communal parking bays, informal on-street provision, and some dwellings having their own private driveways. Officers considered it appropriate to carry out a monitoring exercise to aid consideration of the issue. Officers carried out visits on weekdays at the times of 09:00, 11:00, 13:00, 15:00 and 17:00, 19:00, and 21:00, and on Saturdays at 10:00 and 12:00. It was ascertained that there were limited opportunities for on-street parking at peak evening times, when most residents would be at home.

7.6.6 It must be acknowledged that the site is located within an established settlement (Mill End Key Centre). The site is a 10-minute (0.5 mile) walk from Berry Lane shops and services. It is also noted that there are links to public transport on Shepherds Lane to the main shopping parade in Mill End and to Rickmansworth.

7.6.7 The proposed dwelling would contain two bedrooms, and it is proposed that two formal parking spaces are provided in the above-described area. There would be a net demand for 2 assigned spaces for the proposed development and 2 parking spaces would be provided. Whilst the required number of spaces would therefore be provided for the proposed dwelling, the acceptability of the scheme in parking terms relies on it being demonstrated that the proposed spaces can be lawfully accessed. It is therefore considered appropriate to include a condition on any permission granted for the applicant to demonstrate that they have obtained the private permission of the owner of the access track (in this case TRDC) prior to the commencement of any parts of the development. In addition, in the event the applicant can demonstrate they have a right of access, a further condition is necessary to ensure that the two car parking spaces within the site are kept permanently available for the use the proposed dwelling.

7.6.8 Taking the above factors into consideration, there is an historic shortfall of allocated parking provision to no.9. It is acknowledged that no.9 has created an ancillary parking area from garden land which has been used on a casual basis, and without private consent to lawfully use the access road to the garage site. The proposed development proposes lawful and policy compliant parking provision to serve the proposed dwelling. Overall, the development insofar as the new dwelling would comply with the adopted parking standards and there would be no change in the lawful situation of 9 Ashleys having no allocated off-street parking.

7.6.9 In summary, subject to conditions, the proposed development is acceptable in this regard, in accordance with Policy CP10 of the Core Strategy (2011) and Policy DM13 and Appendix 5 of the DMLDD (2013).

7.7 Quality of accommodation for future occupants & Amenity Space

7.7.1 Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:

- 3 bed dwelling - 84 square metres
- 4 bed dwelling - 105 square metres

- additional bedrooms - 21 square metres each

7.7.2 The submitted block plan indicates that the proposed dwelling and no.9 would each be served by amenity gardens of over 85sqm following the subdivision of the site. This is an acceptable level of space in accordance with the standards and would also maintain the character of the area in terms of garden size.

7.8 Trees & Landscape

7.8.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.8.2 No trees would be affected by the proposed development. It is considered appropriate to include a condition for a hard and soft landscaping scheme on any permission granted to ensure the satisfactory appearance of the site.

7.9 Refuse & Recycling

7.9.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.9.2 The existing dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.10 Sustainability

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

7.10.2 The application is accompanied by an energy statement prepared by C80 solutions. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric to reduce energy demand and confirms that the proposed scheme is to secure at least a 5% reduction in CO2 emissions below the baseline emission rate based on Part L 2013 edition.

7.11 CIL

7.11.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing.

7.11.2 The application site is within 'Area A' within which there is a charge of £180 per sq. metre (plus indexation) of residential development.

7.12 Biodiversity

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

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

7.12.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application. The application site consists of garden land, and it is not considered that biodiversity or ecology would be harmed by the development.

7.13 Mandatory Biodiversity Net Gain

7.13.1 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% biodiversity value. This is subject to exemptions as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024

7.13.2 The application is accompanied by a Biodiversity Net Gain Assessment and Biodiversity Metric. The metric confirms that there is an existing baseline of 0.0294 habitat units. The proposed on-site BNG provision would equate to 0.0502 habitat units, which would represent a 70.74% net gain, exceeding the 10% requirement. Given that the site will be entirely private residential land, the provision of on-site BNG would not be acceptable, as it would not be possible to monitor over the 30-year period.

7.13.3 The applicant has therefore provided details that they will enter a contact with an off-site provider to satisfy the 10% net gain requirement. The LPA are satisfied with the information provided by the applicant in this regard.

7.14 Titled Balance

7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore the requirements of the NPPF (2024) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless i) the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.14.2 Whilst the titled balance is not engaged as the recommendation is to grant planning permission, there are notable material considerations which do weigh in favour of the development, such as the contribution to the shortfall in housing locally and nationally and

the economic benefits through the construction phase and future occupiers contributing to the local economies.

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: TRDC-01 (Location Plan), TRDC-02 (Block Plan), AL010 H, AL011 J.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10, DM11 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA1 of the Site Allocations LDD (adopted November 2014) and the NPPF (2024).

C3 No development shall take place until evidence in writing has been provided to the Local Planning Authority demonstrating that the two car parking spaces as shown on drawing number TRDC-02 (Block Plan) on the site of the new dwelling (referred to as 9a Ashleys) can be accessed via the access road to the garage site to the north of Ashleys, by vehicular traffic for all purposes connected with the development permitted, lawfully, permanently and without restriction and the Local Planning Authority has confirmed in writing its receipt of such evidence establishing that right of way.

Once the abovementioned evidence is established and agreed, the parking spaces shall be laid out and made permanently available for the use of the new dwelling, hereby permitted, prior to its first occupation.

Reason: To ensure the approved parking provision can be lawfully accessed to ensure an acceptable level of on-site parking for the new dwelling and in the interests of highway safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

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

C5 Prior to first occupation of the new dwelling hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted and all soft landscaping shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C6 Prior to the first occupation of the dwelling hereby permitted, details indicating the position, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation and carried out in accordance with the approved details.

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

C7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details for:

i. parking of vehicles of site operatives and visitors
ii. construction of access arrangements including the routing of vehicles
iii. loading and unloading of plant and materials
iv. storage of plant and materials used in constructing the development
v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
vi. wheel washing facilities
vii. measures to control the emission of dust and dirt during construction
viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

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

Reason: This condition is a pre-commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C8 The development hereby permitted shall be implemented in accordance with the details of the submitted energy statement prior to the occupation of the development and shall be permanently maintained thereafter.

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

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

Part 1

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

Class B – roof additions

Reason: To ensure adequate planning control over further development, and to ensure adequate parking provision, having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

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

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public

footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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

I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.

I4 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.

I5 The applicant must contact the Council's Land and Property department prior to the commencement of any works and satisfy the above conditions relating to parking and access.

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

Background

1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31st July 2015 the High Court held (West Berkshire Council v SSCLG [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.

1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.

1.3 On 24th July 2018 a new version of the National Planning Policy Framework[1] (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *"Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)."* Annex 2 of the NPPF defines *"major development"* as *"for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more."*

1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :

a) "…All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing."

[1] The National Planning Policy Framework was updated in February 2019, July 2021 and December 2023 and retains the policies as stated in Paragraph 1.3 of this document.

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

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

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

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF Paragraph 65 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2023, Three Rivers has received small site affordable housing contributions amounting to over **£3.2 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £3.2 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.255- 1.5million (plus indexation)**[2] of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

[2] The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of April 2024

1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2023, 269 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 6.7% of all such schemes[3].

1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.12. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2023, 288 planning applications for residential development involving a net gain of dwellings were determined[4] by the Council. Of these, 256 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.

1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision-making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

[3] The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (April 2024) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

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

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

2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:
"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception".

2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":
"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy".

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

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

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

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

General House Price Affordability in Three Rivers

2.5 Due to the District's close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016[5], the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth[6]** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

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

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September

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

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

2022 was £400,000[7]. The lowest quartile house price of £400,000 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Three Rivers' position has worsened and the lowest quartile house price has risen by £75,000 from 2016 to 2022, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2022)
1	Elmbridge	£462,000.00
2	St Albans	£430,000.00
3	**Three Rivers**	**£400,000.00**
4	Hertsmere	£396,000.00
5	Windsor and Maidenhead	£395,000.00
6	Epsom and Ewell	£395,000.00
7	Waverley	£385,000.00

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £28,876.00 in 2022[8], 13.26 times worsening to 13.85 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings[9]). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 13 to 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2022 to have a deposit of £284k - £301k or (with a 5% deposit of £20,000) to earn £95,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio[10] for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio[11] was 13.77, the

[7] Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6a* https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

[8] Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6b* https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

[9] Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6c* https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

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

[11] Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 5c https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

fourth[12] worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

Table 3.

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.99 in 2023 (see table 4 below). Three Rivers maintains the fourth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 1.22), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2022)
1	Elmbridge	16.93
2	Mole Valley	16.78
3	Hertsmere	16.36
4	Three Rivers	14.99
5	Epping Forest	13.75

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. In 2022 that had risen to 13.85, showing a worsening ratio over the period from 2016 to 2022 [13].

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

Affordable Housing Requirements in Three Rivers

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

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

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

Affordable Housing Need - To Rent

2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households[14].

2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036[15].

2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036[16].

2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers[17]. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

[14] Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)
[15] Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)
[16] Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)
[17] Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum[18] over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

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

Affordable Housing Provision in Three Rivers

2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.

2.14 Since the start of the plan period from 1 April 2001 to 31st March 2023 (the latest date where the most recent completion figures are available), 5,388 gross dwellings were completed. From this, 1,223 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,207 or 22.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2023. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

2.15 In the latest monitoring period of 2022/23 (financial year), 13 sites[19] delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). 4 of the 13 schemes contributed to affordable housing provision whilst 9 of the 13 schemes did not contribute:

- Four of the 13 sites delivering a net gain in housing in 2022/23 were determined during the 2014/15 and 2016/17 periods (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.

- A further 5 of the 9 sites which did not contribute to affordable housing during the 2022/23 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the

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

[19] Sites with completions in the monitoring year 2022/23

requirement for affordable housing contributions is subject to viability considerations

- Of the four schemes which did contribute, 3 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 1 provided on-site affordable housing units.

In addition to the 13 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required

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

2.16 In 2017/2018 (financial year), there were 67 planning applications determined[20] for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). In 2022/2023 (financial year), there were 34 planning applications of net gain residential schemes determined, of which 29 were small site schemes (89%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, averaging approximately 90% of applications over the past four financial years.

2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2023 (financial years) some 449 net dwellings were completed which equates to approximately 41 net dwellings per annum and to 21.8% over the 2011-2023 period. 21.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been

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

acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

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

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

2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£3.1 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£1.255- 1.5 million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

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

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2023 there were 269 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (6.7%)[21]. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal

[21] See footnote 3.

no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.

2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.

2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.

2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.

2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

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

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

2.26 The Council's stance has been tested on appeal on numerous occasions (39 decisions as at the date of this document) and the Planning Inspectorate have repeatedly

[22] Paragraph 7, Planning Inspectorate Letter, March 2017.

concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019**:
  "The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision."
- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley**
  Decision Date: 1st November 2019:
  "The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.
  A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy."
- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**
  "The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites,

despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance."

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11th October 2019:**
  "The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight."
- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22nd May 2019:**
  "*In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required… There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011… Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions."*

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**
  Decision Date 10th December 2019
  "Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011… Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy."
- **APP/P1940/W/19/3238285**: **Bell Public House, 117 Primrose Hill, Kings Langley Decision Date 9th March 2020**
  "*Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution…even taking the appellant's figures my conclusion remains unaltered."*
- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**
  Decision Date 7th May 2020
  "The Council's evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework… Despite the appellant's evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council's Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy."
- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**
  "The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework's suggested threshold… As a

result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings… I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing"

- **APP/P1940/W/20/3259397 24 Wyatts Road**
  Decision Date 8th February 2021
  "…I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework."
- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green**
  Decision Date 18th February 2021
  "The Council's case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4."
- **APP/P1940/W/20/3244533 2 Canterbury Way**
  Decision Date 4th March 2021
  "Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process… Overall, on the basis of the evidence before me I am not convinced that the Council's application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot… housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing."
- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**
  Decision Date 15th June 2021

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

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10th March 2022**
  "Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council's decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district."
- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**
  Decision Date: 16th March 2022
  "Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a 'major' one for the purposes of paragraph 64 of the Framework."
- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**
  Decision Date: 29th April 2022
  "The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the

SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010."

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**
  Decision Date: 30th August 2022
  "I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing."
- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**
  Decision Date: 23rd September 2022
  "The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position."
- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**
  Decision Date: 27th October 2022
  "The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council's submissions."
- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**
  Decision Date: 10th May 2023
  The Council's evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case
- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**
  Decision Date: 8th August 2023
  As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a

commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.

- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood Decision Date: 20th June 2023**
  In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above
- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth Decision Date: 7th February 2024**
  The Council's Housing Needs Analysis [2023] provides an up-to-date and robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below it's policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance

Conclusion

2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022, February 2023 and April 2024 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore, comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or

less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3229038,,, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530)

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

Sources Used:

1. Core Strategy (October 2011)
   http://www.threerivers.gov.uk/egcl-page/core-strategy

2. Annual Monitoring Report 2022/2023 (December 2023)
   http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report

3. Affordable Housing Supplementary Planning Document (June 2011)
   http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents

4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
   https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base

5. Office of National Statistics Housing Data 2002-22
   https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

April 2024






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PLANNING COMMITTEE – 17 July 2025

24/1963/FUL: Construction of warehouse units (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works at Maple Cross House, Denham Way and Kier Offices off Maple Lodge Close, Maple Cross, WD3 9SW

Parish: Non-Parished
Ward: Chorleywood South and Maple Cross
Expiry of Statutory Period: 10 March 2025
Case Officer: Adam Ralton
Extension of time agreed to 25 July 2025
Application Type: Major Development

Recommendation: That following the completion of a S106 agreement to secure financial contributions toward biodiversity monitoring, travel plan monitoring and sustainable transport improvements, planning permission be granted subject to conditions.

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 concerns about the impact on noise and air quality from the development and the nature of the proposed use.

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=SO7RN2QFM8H00

Update

This application was presented to Planning Committee in June 2025, with members voting to defer consideration of the application to seek further information in respect of noise impacts, noise mitigation, building orientation and on-site car park management. This update section will address these points:

Noise Impacts, Noise Mitigation and Building Orientation

During the June committee meeting, concerns were raised in respect of the impact of noise and disturbance from activities at the site on the amenities of neighbouring residential properties.

In respect of the potential to re-orient the proposed buildings to provide further mitigation against the noise, the applicant has reviewed this and has confirmed that it will not be possible. Therefore the application site's proposed layout remains to be assessed as submitted.

In respect of noise impacts, concerns were raised during the discussion regarding the impact of noise from the proposed use. The applicant has written to state that in their view, the Noise Impact Assessment and evidence concludes no restrictions are necessary at the site. However, on a without prejudice basis the following further controls have been proposed by the applicant:

- Deliveries and collections to Units 1 – 4 by HGVs to be only permitted between 07:00 and 23:00 on Weekdays, between 08:00 and 23:00 on Saturdays, and between 09:00 and 22:00 on Sundays, Bank and Public Holidays.

- Deliveries and collections to Units 5 and 6 only permitted between 07:00 and 23:00 on Weekdays, between 08:00 and 23:00 on Saturdays, and between 09:00 and 22:00 on Sundays, Bank and Public Holidays.
- Operational Noise across the site to be managed including the following measures:
    - No tonal reversing alarms shall be used on site, and smart broadband / white noise reversing alarms shall only be permitted.
    - Engines to be switched off when vehicle is waiting, not in use, or parked.
    - Roller shutter doors (loading gates) shall be kept closed when not in use.
    - A construction management plan must be approved by the Council prior to the commencement of construction works.

In relation to deliveries and collections to Units 1-4, whilst Officers and the EHO had no concerns in respect of noise impacts from deliveries, the discussions at June committee demonstrated that Members held concerns. On the basis of the concerns raised, and the hours sought by the applicant, it is considered reasonable that Condition 36 be amended to secure these hours for deliveries and collections. This is a change from the recommendation in June, which proposed similar restrictions to delivery/collection hours to Units 5-6, but proposed no restrictions to delivery/collection hours at Units 1-4. It is noted that the June recommendation sought to prohibit deliveries/collections after 21:00 on Sundays, Bank and Public Holidays to Units 5-6 and officers consider that this remains a reasonable restriction.

In respect of the Operational Noise, Condition 22 already seeks to control these matters, and to ensure the points raised by the applicant are captured, this will be amended to ensure it applies across the site as follows:

> Prior to the first use of the development hereby permitted, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out how deliveries and collections ~~to and from units 5 and 6~~ will be managed so as to ensure any adverse impacts on neighbours from noise generated by these activities are minimised. The plan shall include details of the restriction of the type of reversing alarm for vehicles, the use of the building's doors to restrict noise outbreak and engines not idling, <u>maintenance of the doors to reduce noise from operation, and details of</u> the hours of use of the turning and parking areas and controls over idling vehicles in these areas. Details of site-wide refuse collection arrangements including hours shall also be included. The development shall thereafter be operated only in accordance with the details approved by this condition.

This is in line with the Environmental Health Officer's recommendation.

A construction management plan is already subject of a pre-commencement condition (C3) and the noise from plant associated with Unit 6 is already subject of a pre-installation condition (C23).

<u>Car park management</u>
The applicant has submitted an outline car parking management plan. This provides details of how car parking within the site will be managed. It includes:
- An Estate Management Company will be appointed to oversee and manage car parking areas on site.
- Car parking, disabled parking, EV charging and car-share bays are provided to each unit.
- Confirms the proposed car parking ratios are comparable to those accepted by the LPA in neighbouring developments (21/0573/FUL to the east and 22/0033/FUL to the north).
- The use of car parking areas will be monitored by the Estate Manager to ensure parking demand is managed.
- Double yellow lines will be installed at the site entrance to signal that this area should not be used for parking, to ensure the site access point is unobstructed.

Officers have reviewed this document and consider it suitably demonstrates how car parking areas within the site can be managed. It is proposed that compliance with this document be secured by condition and this is drafted at Condition 40.

Other Matters

Following the update to committee made in June, Conditions 2, 21 and 39 have been updated below to reference the most recent version of the submitted drawings. In addition, an informative has been added to remind the applicant of the appropriate construction working hours.

In addition, the Biodiversity Net Gain monitoring fee has been clarified as being £5900.

Summary

On the basis of the further information provided as detailed above, Officers remain of the opinion that subject to planning conditions to mitigate against the impacts of the proposed development, that the proposal would be acceptable with no significant demonstrable harm resulting to the character of the area, the amenities of neighbours or to water or ground quality. The application remains recommended for approval.

1 Relevant Planning History

1.1 97/0730: (Outline) Redevelopment of existing buildings to provide 3 storey office buildings. Approved July 1998.

1.2 99/02426/AOD: (Approval of details plan. ref. 97/0730) Erection of three storey office building and associated access and car parking. Approved June 2002.

1.3 06/1841/FUL: Provision of 40 no. new overflow car parking spaces with resurfacing of the new parking areas. Permitted December 2006.

1.4 24/1334/PDND: Permitted Development Notice Demolition: Demolition of four existing buildings. Permitted September 2024 and implemented (demolition having taken place).

2 Description of Application Site and Surroundings

2.1 The application site relates to a parcel of land on the eastern side of Denham Way in Maple Cross. The character of buildings and uses fronting Denham Way is mixed in this location. As you approach the site from the north, the eastern side of Denham Way is characterised by a collection of commercial premises. The western side of Denham Way has a small number of domestic buildings and the farmland of Woodoaks Farm. The application site is the last of the commercial buildings along this part of Denham Way, with the residential development of Franklins immediately south of the site, and residential buildings fronting Denham Way from this point south through the settlement of Maple Cross.

2.2 The site most recently operated as two distinct parcels of land. To the front was a relatively modern three storey flat roofed office building. To the rear and east of the building was surface and multi-storey car parking. To the south of the car park was the second parcel of land, which contained two storey brick buildings with their own surface car parking. There was limited green space around the buildings, with a number of trees and hedgerows around the perimeter of the site. Since the submission of this application, Maple Cross House has been demolished.

2.3 To the immediate north of the application site is the Rivers Office Park, a collection of three 3-storey buildings arranged around a roundabout, with car parking to the rear (east). To the north of that site is a site which is currently vacant but benefits from extant planning permission (22/0033/FUL) for the construction of six warehouses. Planning conditions are being submitted for discharge and approval at that site, which suggests that commencement may be imminent.

2.4 To the east of the application site is the site of two new warehouses constructed following the grant of planning permission 21/0573/FUL at appeal. The approved warehouses are of a larger size compared to those subject of the current application (one being 16.2m tall and approx. 95m by 84m, the other 13.2m tall and 98m by 68m) and those approved at the site referenced above, with the planning permission including 16,115sqm of development.

2.5 To the south of the application site are residential dwellings. To the south of the front part of the site are the two storey residential buildings at Franklins, constructed following Reserved Matters approval in early 2007. Some of the dwellings at Franklins (for example Nos 23-27 and 42-46) have back gardens that back onto the application site. Other dwellings (ie Nos. 34 and 35) are oriented side-on to the application site.

2.6 To the south of the rear part of the application site are the rear gardens of two storey dwellings which front Longmore Close, particularly Nos. 12-19.

2.7 To the front (west) of the site is the A412 Denham Way. In this location, Denham Way provides access to the north to the M25 at Junction 17, with Mill End and Rickmansworth beyond. To the south, it provides access to West Hyde and Denham where it adjoins the A40.

2.8 The application site is subject to the following Tree Preservation Orders:

- T1 (Magnolia) of TPO570 to site frontage.
- T1 (Maple) of TPO049 within Franklins adjacent to the site boundary.
- G2 (Group of 7 Poplar) of TPO049 to the northern boundary of the rear part.
- G3 (Group of 20 Poplar) of TPO049 to the southern boundary of the rear part.
- G4 (Group of 14 Poplar) of TPO049 to the eastern boundary of the site.
- T2 (Aspen) of TPO049 to the south of the rear part of the site.
- T3 (Aspen) of TPO049 to the south of the rear part of the site adjacent to No. 12 Longmore Close.

2.9 The site is approximately 130 metres north of Grade II Listed Maple Lodge and Barn West of Maple Lodge. The site is approximately 400 metres south of Woodoaks Farm, which contains Grade II listed Barn, and Building Northwest of Woodoaks Farmhouse.

2.10 In terms of policy designations, the application site is allocated in the Core Strategy as being within the Secondary Centre of Maple Cross. The site is allocated in the Site Allocations LDD as an Employment Allocation Site E(d).

3 Description of Proposed Development

3.1 This application seeks full planning permission for the construction of six warehouse units (Use Classes E(g)(iii) [Commercial, Business and Service], B2 [General Industrial] and B8 [Storage or Distribution]), including access and servicing arrangements, car parking, landscaping and associated works.

3.2 The proposed warehouse units would be split into two blocks. Units 1-4 would be within Block A, which would be oriented west to east and be to the front of the site. Units 5-6 would be within Block B, oriented north to south and positioned to the rear of the site.

3.3 Block A would measure 120m in width by 40m in depth. It would have a hipped roof with a ridge height of 11.3m and eaves height of 9.1m. The front (north) elevation would include full height projections which include ground and first floor floorspace.

3.4 Block B would measure 66m in width by 40m in depth. It would have a hipped roof with a ridge height of 11.3m and eaves height of 9.1m. The front (west) elevation would include office accommodation at ground and first floor.

3.5 The front elevations and flank elevations of Block A would primarily contain windows, doors including loading-bay style doors, and walls clad in horizontally laid wall cladding, the majority of which would be grey in colour but with blue cladding around each unit. The rear elevation would be clad in horizontally laid cladding in a green grey colour. The roof would include rooflights and PV panels. Block B would contain no flank windows and no rear doors.

3.6 The existing electricity substations along the southern side of the building (between existing Maple Cross House and the boundary with Franklins) are proposed to be removed and replaced with a new substation toward the front of the site. The substation would measure 3m in width and depth and 2.4m high and would be finished in a green colour. Each of the six units will be served by an air source heat pump. These will be ground mounted, with those serving units 1-5 located to the northern side of the buildings and the pump serving unit 6 located to the south of that unit.

3.7 Four bin store enclosures are proposed. These would have the appearance of buildings formed by timber panels, akin to close boarded fencing. They would be set within the confines of the site and would measure approximately 3m by 3.5m.

3.8 Four cycle parking areas are proposed. These would be in the form of weld-mesh enclosures with a 2.2m high flat roof containing sedum cassettes.

3.9 Vehicular and pedestrian access to the site will be taken from Denham Way only, with the junction layout revised including the existing shared footway/cycleway widened around the access to 3m.

3.10 The existing vehicular access road from Maple Lodge Close would be closed off at the point it reaches the application site, with soft landscaping and boundary fencing proposed to ensure no access exists to Maple Lodge Close. The access road itself falls outside the red line of the planning application site, but is identified in the blue line as land owned by the applicant.

3.11 The application is accompanied by a Landscape Masterplan which sets out how the site would be landscaped, this includes the planting of 65 trees (following the removal of 26 trees) and the provision of shrubs, hedgerow, wildflower meadow, lawn and ornamental planting. The scheme also includes biodiversity enhancements including bat and bird boxes and towers, reptile log piles, insect shelters and hedgehog domes.

3.12 External lighting is proposed throughout the ‘frontage’ parts of the site (ie the parts of buildings fronting the access road and car parking areas).

3.13 In addition to the drawings, the application has been accompanied by the following documents which have been considered as part of this assessment:

- Arboricultural report (October 2024)
- Air Quality Assessment (October 2024)
- Bat and Biodiversity Enhancement (November 2024)
- Bat Emergence Survey (October 2024)
- Bat Emergency Survey Interim Report (May 2025)
- Biodiversity Metric Baseline Report (September 2024)
- BREEAM Pre-Assessment (October 2024)
- Daylight and Sunlight Report (December 2024)
- Design and Access Statement (October 2024)
- Energy and Sustainability Statement (October 2024)
- External Lighting Scheme Rev 3 (April 2025)
- Flood Risk Assessment and Drainage Strategy (September 2024)
- Framework Travel Plan (October 2024)
- Geo-Environmental Desk Study (April 2024)

- Ground Investigation Interpretive Report (October 2024)
- Landscape Strategy (November 2024)
- Noise Impact Assessment (May 2025)
- Planning, Economic and Heritage Statement (February 2025)
- Preliminary Ecological Appraisal (December 2024)
- Transport Assessment (December 2024)

3.14 During the course of the application, the following amendments were made:

- The site layout was revised to move a set of bicycle and bin stores from a location south of Unit 4, close to the rear garden of 42-46 Franklins to the north of unit 4, and replacing the store with car parking spaces.
- Details received showing the appearance of the cycle shelter, electricity substation, bin store and acoustic fence.
- Further plans received providing more detail of the proposed landscaping along the southern boundary of the site.
- The external light adjacent to the southern boundary of the site has been reduced in height from 8m to 6m, to match the height of the acoustic screen.

4 Consultation

4.1 Summary of Consultation Responses:

Active Travel England	9.1	Comment received
Affinity Water	9.2	No objection
Environment Agency	9.3	No objection
Hertfordshire County Council – Highway Authority	9.4	No objection
Hertfordshire County Council – Lead Local Flood Authority	9.5	No objection
Hertfordshire County Council – Minerals and Waste	9.5.1	No objection
Hertfordshire County Council – Water Officer	9.7	No objection
Hertfordshire Constabulary	9.8	Comments received
Herts Ecology	9.9	No objection
National Highways	9.9.1	No objection
National Grid	9.11	No objection
Natural England	9.12	No objection
Three Rivers District Council - Conservation Officer	9.13	No objection
Three Rivers District Council - Environmental Health Com	9.14	No objections
Three Rivers District Council - Environmental Health Resi	9.15	Comments received
Three Rivers District Council – Tree and Landscape Officer	9.15.1	No objections
Three Rivers District Council - Local Plans Team	9.17	Comment received
Thames Water	9.18	No objections

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 Notification letters were sent to 132 neighbouring properties. Eleven responses have been received, comprising 4 representations and 7 objections. In addition to the original public consultation, further rounds of consultation were undertaken:

- January 2025, following an update to the description of the proposal.
- May 2025, due to the receipt of further information and amended plans.

4.2.2 Site Notice: Displayed 17 December 2024 (expired 10 January 2025).

4.2.3 Press Notice: Published 20 December 2024 (expired 13 January 2025).

4.2.4 Summary of Representations:

- Inclusion of swift boxes is welcome but would encourage more.
- Concern with the number of industrial vehicles accessing Denham Way, with an increase in dust and pollution.
- Would prefer access to remain via Denham Way and not Maple Lodge Close.
- Unsure who will maintain trees along the access from Maple Lodge Close.
- Concern regarding fly tipping to the access from Maple Lodge Close.
- Can refuse stores for Unit 4 be moved closer to Unit 5.

4.2.5 Summary of Objections:

- Light plan shows light will not escape from the site toward bedroom windows at Franklins but this is never true.
- Noise increase of 4-5 dB is not trivial and noise from beeping trucks will be worse being behind houses which front Franklins and operating 24/7.
- Unacceptable to have 24/7 warehouses so close to homes.
- Storage of certain items may be dangerous to neighbouring houses.
- Denham Way is already busy, roads are not maintained, two schools in area means children will be exposed to increased pollution.
- Unclear what acoustic barrier will look like.
- Warehouses will be very close to Franklins.
- Warehouses not acceptable close to Franklins due to impact on privacy, increased noise and pollution, increased traffic.
- More warehouses are not needed.
- Refuse stores should be moved away from residents.
- Unclear whether the acoustic fence will provide sufficient screening.
- Demolition works have caused significant issues to residents.
- Construction activities will cause an increase in noise, dust and disruption.
- Proposed building is longer and closer to Franklins that existing building and will block light.
- The local area is desperate for other infrastructure, such as dentists, doctors, community amenities and not warehouses.
- There should be a mix of businesses to provide employment for local residents.
- Hours should be restricted to 7am to 8pm.
- Maple Cross is providing 49% of the District's required storage facilities, increasing to 67% with this scheme.
- Disagree with storage only units, any units should be combined with trade counters.
- Developer should be prepared to split units to provide smaller units.
- Maple Cross House operated weekday 8-6, and 24/7 should be revised to 7am-8pm Monday to Saturday, and 10am-4pm Sunday.
- Pitch of reversing sounders on vehicles cannot be dampened down and would result in disturbance.
- Attention must be paid to safety of children walking to school

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 and to allow for the receipt of amended plans to improve the layout of the site.

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.

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 2024 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".

A number of NPPF chapters are relevant to the consideration of this application, with the most important being:
2 – Achieving sustainable development
6 – Building a strong, competitive economy
8 – Promoting healthy and safe communities
9 – Promoting sustainable transport
11 – Making effective use of land
12 – Achieving well-designed and beautiful places
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), and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3

(Development in Secondary Centres), CP1 (Overarching Policy on Sustainable Development), CP6 (Employment and Economic Development), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), 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 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), DM13 (Parking), Appendix 4 (Noise Exposure Categories) and Appendix 5 (Parking Standards).

Policy SA2 and site E(d) of The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and following Examination in Public.

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

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

South West Hertfordshire Economic Study (September 2024) (SWHES)

7 Planning Analysis

7.1 Principle of Development – Proposed Employment Use

7.1.1 The 2011 Core Strategy sets the Council's vision for development and sets out various priorities including to provide growth required to support local communities and provide for their needs, to locate growth in the most sustainable locations in terms of access to services and transport networks, to provide opportunities for local employment and to make the best use of land. The Spatial Strategy looks to direct new development toward previously developed land. This includes appropriate infilling opportunities within the Secondary Centres (of which Maple Cross is one).

7.1.2 Place Shaping Policy PSP3 deals specifically with development in Secondary Centres and sets out that development in Secondary Centres will focus predominantly on sites within the urban area, and maintain and enhance employment opportunities. This includes redistributing some employment floor space through mixed use development in Kings Langley employment area and an extension of floor space at Maple Cross/Maple Lodge.

7.1.3 The application site also falls within an allocated employment area in the Site Allocations LDD. The Site Allocations LDD identifies the District's needs for employment land to 2026 and following a number of studies found that there was a slight under supply of industrial and warehousing space amounting to 3.5ha. Within an appeal dated 21st September 2020 (TRDC Ref 19/1179/FUL, PINS ref APP/P1940/W/19/3243565) at Land to the north of Maple Cross Lodge (within the same employment area) it was accepted by the Inspector that whilst the evidence that informed the Core Strategy is not particularly recent, there was no compelling evidence to suggest that there is no longer a need for modern, flexible warehouse/industrial space such as that proposed. On that basis the Inspector agreed that there remains a need for employment floorspace within the District.

7.1.4 Policy SA2 makes clear that employment sites such as Maple Cross / Maple Lodge (site reference E(d)) are safeguarded for business, industrial and storage or distribution uses. This policy is an important mechanism for delivering the overall vision and objectives for the spatial development of the area as set out within the Core Strategy. The policy enshrines the principle that particular forms of development can be located on identified sites. More recently an Article 4 Direction was confirmed by the Government and came into force on 23 September 2023, which removed the ability for premises within the Maple Cross/Maple Lodge Employment Area to undertake a change of use from Use Class E to Use Class C3 under deemed planning permission. This adds further protection to the employment floorspace.

7.1.5 Policies CP1 and CP6 of the Core Strategy seek to maintain high levels of economic growth and employment by continuing to focus employment use within key employment areas which includes the Maple Cross Business Park where the application site is located.

7.1.6 The NPPF includes a chapter on Making effective use of land. Para 125c sets out that planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

7.1.7 Chapter 6 of the NPPF references Building a strong, competitive economy. Paragraph 86c) was inserted into the 2024 NPPF and states planning policies should:

c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;

7.1.8 Paragraph 87b was also updated in the 2024 NPPF to set out that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation;

7.1.9 It is therefore clear that at a national level, there is support for this type of development, as well as the support set out in the statutory development plan.

7.1.10 The applicant's Planning Statement confirms that the main office building Maple Cross House [Officer Note: demolished since the statement was written/submitted] has been vacant since Q4 2021. It was previously marketed as office space but with little interest. It would require significant refurbishment in order to be rented for office use. The Planning Statement states the other two buildings are currently occupied but staff are on site infrequently. The statement explains that the two smaller buildings are occupied with around 30 employees (25FTE). The statement does not provide an estimate of employment numbers in Maple Cross House on the basis that it had been vacant for a number of years and required refurbishment to be brought back into use. The statement sets out that the proposed use could support a range of roles depending on the end occupiers and the types of jobs involve in industrial processes and warehousing are getting broader and more skilled from low-skilled warehouse operatives to higher skilled industrial engineers, IT support and automation machine operatives. IT, robotics, engineering and data analysis are becoming a key part of industrial, storage and distribution sector. The statement estimates employment generation at 120-240 FTE and acknowledges that whilst previous employment numbers at Maple Cross House were higher than the proposed development would deliver, there is no interest in that building from prospective tenants.

7.1.11 The Council's Local Plans team advise "*The South West Herts Economic Study (2024) sets out that demand for industrial and storage & distribution space in South West Hertfordshire is strong, driven mainly by demand for large scale storage & distribution space which increased during the pandemic. The study identifies a need for 413,400 sqm of storage & distribution space between 2021 and 2041.*" They go on to note that "*the application supporting documents specify the gross internal area of the proposed units totals 7,540sqm, which would positively contribute to the industrial and warehousing floorspace needs*".

7.1.12 The LPA notes that Maple Cross House provided approximately 9694sqm Gross Internal Area (GIA) of employment floorspace and the smaller buildings 1366sqm GIA, with a total GIA of 11,060sqm GIA. The proposed scheme would provide 7540sqm GIA of employment floorspace. The Local Plans Officer notes "*the South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,000 sqm of available office space in south-west Hertfordshire, of which 124,000sqm was identified as vacant. However, the economic study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority 'should prioritise the protection of office space as far as possible'*.". It is acknowledged that there would be a net loss in floorspace across the site. However, the main office building had been vacant since Q4 2021 and has recently been demolished. The LPA has permitted the demolition of the existing building via 24/1334/PDND (including removal of the multi storey car park). The consideration of that prior approval application was limited to whether prior approval was required as to the method of demolition and any proposed restoration of the site.

7.1.13 It is acknowledged that planning permission has been granted in the immediate vicinity for two other warehouse developments. Application reference 21/0573/FUL was granted for a total of 16,115sqm floor area of the same use class as that subject of the current application. The planning permission has been implemented. Application 22/0033/FUL was approved for the provision of approximately 3322sqm of floorspace. Therefore in this employment area alone, should planning permission for the current application be approved, consent for 26,977sqm floorspace will have been granted within this existing employment site allocation area. As noted above the South West Herts Economic Study confirms that demand for industrial, storage and distribution space in South West Hertfordshire is strong, and a need for 413,400 sqm is identified. Cumulatively with the approved schemes, this development would help to meet the identified need for this development type.

7.1.14 The proposed development would still be an employment generating use which would benefit from excellent connections with the strategic road network. The applicant has provided further supporting information with evidence that the development could support between an estimated 120-240 FTE jobs, depending on the make-up of the proposed uses. The proposed development would be proposing flexible uses, meaning that the development would be able to respond to market demands quickly, ensuring low vacancy rates, adding important vitality to the area which has dissipated since the last tenants of the office building vacated. The submitted planning statement also sets out that between £7.8m and £15.7m additional GVA per annum would be created from the on-site jobs. The statement also notes the £420,000-£910,000 estimated expenditure by employees per annum in the local area. Significant weight can be attributed to these benefits of the proposed development.

7.1.15 Above it is acknowledged that the GIA on site would be a reduction compared to the previously existing buildings. Furthermore, the number of FTE jobs would be less. However, it is also acknowledged that the former office building had been vacant since Q4 2021 despite marketing, and has since been demolished. Weighed against these negative elements, the proposal would provide six modern and efficient units within two buildings, able to adapt to market demands. The development would provide employment opportunities in a number of sectors, and bring a series of economic and social benefits to the site and the wider area.

7.1.16 Overall, it is considered that the benefits the development would bring, as listed above, and its compliance with local planning policies in respect of the location of employment generating development, and its compliance with national planning policy in respect of facilitating development to meet the needs of a modern economy and using suitable brownfield land within settlements for identified needs, would outweigh any adverse impacts caused by the reduction in overall employment floor area.

7.1.17 Due to the Government changes to the Use Class Order, it is recognised that Class E has been introduced which includes an array of different uses. This application scheme seeks to ensure that the buildings can move between various different uses without the need to apply for planning permission, as follows:

- Class E(g)(iii) – any industrial purpose (being a use, which can be carried in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- B2 (general industry)
- B8 (storage and distribution)

7.1.18 Any of the above uses would also benefit from ancillary office facilities, which are proposed within all units. The range of uses sought are considered acceptable in principle. It is considered both reasonable and necessary for the uses to be secured by condition, to ensure that the nature of the use of the building cannot change under permitted development and to therefore allow the LPA to ensure any use has a satisfactory impact on the amenity of neighbours and provides sufficient vehicle parking. It is also considered reasonable and necessary to remove permitted development rights for extensions to the buildings, for the same reasons.

7.1.19 In summary, whilst noting a reduction in employment floorspace, the principal of the proposed development is considered acceptable and would comply with the strategic aims of Policy SA2 of the Site Allocations LDD. The proposal would also comply with 86c, 87b and 125c of the 2024 NPPF.

7.2 <u>Impact on the character and appearance of the locality</u>

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.2.2 Two buildings are proposed to the site. The building fronting Denham Way would contain units 1-4. The front elevation, containing the entrances, loading bays, signage and windows would face north. It would be finished in a light grey cladding, with blue cladding used to frame each unit. The building containing units 5-6 would have the same finish. The elevation fronting Denham Way would include windows to ensure an active frontage to the main street, and would be finished in the same grey cladding with blue surround. The rear elevations of each building would be finished in ‘Green Grey’ (RAL 150 40 10). Overall the proposed materials are considered to be appropriate in the context of this part of the street scene which contains a range of building uses and a range of finished materials. Account is also taken of the previously existing office building which was primarily glass with brick cladding. However, to give the LPA certainty in respect of the finished appearance, a planning condition will require samples of the proposed cladding materials to be submitted to and approved in writing.

7.2.3 In terms of their positioning within the site, both buildings maintain spacing to the boundaries. Units 1-4 are no closer to the southern boundary of the site than the previously existing building (approximately 12m separation) and are to be approximately 1m closer to Denham Way than the previously existing building. However, the building would still be set some 10m from the front boundary of the site and 28m back from the highway. It would be set 20m from the northern boundary. The hipped roof form, the separation from the boundaries and the height with a hipped roof together ensures the building containing Units 1-4 would not appear cramped within its plot or overly prominent in the street scene, but would appear as an acceptable addition.

7.2.4 To further improve the appearance of the building when viewed from Denham Way, the application proposes the use of soft landscaping, including planting a mixed native hedge to the front of the site with wildflower meadow planting behind. This would be supplemented by planting eight trees and five feathered trees (feathered trees have branches from the ground up, whereas standard trees have a trunk with the branches toward the top). These would filter the appearance of the front façade, and the front grass/seating area which is proposed for users of the development. Full details of the landscaping is discussed below and would be secured by condition, but it is considered these elements would further improve the appearance of the development in the context of the street.

7.2.5 The building containing Units 5-6 would be 3.5m from the northern boundary at its closest point, with larger gaps on all other sides to ensure it would not appear cramped within the site. Space would remain around the building for a pathway and soft landscaping to be provided to supplement existing trees.

7.2.6 The spaces around the buildings would be primarily laid as hard surfaces, which are required for car parking and for turning and manoeuvring of vehicles using the development including articulated lorries and refuse collection vehicles. Much of this will be laid as asphalt for the circulation areas, and block paving for the parking and pedestrian areas. Subject to details of the materials, the appearance is considered to be acceptable.

7.2.7 Concerns were raised in respect of the visual impacts of the cycle store and substation in close proximity to the Denham Way entrance to the site. In respect of the substation, this cannot be repositioned to the north of the site entrance because of the potential impact on the root protection area of the trees adjacent to the site. It would also be more exposed to vehicle contact. The landscape masterplan includes hedging to be planted around the substation and this would filter views.

7.2.8 The cycle store building would be constructed of a grey wire mesh, with a sedum roof. It is considered this would have an acceptable visual impact, read in the context of the vegetation around the site boundaries. The bin stores would be timber enclosures with no roof. They would be read in the context of the larger buildings they would be adjacent to

7.2.9 It is noted that Natural England, whilst raising no objection to the proposal, note that the development is close to the Chilterns National Landscape (CNL) and advise that the relevant Conservation Board are consulted. Guidance has been sought from the Chilterns Conservation Board and they have advised that given the relationship between the CNL and the nature of the motorway in the landscape, that they would not seek to comment on the application. They confirm there would not appear to be any immediate setting relationship to the CNL, with a separation distance of at least 1.9km between the site and the CNL.

7.2.10 Overall, having regard to the character of the wider area and taking account of the pre-existing buildings on the site, the proposed development is considered to have an acceptable impact, in terms of its appearance, its massing and bulk, and its layout within the site, on the character and appearance of the street scene and the wider locality.

7.3 <u>Impact of proposal on heritage assets</u>

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

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

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

7.3.3 Paragraph 208 of the NPPF advises that:

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

7.3.4 Paragraph 215 of the NPPF advises that:

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

7.3.5 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.

7.3.6 The nearest listed buildings are Grade II listed Maple Lodge, and Barn West of Maple Lodge. These are located at least 70m from the application site and further from the proposed buildings. Other listed buildings (at Woodoaks Farm) are further from the site. The conservation officer acknowledges that the heritage assets most likely to receive impact are these at Maple Lodge, and that whilst the proposed building would be closer to the listed buildings than the existing, their significance has already been eroded by the existing modern residential and industrial development. There is limited intervisibility between the listed buildings and proposed development. As a result, it is considered there would be an acceptable impact on the setting of the Grade II listed buildings.

7.3.7 On the basis of the above, and having regard to the separation distance and intervening development between the nearby heritage assets and the proposed development, it is considered that the proposal would preserve the setting of the listed buildings and other heritage assets, conserving their significance and would accord with Policy DM3, S66 of the Planning (Listed Buildings and Conservation Areas) Act and the NPPF.

7.4 Highways Impacts

7.4.1 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.

7.4.2 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.

7.4.3 The NPPF at para 115 sets out that in assessing specific applications for development it should be ensured that

> *a) sustainable transport modes are prioritised taking account of the vision for the site, 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 Code48; 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 through a vision-led approach.*

7.4.4 Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

7.4.5 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.

7.4.6 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*

7.4.7 The application has been accompanied by a Transport Assessment which has reviewed the baseline traffic conditions and has accounted for the committed developments in the area including the two other schemes for warehouses, the residential development of up to 50 dwellings at land rear of 24 Denham Way (resolution to approve by committee in June 2023) and the hotel development at the site on the corner of Denham Way and Sibson Way. In respect of existing vehicle movements, the assessment shows that the previously existing development on site had the potential to generate up to 223 two-way people trips during typical weekday peak hours. Having regard to census data showing mode splits, this equates to 187 two way vehicular trips, 20 two-way public transport trips and the remainder comprising cycle and walking trips for the site taken as a whole.

7.4.8 The assessment sets out the proposed trip generation which has the potential to generate up to 78 two-way vehicular trips, three pedestrian trips and nine two-way public transport

trips in the afternoon peak (with the corresponding figures of 65 vehicle, three pedestrian and seven public transport in the morning peak). In terms of servicing of the development by HGVs, the development could generate three two-way HGV trips in the morning peak and none in the afternoon peak – with around 37 two-way trips on a daily basis which is no more than three trips per hour across the entire development on a 12 hour basis. Therefore overall there would be a reduction in overall trips to/from the site compared to the pre-existing use, although the HGV trips would be new.

7.4.9 When reviewing the traffic impact, the assessment sets out that the development results in a net reduction in traffic when compared to the extant use, and that the number of HGV movements is unlikely to have any adverse impact on the local road network.

7.4.10 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.

7.4.11 Hertfordshire County Council as Highway Authority have reviewed the application. In respect of trip generation, HCC agree that the proposal would generate less motorised vehicles than the previous use and impacts would therefore be neutral. However, they consider it both reasonable and necessary that a Travel Plan be conditioned, to promote greater use of sustainable transport. In respect of the impact on the junctions, HCC are content that the proposal would not result in any additional vehicle impact.

7.4.12 In relation to sustainable transport access, HCC acknowledge that the site is reasonably well located to the sustainable transport network, with shared use footway/cycleway located to the west of the site and crossings within a reasonable distance. Whilst it is acknowledged that Rickmansworth Station is a 3.5km cycle via Uxbridge Road, the emerging Local Cycling and Walking Infrastructure Plan (LCWIP) will facilitate a 4km cycle to the station on quieter roads. Furthermore, it is noted that the cycling route passes across the site's extended access junction, and the access to the site has been designed to facilitate a continuous crossing for users of the cycling route.

7.4.13 HCC have noted that a site of this nature could, from their own data, generate 171 jobs, which coincides with information presented by the applicant. Based on this, and the need to address the cumulative impacts of all developments and facilitate the delivery and enhancement of active and sustainable transport networks, a contribution of £72,768 is sought.

7.4.14 HCC have provided clarification that they consider this contribution would meet the necessary CIL tests, and the contribution toward active and sustainable transport is part of the mitigation package for the development to ensure the site can be accessed in an active or sustainable way. The applicant's agent has accepted the contribution, which would be secured by S106.

7.4.15 Active Travel England are a statutory consultee because of the floor area being created, but have referred the LPA to standing advice with no further comments raised.

7.4.16 On the basis of the advice above, and subject to conditions which secure the submission of a Travel Plan, the site not being used until the access arrangements are complete and the parking and turning spaces set out, and subject to the travel plan monitoring fee being secured by a legal agreement, it is not considered that the proposal would have a detrimental impact on highway safety.

7.5 Vehicle Parking

7.5.1 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.

7.5.2 Appendix 5 sets out the following car parking standards for specified use classes.

- Use Class B1b/c – 1 space per 35sqm.
- Use Class B2 – 1 space per 50sqm, 1 lorry space per 200sqm.
- Use Class B8 – 1 space per 75sqm, 1 lorry space per 200sqm.
- Business Parks – 1 space per 40sqm, 1 lorry space per 200sqm.

7.5.3 The standards for parking may be adjusted according to the parking zone the development falls into. The site is within zone 3, where provision of between 50%-75% of the standard may be acceptable. The 'Business Parks' category is stated to account for 'mixed B1/B2/B8 unless heavily oriented to B8 for use where individual land components are not known'. In this case, permission is sought for a range of uses with the planning statement confirming this is to enable the units to be flexible and support a range of roles. Based on this category, 1 space per 40 sqm equates to 189 parking spaces, or a range of 94-141 spaces based on the 50%-75% provision.

7.5.4 Should the development be occupied for B2 uses only, this would require 151 car parking spaces or between 75-113 based on the zonal reduction. If occupied for B8 uses only, this would require 101 spaces or between 50-75 based on the zonal reduction. On this basis, the parking standard for the 'business park' category is considered to represent the worst case need for the proposed development.

Use Class	**Car Parking spaces required based on zonal reduction of 50-75%**
B2	75-113
B8	50-75
Business Park	94-141

7.5.5 The development proposes to provide 94 car parking spaces, which will include disabled spaces, 16 active and 20 passive EV charging spaces and car share spaces. This meets the lowest end of the 'business park' category, but provides a suitable level of car parking should the use be put to B2 use only or B8 use only. The site also proposes 40 cycle parking bays which exceeds the policy requirement of between 15 (based on 1 space per 500sqm) and 24 (based on 1 space per 10 full time staff).

7.5.6 It is noted that the site is in a fairly accessible location, with bus stops on Denham Way, and a shared cycleway/footway to the front of the site providing access further into Maple Cross to the south, and to the north toward Rickmansworth. Closer to Rickmansworth there are on-road cycle lanes, designated a local cycle route. Therefore cycling to/from the site is considered to be a realistic mode of transport. In respect of bus services, there are five services that pass along Denham Way including frequent services (1 per hour Monday to Friday) providing access to Hemel Hempstead, Watford, Harlow and Heathrow. Rickmansworth Rail Station is approximately 3.5km (13 minutes) from the site and can be accessed by bus. On this basis, it is considered that the site is in a sustainable and accessible location, accessible by means other than private car.

7.5.7 Having regard to the level of cycle parking proposed on site, the accessibility of the site by bus and walking/cycling routes and the provision of EV charging points, and the provision of a travel plan with the aim of increasing the use of sustainable transport options, it is considered that the level of on-site car parking is acceptable, and that the proposal includes sufficient sustainable transport measures.

7.5.8 Lorry parking spaces regardless of use are required at 1 space per 200sqm. Based on the floor area proposed, space for 38 lorries would need to be provided. The plans show a total of 10 lorry spaces, contained within the designated loading bays, and no other lorry parking. Whilst this level of lorry parking does not comply with Appendix 5, it is noted that the parking standards for general industry and business parks require lorry parking regardless of whether there is a clear operational need for such parking to be provided on site. In this case, there are between one and two lorry spaces per unit. The site contains sufficient turning space for articulated lorries and there would be space within the confines of the site for lorries to wait clear of Denham Way if they require access to an occupied lorry space. On this basis, it is considered that the space proposed is sufficient and the shortfall would not result in any demonstrable unacceptable impact on highway safety.

7.6 Impact of the proposed built form on amenity of neighbouring occupiers

7.6.1 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.

7.6.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities. This section of the report focuses on the impact of the buildings themselves. Any impacts relating to pollution are considered in later sections.

7.6.3 In respect of the building containing units 1-4, this building would be approximately 0.8m closer to Franklins than the pre-existing office building. The height from ground to eaves of Units 1-4 is proposed to be 9.1m. This compares to the height of the existing building from ground level to the top of the three storey flat roof of 11.8m. This difference can be viewed on Drawing No. KP-322-TP-07. Given the very minimal difference in the siting of the wall, combined with the reduction in overall height, it is not considered that this building would have an overbearing or visually intrusive impact when viewed from neighbouring properties in Franklins adjacent to the site at Nos. 20-27 and 34.

7.6.4 It is acknowledged that the proposed building projects some 30 metres further east into the site, beyond the rear of what was the previous building on the site. This would result in new built form projecting parallel to the flank wall of No. 35 Franklins, and clearly visible from the rear gardens of 42-46 Franklins, with the new wall ending in line with 42 and 43 Franklins. It is acknowledged that this would result in new built form 30 metres wide, 9.1m in height, located approximately 13m from the boundary with those properties. It would be approximately 27m from the rear wall of Nos. 42 and 43, and 17m from the flank wall of No. 35. The proposed elevation shows the wall of the building facing Franklins would be finished in a grey green coloured cladding. Furthermore, the development includes an acoustic fence projecting closer to these neighbouring properties. The fence would be 6m high and 4.8m away from the boundaries with 42-46 Franklins. The submission shows the fence would be finished as a natural timber appearance. The separation distance between these neighbours and the wall of the building and acoustic fence are considered to mitigate the visual impacts to some extent. However, the application also proposes the use of soft landscaping to provide further visual mitigation and filter views of the new development from the neighbouring properties.

7.6.5 In respect of the impact on No. 35, this property has a line of thick Leyland cypress adjacent to its flank boundary which extends beyond the rear wall of the neighbour. This is proposed to be retained as part of the scheme and would act to filter many views of the proposed development. It would be protected throughout construction (protection secured by condition) and the landscaping scheme and landscape management plan would ensure the ongoing maintenance of this important visual screen in the future. Where this screen ends toward the rear of the garden at No. 35, the proposed landscape plan shows new tree

planting. Further information has been sought from the applicant on the species to be planted in this area and a drawing has been submitted (1115-SW-02) confirming that the species to be planted include Common Hornbeam (Carpinus Betulus EHS), Rowan (Sorbus aucuoaria EHS), Wild Cherry (Prunus Avium) and Scots Pine (Pinus Sylvestris, evergreen). These can be secured by planning condition. It is considered that given the separation distance, the angle of view, the presence of existing vegetation and subject to the proposed soft landscaping being secured, provided and maintained, that there would not be such a demonstrable harmful impact on this neighbour such that planning permission could be refused.

7.6.6 In respect of the impact when viewed from Nos 42-46, there is some existing screening in the form of trees which would act to filter some views of the proposed development including the acoustic fence. Again, the proposed landscape plan proposes additional soft landscaping including trees as detailed in the paragraph above to filter views of the acoustic fence. It is considered that the combination of the separation distance, the presence of a 6m fence with the taller building beyond, and the presence of existing and proposed soft landscaping would when combined sufficiently mitigate against the visual appearance of the building when viewed from these properties at Franklins.

7.6.7 Unit 6 would be at least 10 metres north of the rear boundary with Nos. 13-16 Longmore Close, with around 15 metres separation between the main two storey rear wall of those houses and the proposed building. A number of trees are proposed to be planted in the space south of the building, within the site, including Alder, Silver Birch, Rowan, Wild Cherry, Scots Pine and Field Maple. These trees would all, along with existing vegetation, act to filter and soften views of the proposed built form when viewed from properties fronting Longmore Close. The south elevation of Unit 6 facing these properties would be finished in a green grey colour. The proposed built form of Unit 6 would be larger than the existing in terms of height and depth, and would be 16 metres closer to Longmore Close than the existing. However, having regard to the separation distance and the existing and proposed soft landscaping, the visual impact of the proposed built form would not result in demonstrable harm to the amenities of the occupants of properties fronting Longmore close.

7.6.8 This application has been accompanied by a Daylight and Sunlight report (December 2024) which assesses the effect of the proposed development on daylight and sunlight to neighbouring residential properties. This confirms that for the nearest properties in Longmore Close, daylight levels would be fully compliant with guidance and there will be no material change to direct sunlight because of their situation south of the development site. For Nos. 20-27 Franklins, a slight improvement in daylight is envisaged due to the reduced parapet height and no material change to sunlight. For 32-37 Franklins, there are generally modest improvements as a result of the reduced parapet height. For 42-46 Franklins there is no material impact on amenity identified, as daylight levels are either improved or well within BRE targets. Given the distances and orientation involved, the LPA has no reason to question the validity of the conclusions of this report.

7.6.9 In respect of privacy, the proposed development does not contain any windows which face toward the nearest residential properties.

7.6.10 It is noted that permitted development rights exist under Classes A and H, Part 7 of the General Permitted Development Order that may allow further extensions to the size of the buildings under permitted development. Given the close relationship with neighbouring properties, and that any enlargement under permitted development has the potential to compromise the soft landscaping (required to protect neighbouring amenity and for biodiversity net gain) and bring built form and associated use closer to neighbouring properties, it is considered both reasonable and necessary to remove this permitted development right, meaning any such extension would require express planning permission.

7.7 <u>Pollution – Air Quality</u>

7.7.1 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;

7.7.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
- Introduce new point sources of air pollution e.g. furnaces.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.

7.7.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- 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.

7.7.4 The application is accompanied by an Air Quality Assessment which considers impacts at the construction phase and operation phase. In respect of construction phase impacts, mitigation measures as recommended by the Institute of Air Quality Management are proposed to be implemented, and these would be secured by planning condition. In respect of operational phase impacts, modelling shows that the nearest receptors would remain below the annual average levels and the impact of the effects of changes in traffic flow would be negligible. There are no further mitigation measures required.

7.7.5 The Environmental Health Officer has reviewed the submitted Air Quality Assessment and recommends that a condition requiring the submission of a dust management plan be attached to any planning permission. Subject to this condition, it is considered that air quality impacts would be acceptable.

7.8 <u>Pollution – Noise and vibration</u>

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

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

7.8.2 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.

7.8.3 Noise pollution impacts from the development are likely to arise primarily from vehicles using the access road and car park, and from loading/unloading activities within the loading bays and forecourts. The design of the development would mitigate these impacts to some

extent, for example the built form of units 1-4 would act as a barrier to noise from the front of these units, to protect the amenities of residential occupants to the south. Noise and activity from Units 5 and 6 and the vehicle parking/turning area would not benefit from this protection. However, to mitigate against the noise impacts, a 6m high acoustic fence is proposed between the south corner of unit 4 and the south corner of unit 6. This would effectively enclose the southern part of the site with an acoustic screen which would reduce the noise impacts of the development on neighbouring properties.

7.8.4 During the course of the application, concerns were raised in respect of the bin and cycle stores located to the south of the site opposite Unit 6, because their use may result in noise and disturbance to neighbours notwithstanding the presence of an acoustic fence. In order to further mitigate this potential impact, the stores have been relocated closer to the front of Unit 4. The refuse and cycle stores are considered to be in an acceptable position so as to minimise noise and disturbance to residents.

7.8.5 The application is accompanied by a Noise Impact Assessment. This has been reviewed by the Environmental Health Officer who raises some concerns with the assessment, such that they are not able to agree at this time that Units 5 and 6 may operate for 24 hours a day, seven days a week and not cause harmful disturbance to neighbouring properties. There are no objections/concerns in respect of the use of Units 1-4 on a 24/7 basis. Given these comments, conditions are recommended to 1) restrict the hours for deliveries to/collections from Units 5 and 6, 2) provide further details of the plant equipment before this is used, and 3) provide details of an Operational Noise Management Plan to ensure that operational noise is suitably managed to further minimise noise impacts on neighbouring properties.

7.8.6 On the basis of the above, and subject to planning conditions requiring the acoustic screen to be constructed prior to the first use of the development hereby permitted, it is not considered that the proposal would result in any significant adverse impacts in respect of noise.

7.9 Pollution – Light

7.9.1 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.

7.9.2 The application is accompanied by a lighting layout plan, which shows that the site access road would include 8m high lighting columns. There would also be lights mounted at 8m high on the front of the proposed buildings, and on the east side of Unit 4. A column mounted light would be installed 6m high adjacent to the acoustic screen. The application is also accompanied by a lighting design document which models the light spillage and confirms that, as a result of the siting of the lighting, the position of the buildings and the acoustic screen, limited light spillage is predicted to take place outside the application site.

7.9.3 It is considered that the submitted lighting design does provide the minimum level of lighting required, and has been designed in such a way to ensure there would be no unacceptable impact on neighbouring properties or the surrounding area. Planning conditions are recommended which require the lighting to be implemented only in accordance with the submitted details, and which restrict the insertion of any further lighting either on the buildings or stand alone. This is considered to be reasonable and necessary on the grounds that any future lighting must be designed in a way which is sensitive to the proximity of neighbouring residential properties, and sensitive to the ecological implications of lighting.

7.10 Pollution – Land Contamination

7.10.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

7.10.2 A ground investigation report has been submitted, which provides details of the historic uses of the site based on historic mapping, and provides details of recent ground investigation works. Laboratory analysis found no evidence of significant chemical contamination, with one sample containing very small quantities (less than 0.001%) of asbestos. Elevated concentrations were found of dissolved hydrocarbons and following further ground investigations, it is concluded that remediation is likely to be required in some areas of the site, including the removal of soil. The Environmental Health Officer has reviewed the submission and considers the standard contaminated land condition is required. Subject to this, it is not considered that the proposal would result in any threat to the health of future users or occupiers of the site or neighbouring land. The implications on ground and surface water are discussed in more detail below.

7.11 Impact on Wildlife and Biodiversity, including Mandatory Biodiversity Net Gain

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

7.11.2 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.

7.11.3 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.

7.11.4 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".

7.11.5 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*.

7.11.6 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".

7.11.7 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.

7.11.8 The submitted preliminary ecological appraisal has been reviewed by Herts Ecology. In respect of protected species, one building on site has high potential for roosting bats and has been considered as a maternity roost over many years. There is no information regarding whether bats are roosting in the bat box as opposed to the building itself. Two emergence surveys were undertaken in 2024, but these are not sufficient to inform an European Protected Species Licence application and further surveys are needed. Two such surveys have since taken place, in May and June 2025. These collectively detected droppings, bat activity and a maternity roost using a bat box. These surveys have been reviewed by Herts Ecology, who confirm that the surveys undertaken meet the minimum information requirements for the LPA to be able to fully consider the impact of the proposal on bats and discharge its legal obligation under the Conservation of Habitats and Species Regulations 2019 (as amended). The building containing the bats cannot be demolished, nor the bat box removed or disturbed until a licence informed by all relevant data is obtained.

7.11.9 In respect of other potential impacts on bats, the submitted lighting scheme has been reviewed by the ecologist and is found to have levels of illuminance that will not exceed existing levels, and no concerns are raised to the lighting plans. No concerns are raised in respect of the impact on nesting birds, subject to an informative.

7.11.10 In respect of ecological enhancements proposed to the site, these are endorsed and would be secured by planning condition. It is also requested that a planning condition be attached requiring confirmation, following completion of the development, that the proposed enhancement features have been installed with evidence submitted to and approved in writing by the LPA.

7.11.11 In respect of impacts on the Maple Lodge Nature Reserve and adjacent stream, a precautionary approach is to be taken and a Construction Ecological Management Plan condition is proposed, which would secure that consideration and protection is given to these areas during the construction phase.

7.11.12 In relation to mandatory BNG, the application is accompanied by a Biodiversity Metric Baseline Report and a completed Biodiversity Metric. This includes details of the value of the existing habitat, linear features (hedge) and watercourse features found on the site, and details of the proposed enhancements. The enhancements proposed would include planting 65 small trees, 1285sqm of mixed scrub (primarily alongside the southern and northeastern boundaries), the creation of an area of modified grassland and 2670sqm of wildflower meadow associated with the riparian corridor and along the southern and western boundaries. In addition, 205m of species rich hedgerow would be planted.

7.11.13 Following the creation and enhancement measures set out above, the site would result in a 109% increase in habitat units, 7191% increase in linear features, and 29% increase for watercourse units. This would exceed the 10% minimum required by the Environment Act.

7.11.14 Herts Ecology have reviewed the BNG submission and find it adequate to allow determination of the application. In the event that planning permission is granted, the permission will be subject to the Biodiversity Gain Plan Condition and this must be satisfied before works begin. In addition, as a result of the scheme proposing a significant net gain, any planning permission would be subject to a requirement to submit a Habitat Management and Monitoring Plan, which would set out how the habitat would be enhanced, created, brought to its target condition and managed/maintained for a 30 year period. Furthermore, a monitoring fee would be secured by legal agreement, to cover the cost of the LPA monitoring and reporting on delivery of the agreement.

7.11.15 Given the above, and subject to conditions, it is considered that the proposed development would not result in a loss of biodiversity and would afford suitable protection and enhancement to protected species.

7.12 Impact on trees and landscaping

7.12.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with an illustrative landscape strategy.

7.12.2 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.

7.12.3 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”.

7.12.4 As detailed at 2.8 above, the application site contains a number of trees, many of which are protected by TPO. Paragraph 3.11 sets out that the proposal includes removing 26 (six B-grade and 20 C-grade) trees and planting 65 trees, alongside shrubs, hedgerow, wildflower meadow, lawn and ornamental planting.

7.12.5 The submitted landscaping plan shows that planting will be distributed primarily around the west, south and east sides of the site, with some limited planting to the north. The tree planting would act to enhance the visual appearance of the development when viewed from the street, as well as provide habitat for biodiversity and screening of the development from the surrounding neighbouring properties.

7.12.6 The Tree and Landscape Officer was consulted on the proposed development and has raised no objections. They confirm that based on the plans there should be space for the trees to develop to an effective size. They also acknowledged that the proposed planting includes a mix of standard trees, which give immediate landscape impact but are slow to establish, and bare whips which are small at first but will establish quickly. Ground preparation, planting and establishment maintenance will be key. Overall, it is considered that subject to conditions requiring the landscaping to be implemented, and maintained, including suitable ground preparation, the proposed soft landscaping would have an acceptable impact on the character of the area whilst also achieving the screening and biodiversity benefits detailed above.

7.13 Energy Use

7.13.1 Paragraph 161 of the 2024 NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

7.13.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been

incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. 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.

7.13.4 The application has been accompanied by an Energy and Sustainability Statement which demonstrates that the proposal will achieve an overall carbon dioxide emissions reduction of 438% compared to the baseline performance of the worst allowable standards under Building Regulations Part L (2021). This is achieved through energy efficiency measures and the use of Photovoltaic panels alone accounting for 315% reduction. The development also seeks to achieve BREEAM 'Excellent'. On that basis the proposal would exceed the reductions required by the Development Plan and would be acceptable.

7.14 Flood Risk and Drainage

7.14.1 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.

7.14.2 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This sets out that the drainage proposal is to infiltrate to the ground via two attenuation tanks, and the car park will be drained via porous paving. Surface water from the service yards and access road will be collected by gullies and channel drains. The strategy has been reviewed by Affinity Water (comments at 9.2 below) and the LLFA (comments at 9.5 below). Both consultees originally objected to the proposal, however following receipt of amended plans and further information, both consultees have removed their objections subject to planning conditions.

7.14.3 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.

7.14.4 It is concluded that the proposed development would not be subject to unacceptable risk of flooding and uses sustainable drainage systems to reduce surface water runoff, and is acceptable having regard to DM8.

7.15 Refuse and Recycling

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

i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity

ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
iii) There would be no obstruction of pedestrian, cyclists or driver site lines

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

7.15.3 HCC note a SWMP has not been produced and therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site.

7.15.4 In respect of safeguarding Waste Sites, the application site is in close proximity to the Maple Lodge Sewage Treatment Works (STW), which is safeguarded under the Waste Core Strategy due to its important contribution to the strategic network of waste management provision. The proposal seeks to retain trees and plant additional trees on the boundary which faces the STW, and the Waste Authority has confirmed they have no safeguarding concerns.

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

7.15.6 The county council, as the Minerals Planning Authority, does not consider that the proposal would have the potential to unacceptably sterilise mineral resources, and would encourage the opportunistic extraction and subsequent use of these deposits within developments. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

7.15.7 In respect of commercial waste generated at the site, full details have been provided of the refuse storage areas, along with confirmation within the Transport Assessment that refuse vehicles can enter the site, turn, and exit in a forward gear.

7.15.8 On the basis of the above and subject to conditions it is considered that the proposed development has given adequate consideration to waste and waste collections.

7.16 <u>Infrastructure Contributions/Heads of Terms for S106</u>

7.16.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. There is no CIL chargeable for the development sought.

7.16.2 As detailed above, HCC highways have requested a financial contribution of £72,768 toward Route 3 in the LCWIP, which looks to provide a route on quiet roads between Maple Cross and Rickmansworth Station. This would unlock the site's sustainability. In addition, HCC require a Travel Plan Evaluation and Support Fee of £6000 (index linked to RPI March 2014) to support the implementation, processing and monitoring of the travel plan.

7.16.3 Herts Ecology acknowledge that the scheme would provide a significant net gain in biodiversity. On that basis, it is considered that monitoring the site, to ensure the habitat management and monitoring plan is fully implemented and biodiversity gains realised, would be required. Based on the size of the site and the difficulty of the habitat being created or enhanced, a monitoring fee of £5900 is to be secured.

7.16.4 The applicant's planning statement at 7.39 sets out a series of benefits the development would bring. Because these are not considered to be necessary to make the development acceptable in planning terms, it is not proposed to secure these as part of the legal agreement. It is anticipated that many of the stated benefits would be realised naturally through the operation of the development.

7.16.5 TRDC Charge a monitoring fee for S106 agreements, to cover the costs of our monitoring. However, it is noted that two of the financial contributions sought are for HCC as Highway Authority. The BNG fee covers monitoring the biodiversity gains. On this basis, it is not considered that any further monitoring fees would be applicable.

7.17 Benefits of the Scheme

7.17.1 The applicant has suggested a number of planning benefits would be realised from the scheme. Many of these are discussed at 7.1.14 above.

7.17.2 The planning statement comments on the social value, setting out that the applicant has committed to deliver a number of Social Value commitments at the site to ensure that benefits are maximised across the local communities. The key minimum targets set out include the creation of 2 apprentices, 30 hours of training throughout the supply chain, 6 weeks of work experience, 7 hours of mentoring, 21 hours of career support, 30 hours of career progression training for staff, 90 hours of training, 40% of the value of contract to be awarded to SMEs, 12 hours engagement with schools and colleges, and 18 hours of staff volunteering. It is not proposed to secure these matters by S106 agreement, because they are not considered by Officers to be necessary to make the development acceptable in planning terms given the overarching conclusions above. As they are not to be secured, only limited weight can be attributed to these matters.

7.17.3 Regardless of this, it is acknowledged that the site would continue to provide employment opportunities, despite a reduction in overall numbers when compared to the previous use of the site which, given demolition of previous buildings, could no longer take place. The construction phase of the proposed development would generate employment opportunities and economic benefits to those involved in the works, as well as any local suppliers. The future work force are also expected to bring economic benefits in terms of use of nearby services. Therefore it is considered that the proposed development would deliver economic benefits.

7.17.4 The proposed buildings would exceed current requirements in terms of energy efficiency, and the development would encourage the use of sustainable transport modes through the provision of cycle parking, electric vehicle charging points, and a contribution toward improving sustainable transport routes. The development would also achieve a net gain to biodiversity in excess of the 10% mandatory requirement. Therefore demonstrating the development would generate environmental and social benefits.

7.18 Tilted Balance and Planning Balance

7.18.1 Subject to conditions, it is considered that any potential adverse impacts of the proposed development can be mitigated against. On that basis it is considered that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of granting planning permission. As such, subject to the completion of a S106 agreement with the terms listed above, and subject to conditions it is considered that this development is acceptable.

8 Recommendation

8.1 That following the completion of a S106 agreement to secure the matters set out at 7.16 above, planning permission be granted subject to conditions.

C1 Time Limit

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

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

C2 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. KP 322 TP 01, 02B, 03, 04A, 05, 06A, 07A, 08, 14B, 15A, 16. Drawings 9184-800C (External lighting layout), 9194/810B (External Plant Locations). Drawings 1115 MP 01G, 1115 SE 01, 02, 03, 04, 05, 1115 SW 01, 02, 03.

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP3, CP1, CP6, CP8, CP9, CP10, and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM13, Appendices 4 and 5 of the Development Management Policies LDD (July 2013) and Policy SA2 and E(d) of the Site Allocations LDD (November 2014).

Pre-Commencement conditions

C3 Construction Management Plan (HCC Highways)

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

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

Reason: This is a pre-commencement condition to ensure that the management of the construction activities is considered prior to those activities taking place. The condition is required in order to protect highway safety and the amenity of other users of the public highway, and in the interest of the amenities of neighbouring occupiers, in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C4 Construction Traffic Management Wear and Tear (HCC highways)

No development shall commence (other than demolition works) until a road condition survey (along the section of Denham Way between the site access and the junction with Uxbridge Road and the section of Denham Way between the site access and the junction with Chalfont Road/ Mary Lodge Close) is completed and agreed in writing with the Highway Authority. Prior to the first use of the development hereby permitted a second survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The survey shall provide details of any appropriate reinstatement works required to the carriageway and verges, along with the timescales for their completion. The works shall thereafter be completed to the satisfaction of the Highway Authority in accordance with the approved timescales.

Reason: This condition is required to be pre-commencement to ascertain the condition of the highway before development works commence. The condition is required in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C5 Foundation Works Method Statement (Affinity Water)

Prior to the commencement of the development (excluding construction of access, demolition and remediation works), no works shall take place until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) A foundations works method statement and risk assessment detailing the depth and type of excavations to be undertaken including mitigation measures (eg appropriate design) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken only in accordance with the terms of the approved method statement.

ii) Acknowledgement of the need to notify Affinity Water of excavation works a minimum of 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regard to water supply

The works shall thereafter take place only in accordance with the approved details.

Reason: This condition is required to be pre-commencement to ensure that details to safeguard the public water supply are submitted and approved before the works take place. The condition is required to avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C6 Contamination Remediation Plan (EH)

Prior to the commencement of development approved by this planning permission 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 Ground Investigation Interpretive Report prepared by HDR Consulting Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, Oct 2024), 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: This condition is required to be pre-commencement to ensure that the scheme to deal with contamination is approved before any works take place that may uncover such contamination. This is 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 accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Surface Water Drainage Scheme (Affinity Water)

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

i) A Final Surface Water Drainage Scheme, demonstrating at least 1m between the base of all proposed soakaways and the highest groundwater levels and appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants, ensuring protection of surface and ground water.

ii) The development shall thereafter be implemented only in accordance with the scheme approved by this condition, which shall be in place prior to the first use of the development hereby permitted.

Reason: This is a pre-commencement condition to ensure a suitable surface water drainage scheme is designed and approved before works take place. The condition is required because surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved toward existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply. Therefore a scheme is required to prevent the mobilisation of contaminants, ensuring protection of surface and ground water in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Details of Flood Resilient and Resistant Measures (LLFA)

Prior to the commencement of the development (excluding demolition works), details of all flood resilient and resistant measures including finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed in accordance with the approved details and maintained as such thereafter.

Reason: This is a pre-commencement condition to ensure that flood resilient and resistant measures are considered and designed into the scheme before works commence, to ensure the flood risk is adequately addressed and not increased in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Details of Construction Phase Surface Water Management Plan (LLFA)

Prior to the commencement of development (excluding demolition works) a detailed construction phase surface water management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall

thereafter be implemented only in accordance with the scheme as approved by this condition.

Reason: This is a pre-commencement condition to ensure that surface water is adequately dealt with during the construction phase and before the final surface water scheme has been implemented, to ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Site Waste Management Plan (HCC M&W)

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste 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: This is a pre-commencement condition to ensure that the disposal of waste from the site in an appropriate way is considered prior to works taking place, and 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) and Policy DM10 of the Local Plan Development Management Policies LDD (adopted July 2013).

C11 Dust management plan (EH)

No development shall commence (other than demolition works) until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be employed to minimise dust caused by the permitted construction and operation of the development and to prevent the emission of dust from the site while incorporating the recommended mitigation measures as set out in section 7.1 of the submitted Air Quality Assessment (Report 784-b068895 dated 7 October 2024). The development shall thereafter be carried out in accordance with the approved Dust Management Plan.

Reason: This condition is a pre-commencement condition to minimise dust caused from construction activities and when the development is in operation in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C12 Construction Environmental Management Plan (Herts Ecology)

No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) for Maple Lodge Farm Ditch has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

aa) A review of any ecological impacts informed by the submitted Preliminary Ecological Appraisal (Ecology and Land Management, December 2024)

a) Risk assessment of potentially damaging construction activities.

b) Identification of ‘biodiversity protection zones’.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timings of sensitive works to avoid harm to biodiversity features.
e) Responsible persons and lines of communication.
f) Details of low impact lighting measures during construction for nocturnal wildlife compliant with Bat Conservation Trust and Institution of Lighting Professionals (2023).

Development shall thereafter proceed only in accordance with the approved CEMP

Reason: This is a pre commencement condition in the interests of safeguarding protected species and adjacent habitats and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C13 Tree Protection

Notwithstanding the submitted Arboricultural Report, 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 and vegetation shown on Drawing No. KP 322 TP 02B to be retained and all other trees not indicated as to be removed have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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. The condition is required because the submitted details do not specify adequate protection to existing trees during the course of the development works, but this concern can be addressed by further protection details being submitted for approval, 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).

C14 Materials (Prior to above ground works)

Prior to any works above ground floor level, and notwithstanding the material details shown on the approved plans, samples of the proposed cladding materials to be used in the construction of the warehouse buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the materials approved by this condition.

Reason: To ensure the finished appearance of the buildings has an acceptable impact on the character and appearance of the locality, and to ensure the appearance of the rear elevation where it faces neighbouring residential properties is acceptable visually and would contrast appropriately with the proposed soft landscaping, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

Prior to first use or first occupation

C15 Full details of proposed access (HCC Highways)

Prior to the commencement of any works to create the site access and internal roads, full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

i) Roads, footways.
ii) Cycleways.
iii) Foul and surface water drainage.
iv) Visibility splays
v) Access arrangements
vi) Parking provision in accordance with adopted standard.
vii) Loading areas.
viii) Turning areas.

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

Reason: This is a condition to ensure suitable, safe and satisfactory planning and development of the site is accounted for and that the access and internal areas are suitably designed, accounted for and align with the highways technical approval process in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C16 Travel Plan (HCC highways)

At least 3 months prior to the first use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C17 Remediation Verification Report (Affinity Water, EH)

Following completion of the measures identified in the approved remediation scheme, and prior to the first use of any part of the development hereby permitted, a remediation verification report to confirm the appropriate removal of the contaminated area and that demonstrates the effectiveness of the remediation carried out, along with details of any monitoring and maintenance programme and copies of any waste transfer notes relating to exported and important soils shall be submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall thereafter be implemented in accordance with the approved details.

Reason: To provide confirmation that the risk of displacing this contamination to a greater depth has been addressed and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction during the construction and use of the development, and 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 Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Drainage Survey and Verification Report (LLFA)

Immediately following completion of the surface water drainage system, including any sustainable urban drainage system features, and prior to the first use of any part of the development hereby permitted, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. the survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 7. Where necessary details of any corrective works to be carried out along with a timetable for their completion shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 of the Development Management Policies LDD (adopted July 2013).

C19 Drainage Scheme Maintenance and Management Responsibilities

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

i. a timetable for its implementation.
ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for the development and not increased in accordance with NPPF, Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C20 Improvement works to access (HCC Highways)

Prior to the first occupation of any part of the development hereby permitted the vehicular and pedestrian access improvements, as indicated on drawing number 24-339-SK06 Rev C shall be finalised, completed and thereafter retained in accordance with details/specifications to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a safe and satisfactory access to be used from the first use of the development hereby approved, in the interests of highway safety,

traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C21 Hard and Soft Landscaping

Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall follow the principles set out within the Landscape Masterplan drawing 1115-MP-01 Rev G and in the Planting Proposals Southern Boundary drawings (1115-SW-01, 1115-SW-02A and 1115-SW-03) including species and initial planting heights and spacings, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include locations, materials and method of drainage, and details including position, design and size of all means of enclosure within and around the site.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first use of the development hereby permitted and permanently maintained as such thereafter.

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 development or the completion of the development, whichever is sooner.

If any of the proposed soft landscaping is removed, dies, becomes 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 and on the amenities of neighbours, and to ensure the site is suitably enclosed to protect the amenities of neighbours and ensure the use of Maple Lodge Close for vehicular access is restricted, in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C22 Operational Noise Management Plan

Prior to the first use of the development hereby permitted, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out how deliveries and collections will be managed so as to ensure any adverse impacts on neighbours from noise generated by these activities are minimised. The plan shall include details of the restriction of the type of reversing alarm for vehicles, the use of the building's doors to restrict noise outbreak and engines not idling, maintenance of the doors to reduce noise from operation, and details of the hours of use of the turning and parking areas and controls over idling vehicles in these areas. Details of site-wide refuse collection arrangements including hours shall also be included. The development shall thereafter be operated only in accordance with the details approved by this condition.

Reason: Reason: To protect the amenities of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy.

C23 External Plant – Unit 6

Prior to the first use of the external plant/equipment serving unit 6, details shall be submitted to and approved in writing by the Local Planning Authority in respect of the noise impacts of this equipment, and any mitigation measures necessary to ensure this plant can operate without adverse impact on the amenities of neighbouring occupiers. The plant shall thereafter be installed and maintained in accordance with the details approved by this condition.

Reason: To protect the amenities of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy.

Compliance

C24 Ecological Enhancement (Comply prior to first occupation)

Prior to the first use of the development hereby permitted, the bat and biodiversity enhancement measures as set out at Section 3 of the submitted Bat and Biodiversity Enhancement report (November 2024, produced by Ecology and Land Management) shall be implemented in full and a statement from an appropriately qualified ecologist confirming that all the proposed features have been installed accordingly, accompanied by sufficient photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

The measures shall be maintained and permanently retained thereafter.

Reason: To ensure that the bat and biodiversity enhancement measures are implemented, in the interests of enhancing existing habitats and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C25 Parking Spaces to be provided (Comply prior to first occupation)

Prior to first occupation of the development hereby permitted the proposed on-site vehicle access road, on-site car parking, electric vehicle charging provision and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development, to ensure the development can accommodate its own parking demands and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C26 Refuse and Cycle Store (Comply prior to first use)

Prior to the first occupation of the development hereby permitted the refuse and recycling stores and cycle stores shall be constructed in the locations shown on drawing KP-322-TP-02 Rev B and in accordance with the details on drawing numbers 26692-TUR-DR-00-02 and 26692-TUR-DR-03-03 and permanently retained thereafter.

Reason: To ensure the acceptable storage and collection of waste from the site in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C27 Surface Water arrangements (HCC Highways) (Comply prior to first use)

Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C28 Electric Vehicle (EV) Charging Points (HCC Highways) – Comply prior to first use

Prior to the first occupation of the development hereby permitted, provision shall be made for 17% of the car parking spaces to have active provision for EV charging and 20% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C29 Construct Acoustic Screen (Comply prior to first use)

Prior to first use of any part of the development hereby permitted, the 6m high acoustic screen as detailed in section 3.0 of the submitted Noise Impact Assessment (dated May 2025) shall be installed in the location and specification as detailed at section 3.0 and Figure 3.1 of that report. The acoustic screen shall thereafter be maintained and retained in accordance with these details.

Reason: To safeguard the amenities of the occupiers of neighbouring properties to the south of the site, in particular from vehicle noise from the parking/turning area immediately adjacent to Units 5 and 6, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 Installation of Renewable Energy Measures (Comply prior to first use)

Prior to the first use of the development hereby permitted, the sustainability measures detailed within the Energy and Sustainability Statement prepared by CHBS (Rev A, Dated 14/10/24) shall be incorporated into the approved development.

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

C31 Unexpected Contamination (Affinity Water, EHO)

If, during development, contamination not previously identified is found to be present at the site, particularly in the areas where the infiltration of surface water is proposed, then no further development shall be carried out until an investigation and risk assessment has been undertaken, and where remediation is necessary a remediation strategy/report detailing how contamination will be dealt with shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved with a robust pre- and post-monitoring plan to determine its effectiveness. Immediately following the completion of measures identified in the approved remediation strategy, a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water, and 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 Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C32 Restrict Use of Maple Lodge Close access

The Maple Lodge Close access shall not be used to access or use the development hereby permitted at any time, other than by vehicles involved with landscape management or maintenance activities.

Reason: Because the development has been designed to ensure that all vehicular traffic associated with the proposed use accesses the site from Denham Way, with that junction being improved to facilitate access and the noise report assumptions also based on this use. Access via Maple Lodge Close may not be suitably safe in highway safety terms and may result in additional noise and disturbance to neighbours which would not be acceptable. The condition is therefore required in the interests of highway safety and neighbouring amenity in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C33 No external storage

No materials, containers or equipment shall be stored on the site outside buildings except for waste materials contained within suitable and sufficient waste containers for removal of a type and in a location agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure that adequate parking provision is maintained at all times to serve the development and to protect the amenities of neighbours, to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C34 Restrict the use of the buildings

The buildings hereby permitted shall be used within Use Class E(g)(iii), B2 and B8 and for no other purpose whatsoever (including any other purposes in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (Or in any provisions equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In granting this permission the Local Planning Authority has had regard to the employment allocation of the application site, the noise mitigation controls and the car parking availability, and wishes to have the opportunity of exercising control over any subsequent alternative use which could have an impact on the employment allocation, noise sensitive neighbouring properties and highway safety in accordance with Policies CP1, CP6 and CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA2 and site E(d) of The Site Allocations Local Development Document (adopted November 2014).

C35 Remove PD and no more floorspace

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 and the provisions of Classes A and H of Part 7 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no enlargement or additional floor space within any building hereby permitted shall be made (including the creation of mezzanines).

Reason: To ensure that any additional floor space provided within the building shall not prejudice the provision of adequate car parking and vehicle manoeuvring space about the site in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C36 Hours of use – Units 5 and 6

No deliveries or collections shall take place at any time:

- To/from Units 1 – 4, by HGV, other than between 07:00 and 23:00 on Weekdays, between 08:00 and 23:00 on Saturdays, and between 09:00 and 21:00 on Sundays, Bank and Public Holidays.
- To/from Units 5 and 6 other than between 07:00 and 23:00 on Weekdays, between 08:00 and 23:00 on Saturdays, and between 09:00 and 21:00 on Sundays, Bank and Public Holidays.

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Reason: To safeguard the residential amenities of the occupiers of neighbouring properties, in particular from noise and disturbance from activities associated with deliveries and collections, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C37 Lighting

The external lighting installed on the site and affixed to the building(s) shall be undertaken only in accordance with drawing number 9194/800 Rev B (Church House Building Services Ltd) and the document 'External Lighting Revision 3' and be installed before the first occupation of the development hereby permitted.

No other external lighting shall be installed on the site or affixed to the building(s) on the site at any time.

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

C38 Fire Hydrants (HCC Fire)

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

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

C39 Landscape Maintenance

The new tree and landscape planting shall be planted and maintained in accordance with the submitted Landscape Strategy (Report 1115-ST-03 Rev C dated June 2024).

Reason: To ensure the development site is suitably prepared for the proposed soft landscaping, and to ensure the landscaping is suitably maintained to protect and enhance 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).

C40 The development hereby permitted shall at all times be implemented and operated in accordance with the submitted Outline Car Parking Management Plan (Report Ref 24/339/CPMP/B dated June 2025).

Reason: To ensure parking within the site is suitably managed at all times, to ensure spaces are used properly and effectively and to ensure car parking does not result in obstructions to the site access which could in turn result in queueing traffic in to/out of the site which obstructs the public footway or public highway (Denham Way/A412) which would be detrimental to the free flow of traffic and the safety of highway users, to accord with Policies CP1 and CP10 of the Local Plan Core Strategy.

Mandatory Biodiversity Net Gain

C41 BNG Habitat Management and Monitoring Plan

Prior to the commencement of the development (excluding demolition works) a Habitat Management and Monitoring Plan ("the HMMP"), prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

(a) non technical summary;
(b) the roles and responsibilities of the people or organisation (s) delivering the HMMP;
(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 first occupation of the development and;
(e) the monitoring methodology and frequency (e.g. year 1, 3, 5, 10, 15, 20, 25 and 30) in respect of the created or enhanced habitat to be submitted to and approved in writing by the Local Planning Authority:

The created and/or enhanced habitat specified in the HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: This is a pre-commencement condition to ensure that the net gain for biodiversity on site is delivered, maintained and managed in the interests of local biodiversity in accordance Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013) and for the purposes of para 9(2) and 9(3) of Schedule 7A of the Town and Country Planning Act 1990.

C42 Notice of the implementation of the HMMP

Notice in writing shall be given to the Local Planning Authority when the agreed Habitat Management and Monitoring Plan ("the HMMP") as secured by Condition 40, has been implemented.

The required Notice in writing to the Local Planning Authority shall be provided within 21 days of the implementation of the HMMP.

Reason: This is to ensure that the Local Planning Authority have knowledge when the habitat enhancement and creation works have been implemented to enable effective monitoring in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C43 HMMP works completed

The habitat creation and enhancement works set out in the approved HMMP (as secured by Condition 40) should be completed in the first planting and seeding season after the completion of construction or the first use of the development, whichever is first. A completion report, evidencing the completed habitat enhancements, shall be submitted to and approved in writing by the Local Planning Authority after the first planting and seeding season following completion of construction or first use of the development.

Reason: This is to ensure that the Local Planning Authority have knowledge when the habitat enhancement and creation works have been implemented to enable effective monitoring in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C44 Biodiversity Monitoring - Compliance

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP (as secured by Condition 40).

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C45 Biodiversity Gain Plan - Compliance

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Metric Baseline Report (dated September 2024, prepared by Ecology and Land Management).

Reason: This is to ensure that the biodiversity and ecological information submitted with the planning application is realised through the Biodiversity Gain Plan, in the interests of local biodiversity and to ensure biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

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

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

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

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

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I3 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.

I4 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

I5 Highways Authority Advisory Notes:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

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

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

AN7) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN8) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx OR by emailing travelplans@hertfordshire.gov.uk.

I6 In order to protect breeding birds, their nests, eggs and young, development 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

I7 The applicant is advised that, in accordance with guidance from Thames Water, petrol / oil interceptors should be fitted in all car parking areas to avoid oil-polluted discharges entering local watercourses.

I8 An European Protected Species Licence from Natural England is required to deliver this development due to the confirmed presence of a maternity and hibernation roost. It will be an offence if works proceed without a bat licence. It will also be an offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

I9 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.

9 Appendix 1: Consultation Responses

9.1 Active Travel England: [Comment received]

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes

9.2 Affinity Water (17/01/25 – Response 1): [Objection]

Thank you for notification of the above planning application. These are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to our Pumping Station (SPRW). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We currently object to the application as we require further information for our review, to allow us to assess the application in greater detail and, if we are able to remove our objection, provide informed condition requirements.

This further information should cover the following concerns:
- Groundworks creating pathways between shallow gravel groundwater and deep chalk groundwater potentially allowing naturally occurring manganese present in the gravel aquifer to migrate to the Chalk.
- Turbidity during excavation works including piling, potentially causing our borehole to abstract groundwater with turbidity reaching above 1NTU and shut down.
- Foundation works and especially piling potentially blocking significant fissures in the Chalk, hence creating a “curtain” effect. This could cause the flow paths to change around our sources, potentially causing greater drawdown for the same output or differences in water chemistry.
- The discovery of heightened hydrocarbons. We require details of the proposals for the remediation works and further groundwater monitoring during and after the development to ensure contamination hasn’t been moved towards the public water supply abstraction.

- The proposals for surface water to be dealt with via infiltration and the risks of this mobilising onsite contamination towards the public water supply abstraction.

We need to ensure we have been provided with as much information as possible for our review, as issues arising from the development can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

At this time it is our view that the development as proposed represents a risk to groundwater, however if our requests, set out above, have been addressed we may ask that appropriate conditions are imposed to protect the public water supply.

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with

treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com.
In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

9.2.1 Affinity Water (07/04/25 – Response 2): [No objection, conditions recommended]

Following on from our response dated 17/01/25 we have since been provided with further information for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

Contamination through Ground Works:

It is understood that foundations for the new buildings will comprise of traditional concrete pads bearing onto the shallow gravel that will not extend into the chalk and no new pathways will be created between the gravel and the chalk. For these excavation works the following condition needs to be implemented. If there are any changes to this planned foundation type (e.g. to piling) we will need to be reconsulted as we will have particular condition requests in this case.

Condition 1
Prior to the commencement of the development, no works shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
• A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations to be undertaken including mitigation measures (e.g. appropriate design) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
• Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply
Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.
Previously identified contamination:

It is understood that localised dissolved phase hydrocarbons were detected on site and it is proposed that the removal of this will be undertaken as part of the development enabling works. This will comprise excavation and offsite disposal of impacted soils and collection and testing of validation samples.

Condition 2
We require the submission of a Remediation Verification Report to confirm the appropriate removal of the contaminated area.

Reason: To provide confirmation that the risk of displacing this contamination to a greater depth has been addressed and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction during the construction and use of the development.

Contamination during construction:

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition 3
If, during development, contamination not previously identified is found to be present at the site, particularly in the areas where the infiltration of surface water is proposed, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
• A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Contamination through Surface Water Drainage
:
Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere.

Condition 4
Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
• A Final Surface Water Drainage Scheme demonstrating at least 1m between the base of all proposed soakaways and the highest groundwater levels and appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues arising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

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

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

9.2.2 Affinity Water (25/04/25 – Response 3): [No objection, conditions recommended]

Following on from our response dated 17/01/25 we have since been provided with further information for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

Contamination through Ground Works:

It is understood that foundations for the new buildings will comprise of traditional concrete pads bearing onto the shallow gravel that will not extend into the chalk and no new pathways will be created between the gravel and the chalk. For these excavation works the following condition needs to be implemented. If there are any changes to this planned foundation type (e.g. to piling) we will need to be reconsulted as we will have particular condition requests in this case.

Condition 1
Prior to the commencement of the development (excluding access, demolition and remediation works), no works shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
• A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations to be undertaken including mitigation measures (e.g. appropriate design) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
• Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply
Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

Previously identified contamination:

It is understood that localised dissolved phase hydrocarbons were detected on site and it is proposed that the removal of this will be undertaken as part of the development enabling works. This will comprise excavation and offsite disposal of impacted soils and collection and testing of validation samples.

Condition 2
Prior to the commencement of development (excluding access, demolition and remediation works) no works shall be carried out until a Remediation Verification Report (to confirm the appropriate removal of the contaminated area) has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water
Reason: To provide confirmation that the risk of displacing this contamination to a greater depth has been addressed and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction during the construction and use of the development.

Contamination during construction:

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition 3
If, during development, contamination not previously identified is found to be present at the site, particularly in the areas where the infiltration of surface water is proposed, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
• A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Contamination through Surface Water Drainage:

Surface water drainage should use appropriate Sustainable Urban Drainage Systems that prevent the mobilisation of any contaminants where a direct pathway to the aquifer is present. This should use appropriate techniques that prevent direct pathways into the aquifer and that ensure sufficient capacity is provided for all surface water to be dealt with on site, preventing consequential flooding elsewhere.

Condition 4
Prior to the commencement of development (excluding access, demolition and remediation works), no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
• A Final Surface Water Drainage Scheme demonstrating at least 1m between the base of all proposed soakaways and the highest groundwater levels and appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.
Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created

for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

Issues airising from any of the above can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

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

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

9.3 Environment Agency (14/01/25): [No objection]

Due to the nature of the site, there would be no comments from the Environment Agency for this application.

9.4 Hertfordshire County Council – Highway Authority (13/12/24): [No objection, Conditions recommended]

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:

CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
i) Roads, footways.
ii) Cycleways.
iii) Foul and surface water drainage.
iv) Visibility splays
v) Access arrangements
vi) Parking provision in accordance with adopted standard.
vii) Loading areas.
viii) Turning areas.

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

2) Existing Access – Improved
Prior to the first occupation / use hereby permitted the vehicular/ pedestrian access improvements, as indicated on drawing number (24-339-SK06 Rev C), shall be finalised, completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and no other vehicle access will be permitted.

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

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

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

4) Electric Vehicle (EV) Charging Points as % of total car parking spaces
Prior to the first occupation / use of the development hereby permitted, provision shall be made for 17% of the car parking spaces to have active provision for EV charging and 20% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Construction Management Plan
No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
a. Construction vehicle numbers, type, routing;
b. Access arrangements to the site;
c. Traffic management requirements
d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
e. Siting and details of wheel washing facilities;
f. Cleaning of site entrances, site tracks and the adjacent public highway;
g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
h. Provision of sufficient on-site parking prior to commencement of construction activities;

i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
k. Phasing Plan.

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

6) Construction Traffic Management and Routing / Exceptional Wear and Tear
No development shall commence until a road condition survey (along the section of Denham Way between the site access and the junction with Uxbridge Road and the section of Denham Way between the site access and the junction with Chalfont Road/ Mary Lodge Close) is completed and agreed in writing with the Highway Authority. On completion of the development a second survey shall be undertaken and any appropriate reinstatement works to the carriageway and verges shall be completed to the satisfaction of the Highway Authority.

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

7) Travel Plan – Requested Prior to Use
At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

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

APPROPRIATE INFORMATIVES

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

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

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

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.
The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

AN7) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN8) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of

£6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx OR by emailing travelplans@hertfordshire.gov.uk

COMMENTS

Maple Cross House site is located at the northern end of the the Urban area of Maple Cross within the Three Rivers District Council (TRDC) area, circa 800m southwest of the larger Rickmansworth (also TRDC) and 5km southwest of central Watford (WBC). The brownfield site, currently host to two office buildings and a Multi Storey Car Park (MSCP), is bound: to the south by existing residential areas, to the east by a greenfield, to the north by existing offices, and to the west by the A412 North London Orbital Road (Denham Way). It is proposed to demolish the existing buildings and erect six number flexible employment use units of circa 8,030 sqm GEA. The existing buidings consist of Maple Cross House with a total floor area of 9,965 sqm, and the Kier office building with a total floor area of 1,472 sqm (11,437sqm of offices).

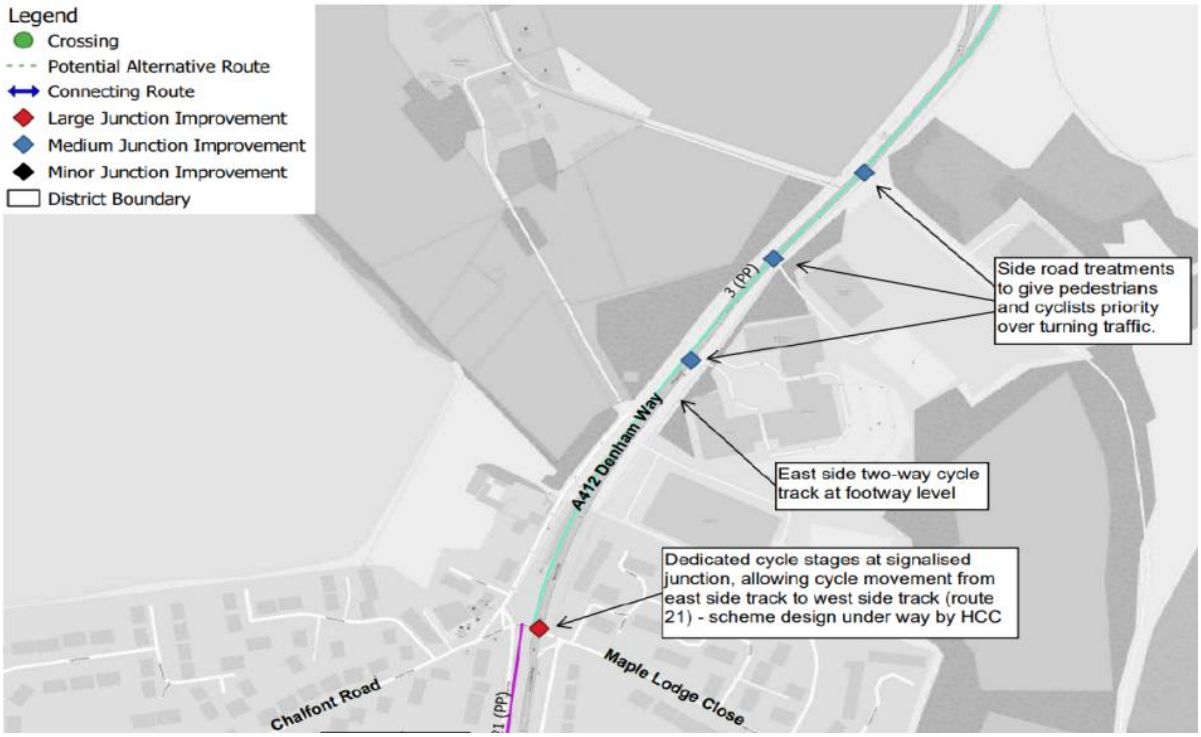
Sustainable Transport Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierachy) and 5 (Development Management) it is essential given the declared climate emergency that the issue of sustainable access is considered first and the appropriate infrastructure provided to unlock a site sustainably.

The site is reasonably well located to the sustainable transport network with a shared use foot/clycleway located immediately to the west of the site on the eastern side of the 40mph Denham Way and crossings are located within reasonable distance to allow access to/ from the residential area and the bus stops to western side of the road.

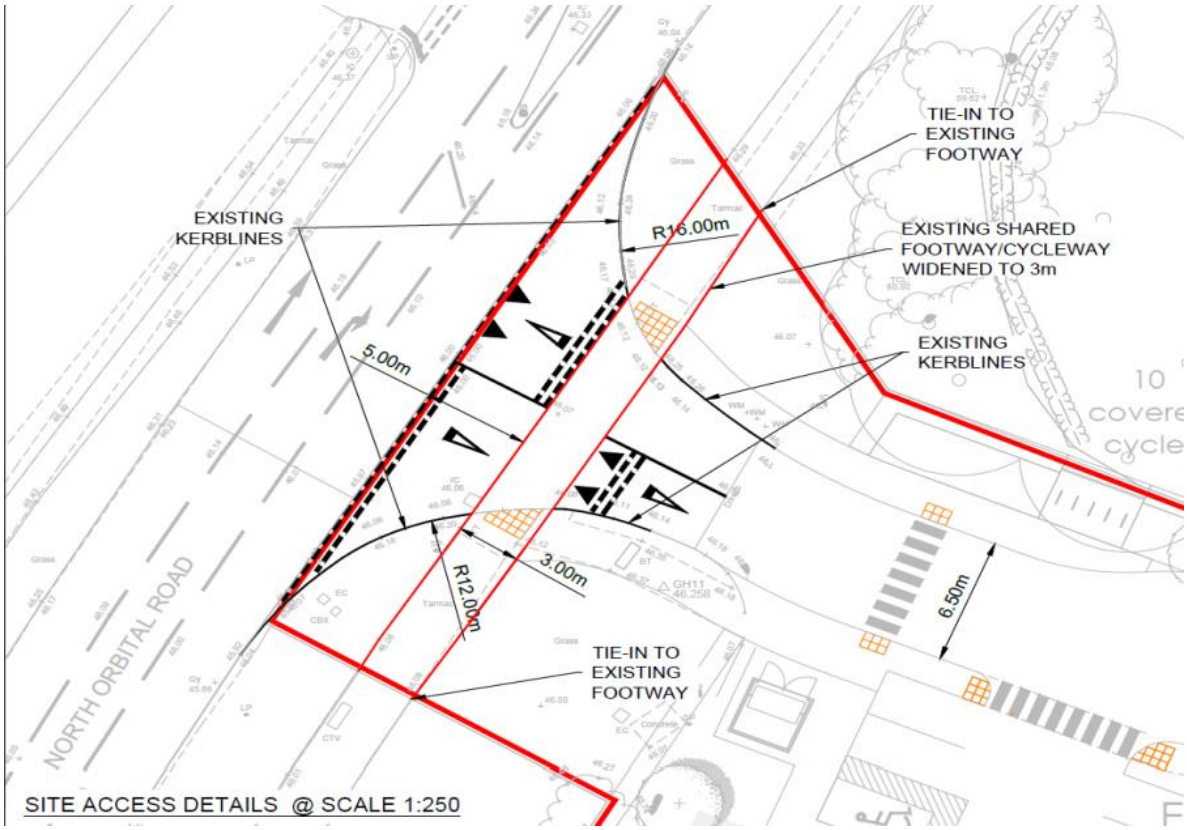
Rickmansworth station is approximately a 3.5km (14-15mins) cycle via Uxbridge Road. Whilst it is noted that some potential cyclists may consider that Uxbridge Road and through Rickmansworth and the Ebury roundabout may present an aggressive environment, it is also noted that Three Rivers District Council (TRDC) and Hertfordshire County Council (HCC) are developing a Local Cycling and Walking Infrastructure Plan (LCWIP) which through route 3 will facilitate a 4km (16-20mins) cycle to the station via quieter roads.

TRDC's LCWIP Route 3 extends passed the proposed site's access junction. The completed route will ensure a smooth continuous route for cyclist along Denham Way that will prioritise cyclists through 'Copenhagen Style Continuous' crossings. The original LCWIP Route 3 addresses the three similar accesses to the the sites North East of the proposal site. However, with the predicted reduction in traffic through the junction compared to the existing uses, it was considered that there was an opportunity to treat the proposal access in the same manor.



LCWIP Route 3 at Denham Way

The applicant has agreed to facilitate SADC's LCWIP Route 3 at their access junction and install a 'Copenhagen Style Continuous crossing'.



The initial design may need to be adjusted slightly through the S278 process to accommodate segregation of pedestrians and cyclists, however HCC is content that there is scope to do this if necessary and do not want to restrict the planning permission and are

content the site can be unlocked sustainably to a degree with the LCWIP scheme fully unlocking the site for all.

Road Safety

The transport consultants for the applicant undertook a detailed review of Personal Injury Collisions (PICs) on the road network within the last 5 years and concluded:

"Although all PICs are regrettable, the frequency of PICs and the fact that the proposed development represents a reduction in traffic when compared to the extant use, does not suggest that there are any existing safety problems that would be exacerbated by the proposed development."

Whilst HCC agrees that road safety won't be exasperated by the proposed development, its notes that there was one serious collision involving a Light Goods Vehicle (LGV) rear ending a cyclist already on the Uxbridge Road/ Denham Way roundabout as the LGV entered from Uxbridge Road, highlighting the need for the LCWIP development.

Trip Generation/ Attraction and Vehicle Impact

As previously indicated the previous site was host to Maple Cross House with a total floor area of 9,965 sqm, and the Kier office building with a total floor area of 1,472 sqm (11,437sqm of offices). Whilst the offices are shut the national Trip Generation database (TRICS) and the 2011 national census (SOA E02004964) suggested that the those employed at the site travelled as per below:

Table 4E Extant Trip Generation – All Modes [Overall Site]

	AM Peak Hour			PM Peak Hour		
Modes	**In**	**Out**	**Two-way**	**In**	**Out**	**Two-way**
Driving in a car/ van	169	18	187	19	119	138
Passenger in a car/van	7	1	8	1	5	6
Bicycle	1	0	1	0	1	1
On Foot	6	1	7	1	5	6
Train	16	1	17	1	12	13
Bus	3	0	3	0	2	2
Other	0	0	0	0	0	0
Total	**202**	**21**	**223**	**22**	**144**	**166**

The proposed six number flexible employment use units of circa 8,030 sqm (GEA) would attract people trips in the following numbers:

Table 7B Proposed Development Trip Generation – All Modes [7,540 sqm]

	AM Peak Hour			PM Peak Hour		
Modes	**In**	**Out**	**Two-way**	**In**	**Out**	**Two-way**
Driving in a car/ van	47	18	65	36	42	78
Passenger in a car/van	2	1	3	1	2	3
Bicycle	0	0	0	0	0	0
On Foot	2	1	3	1	2	3
Train	4	2	6	3	3	6
Bus	1	0	1	2	1	3
Other	0	0	0	0	0	0
Total	**56**	**22**	**78**	**43**	**50**	**93**

It is is clear that the proposed development will generate less motorised vehicles than what was previously operational and the impact would be neutral. None-the-less, the analysis is based on the 2011 census for method of journey to work which observed 83% of trips by car/ van and inline with policies both local and national a Travel Plan is conditioned in order to promote the greater use of sustainable transport.

None-the-less the applicant has undertook capacity assessment for the proposed site access (priority) junction and at the signalised Denham Way / Chalfont Road / Maple Lodge Close junction.

The transport planning industry standard Junctions 10 Software from the UK's Transport Research Laboratory (TRL) was utilised in order to understand how the site access junction operated in capacity terms. The results of which in summary are:

Table 8C Capacity Assessment – Site Access / Denham Way

Peak Hour	Approach	2029 Reference Scenario			2029 Total Scenario		
		RFC	Queues	Delay	RFC	Queues	Delay
AM Peak Hour	Site Access (LT)	0.01	0.0	9.32	0.01	0.0	9.06
	Site Access (RT)	0.13	0.1	40.36	0.15	0.2	39.96
	Denham Way (Right In)	0.09	0.1	11.12	0.03	0.0	9.67
PM Peak Houe	Site Access (LT)	0.05	0.1	8.21	0.02	0.0	7.37
	Site Access (RT)	0.32	0.5	18.47	0.14	0.2	15.70
	Denham Way (Right In)	0.01	0.0	7.56	0.02	0.0	7.71

Note: RFC = ratio of flow to capacity, Queues measures in vehicles, delay measured in seconds

The reference scenario predicts 2029 in a scenario where the previous offices had remained operational and the 2029 Total scenario considers the proposed development in their place.

Within Junctions 10 the Ratio of Flow to Capacity (RFC) of an approach gives an indication of how it would perform. The recognised operational threshold for RFC's is 0.85, beyond which cognisance of queuing is required. From the above table it is clear that whilst the predicted impact of the existing offices at the site access junction is minimal in 2029, comparatively the proposed development results in an improved operation. A maximum RFC of just 0.15 predicted during the AM peak hour (0.14 correspondingly during the PM peak hour) for the right right turn exit from the site and no queuing on Denham Road.

As per the industry normal the Linsig model was utilised to predict the performance of the signalised Denham Way / Chalfont Road / Maple Lodge Close junction which in summary were:

Table 8D Capacity Assessment – Denham Way / Chalfont Rd /Maple Lodge Cl

Peak Hour	Approach	Lane	2029 Reference Scenario			2029 Total Scenario		
			DoS	Queues	Delay	DoS	Queues	Delay
AM Peak Hour	Denham Way (N)	Lane 1 + Lane 2	79.7%	19	19.2	79.1%	19	18.7
	Maple Lodge Close	Lane 1	43.3%	2	59.8	41.3%	2	59.0
	Denham Way (S)	Lane 1 + Lane 2	87.9%	23	32.2	85.9%	22	30.1
	Chalfont Road	Lane 1	15.9%	1	53.5	15.9%	1	53.4
PM Peak Houe	Denham Way (N)	Lane 1 + Lane 2	49.7%	7	11.9	48.6%	7	11.8
	Maple Lodge Close	Lane 1	50.1%	2	63.4	40.4%	2	59.3
	Denham Way (S)	Lane 1 + Lane 2	49.6%	9	16.8	50.0%	9	16.9
	Chalfont Road	Lane 1	23.8%	1	53.0	23.8%	1	53.0

Note: DoS = degree of saturation, Queues measures in PCUs, delay measured in seconds

The Degree of Saturation (DoS) provides a guideline threshold for signalised junction where a DoS of 90% is recognised as an operational threshold. Whilst the junction is busy during the AM peak it is clear that the development (2029 Total) represents a slight improvement compared to a scenario where the existing offices had remained operational (2029 Reference Scenario). The maximum DoS with the proposed development is 85.9% compared to 87.9% with the existing offices in place.

Given the primarily the predicted Trip Generation and the above model results HCC Highways is content that the proposed development will not result in any additional vehicle impact.

Parking

Whilst HCC Highways consider that the proposed level of car parking (in line with the TRDC standards for B2 and B8 development but not for full Eg(iii) use) has been demonstrated to be sufficient, in line with local precedents and would have no objections, it must be noted that the final decision on car parking levels will be decided by TRDC.

It is noted however that Electric Vehicle (EV) and disabled parking is to be provided fully in line with the TRDC parking standards and that Magna proposes a car park management plan.

Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance (Strand 1) HCC would envisage that the agreed site access junction and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement and travel plan contributions are contained in a s106 agreement.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a site of this nature could create approximately 171 jobs, which coincides with mid range estimate presented in scoping to HCC Highways by the applicants transport consultant. Therefore,in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £72,768. It is anticipated that this would be directed to the aforementioned LCWIP scheme (PP3) which is required to fully unlock the site sustainably for all.

9.5 Hertfordshire County Council – Lead Local Flood Authority (28/01/25 – Response 1): [Objection]

We are concerned that no calculations have been provided for the site. At full planning stage, full network calculations for all rainfall return periods up to and including the 1% AEP plus appropriate climate change allowance should be provided utilising the correct parameters (FEH2013/FEH22, correct climate change allowance on the 3.33% and 1%

AEP event and CV value of 1). Additionally, we are concerned that safe access and egress has not been outlined. Whilst the site is not at major risk, the surrounding access road is at high risk of surface water flooding. We would recommend that safe access is clearly laid out.

We object to this planning application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy relating to:
• The proposed SuDS are likely to increase the risk of flooding elsewhere.
• The development is not in accordance with NPPF, PPG or local planning policies.
o Three Rivers SFRA Level 1

Reason To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

The main points of this are;
1) Calculations have not been provided.
2) Safe access and egress has not been outlined clearly.
3) Greenfield / brownfield runoff rates have not been included.
4) Existing site conditions are not outlined clearly.

Informative
For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and proforma on our surface water drainage webpage https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx this link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.

Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted

9.5.1 Hertfordshire County Council – Lead Local Flood Authority (10/04/25 – Response 2): [Objection]

We previously responded to this application on 28 January 2025 objecting to no full network calculations, safe access and egress and finished floor level. We have reviewed the documentation as submitted (Response to the LLFA, prepared by HDR, 17 March 2025 and Flood Risk Assessment and Drainage Strategy, prepared by HDR, 17 March 2025) and have the following comments to make.

We are still concerned that there is minimal freeboard shown on the drawings. We would like to remind the applicant that the statutory freeboard is 150mm above the external ground levels or 300mm above the design flood level as a minimum. Additionally, we are concerned that greenfield volumes and brownfield runoff rates and volumes have not been submitted. A full list of objections have been outlined below for ease of reference.

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy relating to:
• The proposed SuDS are likely to increase the risk of flooding elsewhere.
• The development is not in accordance with NPPF, PPG or local planning policies

Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document and below are adequately addressed.

The objections are as follows:
• The drainage layout drawing now shows finished floor levels. However, there is minimal difference between the finished floor levels and the neighbouring cover levels are set. We require justification as to whether 150mm has been given from the external ground levels and 300mm has been given from the maximum design water level.
• Brownfield runoff rates have not been provided.
• No further treatment has been included. Soakaways are being used on site.
• Calculations are showing urban creep allowance as 0%.
• The drainage drawing is preliminary status
• It is still unclear whether the correct CV value has been used.
• Several nodes on the 1% AEP plus 40% climate change allowance event are shown to FLOOD (i.e. Soakaway, Porous Paving, Porous Paving (11), Pipe 15.000). It should be evidenced how the 1% AEP plus climate change event will not leave the site boundary at the affected nodes.
• Above ground flooding has not been shown on a plan. The 1% AEP plus climate change event needs to be provided on a drawing with external ground levels and finished floor levels of the buildings.
• Exceedance flow routes have not been included on the drainage drawing.
• Half drain down times have not been included in the updated network calculations.
• This application has still not provided a construction phase water quality plan. We would be willing to condition this if the above objections are rectified.

9.5.2 Hertfordshire County Council – Lead Local Flood Authority (16/04/25 – Response 3): [Objection]

We previously responded to this application on 9 April 2025 objecting to finished floor level, brownfield runoff rates, surface water treatment, flooding in the calculations, above ground flooding and exceedance flow routes and construction management plan. Whilst we note that Affinity Water removed their objection on 10 April 2025, our stance on the other objections points have not changed as these are not within the remit of Affinity Water. We would refer the applicant to the previous objection letter.

9.5.3 Hertfordshire County Council – Lead Local Flood Authority (12/05/25 – Response 4): [No objection, subject to conditions]

The applicant has provided Technical Note, Drainage Strategy drawings and supporting calculations, as listed in the Annex). These are to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy Three Rivers SFRA Level 1. We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording.

Condition 1:

Prior to the commencement of the development details of all flood resilient and resistant measures including finished floor levels shall be submitted to and approved in writing by the local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.
Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Three Rivers Council.

Condition 2:
Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.
Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

Condition 3:
Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [LPA to satisfy numbering]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Three Rivers Council.

9.6 Hertfordshire County Council – Minerals and Waste (06/01/25): [No objection]

Minerals In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' 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. British Geological Survey (BGS) data also identifies potential superficial sand/gravel deposits at the application site.

The Minerals Planning Authority identifies the entirety of the Sand and Gravel Belt as a Mineral Consultation Area

Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources.

In accordance with paragraph 225 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

After reviewing the application, the Minerals Planning Authority does not consider that the proposal would have the potential to unacceptably sterilise mineral resources. It is not necessary to investigate the potential for the prior extraction of mineral resources at this site.

Whilst prior extraction is not necessary, there may still be opportunities to utilise sand and gravel resources that are found during site preparation works, should any deposits be uncovered that are of a suitable quality.

Opportunistic extraction refers to cases where preparation of a site for built development, such as excavating the foundations and footings or landscaping works, may result in suitable material being uncovered that could be extracted and processed for use on site as part of the development.

The Minerals Planning Authority would like to encourage the opportunistic extraction and subsequent use of sand and gravel deposits within developments wherever possible. Opportunistic use of minerals will reduce the need to import sand and gravel to the site and make sustainable use of these valuable resources.

Waste
Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:
• 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:
• the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
• new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
• the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

The supporting documents to this application, specifically the Planning, Economic and Heritage Statement, make no reference to the adopted Waste Core Strategy and Development Management Policies DPD (2012), which is part of the Development Plan for the area. The policies in the adopted DPD 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.

As the Waste planning Authority, we are pleased to see that table 8 of the Planning, Economic and Heritage Statement mentions that the applicant is committed to reducing construction waste produced and waste going to landfill.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

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

As a SWMP has not been 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 the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste 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).

The District Council should also be aware of the Water Recycling Site, Maple Lodge Sewage Treatment Works, which is located to the south-east of the proposed development. The Water Recycling Site is safeguarded under Policy 5 of the adopted Waste Core Strategy and Development Management Policies document due to its important contribution to the strategic network of waste management provision in the county.

Adopted Policy 5: Safeguarding of Sites states that the Waste Planning Authority will oppose development proposals which are likely to prevent or prejudice the use of land identified or safeguarded for waste management purposes unless alternative or enhanced provision is made for a facility dealing with the equivalent waste capacity or where it can be demonstrated that the need for those facilities can no longer be justified.

The 'Agent of Change' principle (NPPF Dec 2024, paragraph 200) is clear that planning decisions on new developments should ensure integration with existing business such that they do not have unreasonable restrictions placed upon them.

The document containing the Existing & Proposed Overlay Plan shows that the applicant plans to retain some of the existing trees, in addition to planting additional tress on the boundary of the development that faces Maple Lodge Sewage Treatment Works, which the Waste Planning Authority is pleased to see.

After reviewing the details submitted with the application, the Waste Planning Authority does not consider that the proposal will prevent or prejudice the Water Recycling Site and therefore has no safeguarding concerns.

9.7 Hertfordshire County Council – Water Officer (27/01/25): No objection

We'd like to request a condition for the provision and installation of fire hydrants, at no cost to the county council or fire and rescue services. This is to ensure there are adequate water supplies available for use at all times

9.8 Hertfordshire Constabulary – Designing Out Crime (12/20/25): No objection

Thank you for your email regarding planning application 24/1963/FUL, I agree that the old access road will be a problem (I have visited many sites like this which are then difficult to deal with retrospectively). If gates are installed at the Maple Lodge Close end of the access track this still leaves a gated alleyway with very little surveillance and who will maintain this, as you say this will be a good fly tipping point.

I think the problem would be at the industrial end of the track.

Would it be possible to extend the wildflower garden and install weldmesh fencing around it (I note that the inner fencing is acoustic fencing) to cut off the end of the track almost in line with the houses.

Or extend the car parking into the end of the track and wildflower meadow (does the rear of the car park need acoustic fencing?) instal weldmesh fencing either 1.8 or 2m this will blend in with the landscape but allow surveillance from the car park. I am sure the trees with TPO's can be incorporated into the car park design.

The vegetation should be as low as possible either side of the track. With lighting it can sometimes aid antisocial behaviour especially in a secluded area , I am not sure CCTV would be a deterrent in this case ether and someone has to monitor and respond to any unauthorised activity.

9.9 Herts Ecology (17/01/25): Further information required

Overall Recommendation:
☒ Further information and/or amendments required before application can be determined.

Summary of Advice:
• Insufficient Information in respect to European Protected Species (bats) to determine this application.
• Nesting Bird Informative.
• Lighting plans are acceptable.
• Ecological Enhancements by Condition.
• CEMP Condition Advised.
BNG:
• Automatic, mandatory BGP Condition required.
• S106 agreement to secure net gain.
• An additional HMMP Condition Required

Supporting documents:
I have made use of the following documents in providing this advice:
• Preliminary Ecological Appraisal - Ecology and Land Management (December 2024)
• Bat Emergence Survey – ASW Ecology (October 2024)
• Bat and Biodiversity Enhancement - Ecology and Land Management (November 2024)
• Biodiversity Metric Baseline Report – Ecology and Land Management (September 2024)
• The Statutory Biodiversity Metric - Ecology and Land Management (September 2024)
• Landscape Masterplan – Indigo Landscape Architects (October 2024)
• Landscape Strategy - Indigo Landscape Architects (November 2024)

General Comments:
There are no ecological objections in-principle to this development. It has been demonstrated that biodiversity losses can be addressed by compensation and enhancement through Biodiversity Net Gain (BNG) on-site. However, there is not yet suitable, and sufficient information in respect to protected species (bats) to inform a licence application and allow determination of this application.

1. Protected Species
1.1. Roosting Bats
Out of the seven buildings at the site, of which shall be required to be removed to facilitate the proposal, one building referred to as 'B3'/ the 'Kier office building' is considered to have high potential for roosting bats. This is because the building has been subject to numerous call outs and retrieval efforts for grounded bats by the Hertfordshire and Middlesex Bat Group (HMBG) from 2016 – 2023. The HMBG's findings have led to 'B3' to be considered as a maternity roost (soprano pipistrelle) over many years due to both juvenile and adult individuals being found during the maternity seasons.

The PEA Report also notes the presence of a Schwegler 1FQ (nursery/colony) bat box on B3's eastern elevation, and the Bat Emergence Survey Report refers to this bat box as a known bat roost. However, Hertfordshire Ecology has confirmed via correspondence with HMBG that 'HMBG are unaware of any bats using the bat box'. As such, there is no information to indicate that bats are roosting in the bat box, particularly as opposed to the wider building.

On balance, it is considered that B3 represents a high conservation roost and will require a European Protected Species Licence (EPSL) to be granted by Natural England. Should any works proceed at B3 without an EPSL, then this would be consistent with the definitions of an offence.

It is noted that two emergence surveys have been carried out thus far, one in August and another in September (2024). However, it has been correctly identified within both reports that the survey effort carried out is not yet sufficient to inform a licence application. This is

because surveys during the bat maternity season and hibernation period have not been covered to fully characterise the roost. It should be noted that further surveys are not required to prove a roost's existence / likely absence – further surveys are needed to characterise the roost, as required to inform the licence application, of which is required for works to be undertaken lawfully at B3.

At present I cannot advise with confidence that there is sufficient evidence/ or likelihood that Natural England will grant a licence for this application. Hertfordshire Ecology are not in a position to advise an LPA that an application should be determined where there is insufficient information in respect of a European Protected Species, and where there is not a reasonable likelihood of a licence being granted. Should the applicant approach Natural England for a formal view on whether they would grant a licence with the survey information collected then they may do so.

Consequently, it is advised that the further survey effort identified within the PEA Report and Bat Emergence Survey Report should be carried out, in accordance with best practice. Such includes carrying out two further emergence/roost characterisation surveys in June and July of the next survey season to determine breeding activity at B3. Recommendations have also been made to ascertain B3's use by bats as a hibernation roost (Vi, page 27). Appropriate survey work should be undertaken by a licensed surveyor by the end of February, and this should be in the form of two visits four weeks apart.

Please note: Given the time of year at which this consultation response will be sent, the applicant is urged to consult their ecologist and arrange this work to avoid further delay and constraint.

The approach to requiring bat surveys and any subsequent recommendations by planning condition is not recognised as acceptable, given it is inconsistent with Government and legal advice. As bats are classified as European Protected Species, sufficient information is required to be submitted to the LPA prior to determination to enable it to consider the impact of the proposal on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2019 (as amended).

Consequently, we advise sufficient bat surveys and subsequent report(s) are completed and submitted to the LPA for approval prior to determination.

1.2. Foraging and Commuting Bats
The emergence surveys carried out at the site detected regular and consistent bat activity along the eastern part of the site, which is characterised by an existing treeline and Maple Lodge Farm Ditch. Consequently, lighting impacts at the site should be a consideration.

Upon review of the external lighting scheme (Lighting Assessment, Oct 2024), I find the plans to demonstrate a horizontal plane for the luminaries which is an important characteristic in reducing light glare. The areas of the site which shall pose the best resources for bats post-development will be the eastern and southern habitat creation areas, and I find these areas to have levels of illuminance that will not likely exceed existing levels. Additionally, areas with higher levels of illuminance are shown as remaining to be within existing levels of hardstanding/ parking areas which are likely to already be subject to a degree of illuminance. Consequently, subject to the lighting plans being implemented exactly as shown there are no constraints identified with the lighting plans.

1.3. Nesting Birds
All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. Whilst the site/buildings are not formally known to support breeding birds, the site is deemed to have potential for nesting birds and their presence cannot be ruled out. To reduce the risk of an

offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent granted:

“In order to protect breeding birds, their nests, eggs and young, development 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”.

1.4. Physical Enhancements
The PEA Report and Bat and Biodiversity Enhancement Report describe a number of ecological enhancements to be incorporated into the design scheme, of which are endorsed. However recent research has demonstrated that compliance with the installation of these features is poor. One of the reasons cited is that, as these are integrated structures, they are difficult to retro fit and their inclusion on top-down plans (such as the block plan) or LEMPS means they are too often not considered till the landscaping phase of the development. The latest NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, incorporating such features which support priority or threatened species, swifts, bats, and hedgehog. Consequently, should the LPA be minded to grant approval for this application, I advise the following:

Either the existing elevation plans and graphical soft landscaping plans are amended to include the integrated swift bricks, bat boxes, and hedgehog features so they form part of the approved plans / or they are secured by a separate condition (example wording given below).

“Following completion of the development, a statement from an appropriately qualified ecologist confirming that all the proposed features shown on Appendix I – Landscape Proposals Plans (Bat & Biodiversity Enhancement, 2024) have been installed accordingly and accompanied by sufficient photographic evidence shall be submitted to and approved in writing by the LPA.”

2. Maple Lodge Nature Reserve, Local Wildlife Site (88/105) and Habitat of Principal Importance – Stream

It is acknowledged within the PEA Report that the site runs parallel within the 10m wide riparian zone of Maple Lodge Farm Ditch for a total of 88m. The adjacent steam also appears to be a tributary to the River Colne. All rivers, valleys, and streams are of ecological significance due to being natural, continuous, linear natural features with associated habitats which cross and dissect the county. In addition, this stream directly connects the site to Maple Lodge Nature Reserve LWS, 150m from the site boundary. Given this development’s proximity to this stream, and that LWS’s are a material consideration for the LPA, adequate precautionary measures should be secured by Condition of approval and strictly adhered to during the construction phase. The following Condition for a Construction Ecological Management Plan is recommended should the LPA be minded to grant approval.

[recommended wording]

“No development shall take place (including demolition, ground works, vegetation clearance delete as appropriate) until a Construction Environmental Management Plan (CEMP) for Maple Lodge Farm Ditch has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.
aa*) A review of any ecological impacts informed by the submitted ecological report (Ecology & Land Management, Dec 2024)
a) Risk assessment of potentially damaging construction activities.

b) Identification of ‘biodiversity protection zones’.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timings of sensitive works to avoid harm to biodiversity features.
e) Responsible persons and lines of communication.
f) Details of low impact lighting measures during construction for nocturnal wildlife compliant with Bat Conservation Trust and Institution of Lighting Professionals (2023).

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.”

3. Mandatory Biodiversity Net Gain
A BNG assessment and associated metric has been submitted and these demonstrate both the site’s pre- and post-development unit values. It is noted that the habitat surveys were carried out within the optimal survey period, and I have no objections to the habitat classifications for this site given the evidence provided.

Overall, were the LPA minded to grant permission, I find the BNG information submitted to be adequate to allow determination of this application. In addition, it is apparent from the post-development calculations provided that an excess of 10% BNG can be achieved for both habitat area and hedgerow units respectively – I therefore can advise at this stage that the General Biodiversity Gain Condition is highly likely to be met

Given that this application is automatically subject to the General Biodiversity Gain Condition, this 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.

A significantly large number of biodiversity units relative to the biodiversity value of the site before development are shown to be able to be achieved for habitat and hedgerow units, and these include habitats of medium distinctiveness. Due to this, the LPA are required to secure this significant net gain via legal agreement whether through an S106 agreement or conservation covenant.

Due to a significant BNG uplift being demonstrated, and this being advised to be secured via legal agreement, if the LPA were minded to grant permission, 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 Habitat Management and Monitoring Plan (HMMP). This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

9.9.1 Herts Ecology (05/06/25): No objections

Summary of Advice:

- Sufficient Information in respect to European Protected Species (bats) to determine this application; Bat Licence Informative.
- Nesting Bird Informative.
- Lighting plans are acceptable.
- Ecological Enhancements by Condition.
- CEMP Condition Advised.

BNG:

- Automatic, mandatory BGP Condition required.
- S106 agreement to secure net gain.
- An additional HMMP Condition Required.

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

- Preliminary Ecological Appraisal - Ecology and Land Management (December 2024)
- Bat Emergence Survey – ASW Ecology (October 2024)
- Bat and Biodiversity Enhancement - Ecology and Land Management (November 2024)
- Biodiversity Metric Baseline Report – Ecology and Land Management (September 2024)
- The Statutory Biodiversity Metric - Ecology and Land Management (September 2024)
- Landscape Masterplan – Indigo Landscape Architects (October 2024)
- Landscape Strategy - Indigo Landscape Architects (November 2024)
- BAT EMERGENCE SURVEY INTERIM REPORT MAY 2025 & Maple Cross, Rickmansworth WD3 9AR – Bat Survey Statement

General Comments:
There remains to be no ecological objections in-principle to this development. There is now suitable, and sufficient information in respect to protected species (bats) to allow determination of this application. All other recommendations remain advised.

1. Protected Species

1.1. Roosting Bats
Since Hertfordshire Ecology's previous comments (dated 17 January 2025) which advised the following:

- Two further emergence/roost characterisation surveys within the next survey season (2025) to determine breeding activity within B3 to inform a licence.
- Two survey visits, four weeks apart by the end of February to ascertain B3's use as a hibernation roost.

Two endoscope surveys have now since been undertaken, one in January and one in February 2025 in accordance with previous recommendations. Whilst no individual roosting bats were found, a sufficiently large number of new droppings were detected to confirm use by hibernating bats. Such has sufficiently characterised B3 as a known bat hibernation roost and an European Protected Species Licence will be needed for the loss of this roost.

A further two emergence/ roost characterisation surveys have now been carried out, one pre-parturition (14th May) and one post-parturition (4th June) in line with BCT guidelines (Table 2.2. & 7.2.26). These two surveys collectively detected droppings, general bat activity, and a maternity soprano roost utilising the Schwegler 1FQ bat box on B3; I find that these surveys have been carried out in accordance with best practice, and we find no reason to dispute the findings shown. Given that evidence of a nursery colony of roosting bats has been identified, B3/the Schwegler 1FQ bat box remains to represent a maternity roost site and will require an EPSL issued by Natural England to allow the works to be undertaken lawfully.

These two surveys, in combination with the emergence surveys undertaken within the last survey season are considered to meet the minimum information requirements for the LPA to be able to fully consider the impact of the proposal on bats and discharge its legal

obligations under the Conservation of Habitats and Species Regulations 2019 (as amended). Nonetheless, it has been confirmed that a third and final survey (3rd July) will be carried out. We find that this shall ensure that all of the survey data used to inform the licence will be from the most recent optimal survey season and a broader more optimum coverage of the maternity period will be achieved for the most accurate characterisation of the roost. The building (b3) cannot be demolished, nor the bat box removed or disturbed until a licence informed by all the relevant data is obtained.

Overall, we find that there is now sufficient information in respect to European Protected Species (bats) to determine this application. In the event that this application is approved, we advise that the following licence informative is attached to any permission granted:

"An EPSL from Natural England is required to deliver this development due to the confirmed presence of a maternity and hibernation roost. It will be an offence if works proceed without a bat licence. It will also be an offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to."

9.10 National Highways (20/12/85): No objection

National Highways was 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. We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network.

National Highways are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of the proposed development, in this case on M25 J17 which is approximately one mile from the proposed site access.

We have reviewed all supporting documentation provided with this application, particularly the Transport Assessment (TA) and proposed site plans.

Offer No Objection – Reasons
The application site is currently occupied by two large office buildings and a 412-space multi-storey car park. The office buildings are currently vacant, however it is agreed that office use is the current lawful use of the land, and therefore the baseline against which transport impacts should be assessed. Trip generation for the existing office use has been determined by calculating person TRICS trip rates, and then applying 2011 Census mode shares. This is an acceptable methodology and given the large car park on site, we agree with the mode share assumed. A 2029 future baseline has then been calculated by applying TEMPro growth to this result.

Trip generation for the new use of the site has been calculated in the same way, i.e. TRICS person trips split according to 2011 Census mode share. The Industrial Estate TRICS category has been used which we agree is the category most representative of the site. The resulting trip generation has been increased according to TEMPro growth in the same manner as the baseline to determine a 2029 'with development' scenario. This indicates a net decrease in trips across all junctions (including M25 J17) and in both peak hours. This is understandable given that the proposed development has less than a quarter of the existing number of parking spaces.

Whilst the TA has not provided a worst-case assessment of trip generation by assessing the floorspace on the basis of TRICS Parcel Distribution trip rates, we recognise that the small-scale nature of the units, limited loading areas and limited car parking does not lend itself to this type of use. Additionally, the current forecast of a net decrease in vehicle trips means that even were Parcel Distribution to be the ultimate end use, the net trip generation would still be minimal and would not impact the SRN. Therefore, in this specific scenario, we are content that a worst-case assessment of trip generation is not required.

The TA recognises that the change in use from office to industrial will increase the number of HGVs, from none currently to approximately 3 two-way AM trips, though still 0 two-way PM trips. Given the small-scale nature of the units as described above, we agree that this modest HGV trip generation is likely and that it will not adversely impact the SRN.

We are therefore 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 DLUHC NPPF 2023 paragraphs 115-118) 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 77 and 110 National Highways Planning Response (NHPR 24-02) February 2024 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 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.

9.11 National Grid (16/12/24): [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

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

9.12 Natural England (24/12/24): No objection

NO OBJECTION
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Sites of Special Scientific Interest
Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Landscape Advice
The proposed development is for a site within or close to a nationally designated landscape namely Chilterns National Landscape (defined in legislation as an Area of Outstanding Natural Beauty).

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

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.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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.

9.13 TRDC – Conservation Officer (17/01/25): No objection

This application is for: Construction of warehouse units accessed from Denham Way (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works.

The application site contains Maple Cross House the larger building to the west/front of the site on Denham Way with two smaller buildings leased by Kier on the eastern side of the site. All are three storeys in height. They are located within an established employment area. There are no designated or non-designated heritage assets within the application site and the site is not located within a Conservation Area.

The designated heritage assets which have the potential to be impacted by the proposal are as follows:

- Barn to West of Maple Lodge Adjoining Maple Close (List Entry: 1100856) - Grade II listed building former farmhouse with seventeenth century elements.
- Maple Lodge (List Entry: 1173687) - Grade II listed building former agricultural building that is now in residential use.

Maple Lodge and Barn are located approximately 130 metres to the south of the application site, surrounded by more modern development on Maple Lodge Close and Longmore Close.

- Building Immediately Northwest of Woodoaks Farmhouse (List Entry: 1100877)- Grade II listed Former small house or part of a larger farmhouse, now a storage building dating from sixteenth century.
- Barn about 100 Metres North of Woodoaks Farmhouse (List Entry: 1100878)- Grade II listed substantial timber-framed structure, probably dating from the sixteenth or seventeenth century.

Woodoaks Farm is located approximately 400m to the north-west of the application site and is accessed via a narrow private drive on the opposite side of Denham Way, leading to the farm and surrounding group of former agricultural curtilage buildings.

Three Rivers District Council holds a list of 'Locally Important Buildings' for Rickmansworth. Criteria for inclusion include architectural and historical interest, function, landmark /streetscape/landscape quality. Nearby locally important buildings which have the potential to be impacted by the proposal include:

• The Cross Public House, a well-preserved seventeenth century half-timbered building.
• Woodoaks Farmhouse, close to the Grade II listed buildings at Woodoaks Farm.
• Hyde House, Old Uxbridge Road, an attractive brick building to the south of the application site.

There are also several Grade II Listed Buildings to the south around the perimeter of Lynsters Lake and separately to the north around Stockers Lake and on Uxbridge Road, which are unlikely to be impact by development at the application site.

The application site is within the wider setting of these nationally and locally listed buildings. The existing modern office buildings on the application site do not positively contribute to setting of the heritage assets highlighted above, and so the redevelopment of the site is acceptable in principle in heritage terms.

The proposed development consists of 6no. industrial units:
• Units 1-4 in the central part of the application site, eaves height: 9.1m/ ridge height of 11.3m. The existing full height at Maple Cross House is 11.6m.
• Units 5-6 are proposed to be positioned at the eastern part of the application site, eaves height: 9.1m, /ridge height of Unit 5 10.75m, full height of Unit 6 11.3m. The existing full height at the Kier buildings is 12m.

The siting would be altered, with Unit 6 sitting closer to the southeastern boundary in comparison to the existing smaller of the two Keir buildings. Extensive planting is also proposed at the southern boundary.

The heritage assets most likely to receive increased impact are the respectively Grade II listed Maple Lodge and Barn to West of Maple Lodge Adjoining Maple Close. However, while the footprint of the proposal would be closer to these listed buildings, the significance of their immediate setting has been heavily eroded by modern residential and industrial development. There is limited intervisibility between the listed buildings and the proposed development and the scale and type of development proposed is very similar to the existing on site. As a result, subject to appropriate materials there would be an acceptable impact on the setting of these Grade II listed buildings.

Due to the distance and separation from Woodoaks Farm and the relatively similar scale and nature of the proposal, the impact on the Grade II listed buildings there would be acceptable. In addition, any impacts on other nationally or locally listed buildings would not be to an extent that would be considered harmful.

On this basis, subject to appropriate materials, the proposal would be acceptable in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework Chapter 16.

9.14 TRDC – Environmental Health (Commercial)(16/01/25): No objections, conditions recommended

Air Quality
I have reviewed the Air Quality Assessment prepared by Tetra Tech (Report ref. 784-B068895).

The assessment of construction phase impacts indicates that without the implementation of appropriate mitigation measures, the potential impact of dust emissions associated with the construction phase of the proposed development is 'high risk' at the worst affected receptors without mitigation. It is anticipated that with the implementation of measures, the risk of adverse effects due to dust emissions will not be significant.

The assessment of operational phase impacts indicates that concentrations of NO2, PM10 and PM2.5will be below the relevant AQOs at all modelled receptors. The impact of the effects of changes in traffic flow as a result of the proposed development, with respect to NO2, PM10 and PM2.5, has been determined to be negligible at all existing receptors.

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 mitigation measures presented in Section 7.1 of the Air Quality Assessment.

Land Contamination
I have reviewed the following reports prepared by HDR Consulting:
Geo-environmental Desk Study (Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, April 2024); Ground Investigation Interpretive Report (Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, Oct 2024).

The investigation has not identified any concentrations of contaminants of concern in the underlying soils in exceedance of the relevant generic assessment criteria. Laboratory testing identified asbestos (chrysotile – loose fibres) in a single sample, quantification testing showed that the sample contained <0.001% w/w asbestos fibres. The Environmental Consultant has suggested that an allowance should be made for hand picking, where feasible, of asbestos containing materials from soils.

Monitoring of ground gases was undertaken on four occasions, a maximum CH4 concentration of 1.2% and a maximum CO2 concentration of 4.5% was recorded, a maximum gas flow rate of 1.2 l/hr was recorded. The resulting calculations indicate characteristic situation 1. No ground gas protection measures are considered necessary.

Groundwater sampling identified elevated concentrations of TPHs and phenols in all of the groundwater samples that were analysed. The Environmental Consultant has suggested that remediation including the removal of soils is likely to be required.

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

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
i) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment (reported in the Ground Investigation Interpretive Report prepared by HDR Consulting Report ref. 10399283-HDR-XX-XX-RP-GE-14-0xxx-S0-P01.01.docx, Oct 2024), 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.

9.15 TRDC – Environmental Health (Residential)(27/02/25): Insufficient information

Overall, I consider the information provided to be inadequate and recommend refusal.

I identified the following potential noise impacts.

- Demolition noise – I understand that this has been dealt with as part of a separate application and so I will not comment on this.
- Construction noise.
- Operational noise.
    - Deliveries and collections ranging from goods to waste.
    - Vehicle movements within the car park.
    - Plant noise.
- Noise breakout from within the building fabric.

With the exception of refuse collection, the acoustic report has considered these issues and attempted to quantify and assess against relevant national standards. However, modelling software has been used instead of traditional calculations and so this hinders our ability to fully scrutinise the predictions and draw our own conclusions. Whilst modelling software provides useful illustrations and data, there are potential inaccuracies that can arise as discussed in the following publication on page 46 and it is for this reason at Watford we do not accept modelling software derived data on its own. https://www.ioa.org.uk/system/files/publications/acoustics_bulletin_march-april_2023.pdf

As a site that intends to be in operation 24 hours a day and with the nearest noise receptor being as close as 3 metres, I share the concerns of neighbouring residential occupiers.

Construction Noise.
This is going to be noisy by its very nature and owing to the amount of time that will be needed to complete the construction of the new buildings, I consider it essential that for any future application a condition requiring a Construction Management Plan needing Environmental Health approval to be in situ prior the start of construction.

Operational noise – Deliveries and collections.
From experience, this has the potential to have the greatest impact on residents particularly during the night period, and even more so owing to the limited distance to residential receptors. Within the report, the predicted number of vehicles has been provided but there is no mention on how representative these figures are likely to be. I am concerned that allowing the application without adequate controls in place, for example, time restrictions on the collections and deliveries to the site could lead to significant adverse impact to neighbouring residential properties. Unfortunately, the controls specified within the report are quite limited – screening provided by buildings along with a 6 metre high acoustic

barrier. Again no calculations for the barrier have been given and only figures from the modelling software have been provided. I am not able to scrutinise these and therefore, unable to comment on their effectiveness.

Operational noise – Vehicle movements within the car park.
From experience, when dealing with noise complaints associated with these types of locations, unless there is a mass exodus or influx between 23.00 and 07.00, car movements within the car park are likely to be negligible and so I do not have any solid ground to challenge this aspect of the application.

Operational noise – Plant.
I have used the information provided to calculate noise levels at the nearest residential receptors and with the exception of the plant that will serve Unit 6, the proposal is acceptable, particularly when the additional mitigation provided by the building fabric is also taken into consideration. However, there will also be a piece of equipment to the northwest on Unit 5. There is mention of this being enclosed with a barrier but no calculations have been provided. Once again for any future application we will require calculations for both of these to protect the amenity of properties in close proximity.

Operational noise – Breakout.
Owing to the proposed use being limited to warehouse operations, and considering the sound reduction index, this is acceptable. However, a condition on any future application requiring all doors and windows to be kept closed when the warehouse is in operation with the exception of immediate ingress or egress of people or goods will be beneficial.

Summary and next steps.
At present, although it is highly likely that noise from this activity between 07.00 to 23.00 will be acceptable, there is inadequate information to support this assumption and therefore, I am only able to recommend refusal.

The following details are required.
- Theoretical calculations not derived from modelling software.
- Further information on how the loading and unloading of vans and heavy goods vehicles will take place and the noise impact from this activity, for example, possible fork-lift use.
- Where this activity will this actually happen – in a loading bay and or car park area?
- Sound levels of reversing alarms.

I assume that once this data has been provided it is likely that a time restriction on deliveries and collections between 23.00 and 07.00 will be needed.

Furthermore, we require theoretical calculations on the plant serving Unit 6 and the barrier calculations for the plant to the northwest of Unit 5. If necessary, mitigation controls will also need to be specified and supported with calculations.

A Construction Management Plan will also be required.

9.15.1 Environmental Health Officer (Residential – Second response – 10/06/25)

To ensure I was robust in my review, I considered many of the supporting documents including the concerns of local residents.

This is not my first evaluation of this application and the acoustic consultant acting on behalf of the applicant provided further information in an attempt to alleviate the concerns I had previously set out. These concerns were predominately associated with the operational phase for deliveries and collections to Units 5 and Unit 6.

Delivery and collection noise.

Despite meeting with the acoustic consultants and setting out my concerns along with the information we needed to determine the suitability of the proposal, the revised information that has been provided still falls short of what is required and there is too much uncertainty with the predicted levels that prohibits us from assessing the application accurately.

Regarding Units 1-4, their layout, orientation and distance from the receptors along with the mitigation provided by the fabric of the building, ought to enable 24 hours a day operation without causing a significant adverse impact. This aspect of the application is acceptable.

However, Unit 5 and Unit 6 does raise some potential concern. This is owing to their orientation and close proximity to residential receptors. The report identifies these as R01/ Longmore Close at 7 metres and R02/ Franklins at 3 metres. The following comments are in relation to these units.

Within my E-Mail dated Monday, 12th May 2025, I requested the following.

- Describe the route that will be taken by heavy goods vehicles as they park into and leave the loading bays for Unit 5 and Unit 6. Please include the time each aspect will take and mention if the area surrounding each bay has been designed to facilitate a smooth arrival/ departure, for example, allowing vehicles to carry out the manoeuvre without having to reverse and go forward repeatedly.
- What is the impact from reversing alarms. Please provide calculations on how effective the barrier will be at mitigating this impact on the nearby residential properties.
- What will be sound level at the nearby residential receptors when the loading bay gates are open and closed?
- What type will they be – a shutter type or hinged openings?
- What will be the sound level from shutters being opened and closed on heavy good vehicles fitted with that type of access?
- Will the loading bay area openings be kept closed at all other times apart from when a delivery is made? What will be the noise break-out be when the openings are open? Please also comment on the use of wheeled cages and other similar equipment that could be used. If there is an internal solid concrete floor in the loading area, what will be the sound level from wheel and ground interaction? What will be the noise break-out through the opening?
- Will deliveries be restricted to the loading bays? Assuming vans might not be as the bays are not likely to be designed for that type of vehicle and given the predicted time of heavy goods vehicle deliveries, it is possible that bays might not be free for vans. If deliveries/ collections are not in the bays, where else could this activity take place and what is the predicted sound pressure level? Please encompass all aspects, for example, use of fork lift trucks, cages, pallets and so on.
- What will be the sound level associated with the use of fork-lift trucks? There is no mention of this within the current report.

This information was not fully provided and instead section 4.2.2 of the report states,

“Noise of a delivery event has been known to vary from site to site by as much as 22 dB LAeq at 5m distance even with the same vehicle type. Similarly, individual events using the same vehicle and at the same location have been recorded to vary by as much as 14 dB. As such, the following worst-case calculations have been based on measurements of HGVs delivering goods. All measurements were undertaken in free-field conditions 3m away from the noise source. The measurement includes noise from the unloading process together with other sources such as trolleys and reversing bleepers.”

This information did not assist for a number of reasons. There is mention of the parameter, LAeq which is the 'A'-weighted Equivalent Continuous Noise Level and within Appendix A of the report this parameter is described as,

"Since almost all sounds vary or fluctuate with time it is helpful, instead of having an instantaneous value to describe the noise event, to have an average of the total acoustic energy experienced over its duration."

In other words it is a time referenced parameter and without giving a time value it is of limited use as it is impossible to know the length of time over which the measurement was obtained. Therefore, a longer period could lead to loud impulsive noise being averaged to the extent where it could fail to accurately reflect its potential impact.

This parameter is more suited to measuring steady, continuous noise sources for the purpose of this assessment.

The report states that all the activities that form part of a delivery were incorporated into a single measurement even though I had requested a breakdown of each component so that I was better able to assess the scheme. Additionally, there is no time reference provided and as mentioned previously, this affects the reliability of this data. I am concerned that this has diminished the likely impact of impulsive noise sources that are a component of delivery noise. Providing the LAmax, which is the highest sound level measured would have been appropriate as it would have allowed us to know how loud each activity is likely to be. A limit set in the report for the Lowest Observed Adverse Effect Level is an LAmax at 45dB(A), it would have assisted greatly if this assessment had been provided for each component of the delivery.

I know from experience that when it comes to delivery noise, the components I had requested details on can often lead to complaints – cages/ trolleys, reverse alarms, opening and shutting of roller shutters and this was the rationale for requesting these specific details. Instead, I do not know what activities were measured to arrive at the figure given in section 4.2.2 of the report.

It is essential that the LAmax of each component is considered to fully gauge the likely impact and compare against the self-imposed limit of 45dB(A). Therefore, I am wary of utilising the LAeq figure mentioned within the report to determine suitability.

The technical note on this issue also caused confusion. The photograph within the report shows a delivery taking place.



I had assumed that what was shown in the elevation drawings and plans was a delivery dock thereby negating the need to have any delivery activity outdoors. This is not what is shown in the photograph. The report in section 3.1 proposes a condition prohibiting the use of fork-lifts externally. Furthermore, the drawings showing the proposed units have the shutters drawn and there are no drawings with the shutters in an open position. It has not been possible to obtain absolute clarity on whether what is shown on the drawings will be a loading dock or a loading bay. If not a loading dock, it will be necessary to utilise fork-lift trucks externally thereby invalidating the control put forward in the report.

I do not know how many different deliveries or collections were monitored. If they were similar to those shown in the above photograph, it is likely that cages/ trolleys were not used at all. Also unloading can differ to loading. Trolleys/ cages can create more noise when empty.

Again by only providing the LAeq, the LAmax has not been fully considered and I question how it is possible to determine that the self-imposed limit of 45dB(A) will not be exceeded.

The report states, “The architects (Ian C King Architects) have confirmed that the site layout and orientation of the units has been designed to optimise the use of the units whilst mitigating any resulting noise with acoustic fencing” (page 20).

Therefore, the proposed acoustic fencing/ barrier is key to ensuring that residents at R02 and R03 are protected against any significant adverse impacts associated with noise.

As the barrier is a key feature I would expect there to be sufficient details on its design, for example, elevation drawings and so on. This information is lacking. The acoustic report includes a plan showing the location of the barrier and on the planning portal there is a picture showing what a section of this would look like - a wooden style fence from ground level to what I assume is the height mentioned within the report, 6 metres. However, we have only recently been informed that there will be an earth bund and the barrier would sit on top of that to a height of 6 metres.

I have repeatedly asked for theoretical calculations but again these have not been provided. With regards to the acoustic barrier we require Maekawa calculations to be provided. I am not able to scrutinise the modelling predictions.

Whilst the receptor will be static, the source will not and it seems there has been no consideration of this. Had my request to consider each component on its own merit been

fulfilled I am confident that I would have had the information needed to assess the suitability of the scheme.

For example, upon arrival a heavy goods vehicle is likely to drive up to the barrier approximately 30 metres from the nearest facade before reversing (with alarm sounding). This is likely to happen throughout the night at least once an hour and if not effectively mitigated, it could be loud enough to wake up residents. There is no data to assess this likely impact. It is necessary to know how loud the engine of a heavy goods vehicle will be at this distance and the mitigation that the barrier will provide. This manoeuvre could bring a noisy source approximately 30 metres from the bedroom windows of nearby residents, not to mention the reversing alarm which tends to be louder to overcome the noise of the engine.

With any barrier, there will be sound that passes through it or diffracts around it. Furthermore, with the sound source moving, the level of attenuation will also vary. Assuming there is no sound passing through the barrier, being close to it, will offer greater protection whilst being further away from will reduce (theta). Therefore, what will be the level at the receptor as sources are further away from the barrier?

Instead, we are being asked to rely on the single LAeq measurement where all the sound noise sources have been added together and then averaged out. Not to mention the lack of a time reference.

Additionally, there does not seem to have been any consideration of directivity associated with the noise sources. Using the lorry as an example, if a measurement was obtained as shown in the photograph rather than directly in front it is likely that an accurate noise level has not been obtained. This is because the frequencies that make up the overall sound are not all going to be omnidirectional. If a person stands in front of a stationary lorry, the noise level will differ if they moved to the rear.

Table 4.7 gives the distance from the boundary to the nearest noise sensitive façade. It would have assisted greatly if distances from the location of the noise source to the façade were provided. Instead I attempted to obtain these using the data that was available.





The approximate distance from the nearest loading area to the nearest noise sensitive façade is a distance of approximately, 40 metres, which would provide approximately 32dB attenuation. The LAmax given for a heavy goods vehicle was 73dB at 3 metres, assuming there was no barrier from 3 metres to 40 metres there would only be a 22dB reduction giving a level approximately 51dB which is above the limit set out in the report. Therefore, it is imperative that the level of attenuation offered by the acoustic barrier is clearly set out.
When assessing noise in accordance with British Standard BS4142, where noise has a tonal and/ or impulsive component, it is necessary to apply a correction which can add up to +6dB for tonality and up to +9dB for impulsivity. The report in section 6.2.1 only seems to have applied a correction of +2dB overall but it not evident if this correction is sufficient, a diesel engine on a lorry for example, can be quite tonal and shutting and opening of gates can be impulsive.

The report states, “For the purposes of the modelling, this noise source has been assumed to be operating simultaneously at Units 4, 5 and 6 throughout the day and at Unit 4 in the night with the following percentage on times”. Therefore, has the night time noise from Unit 5 and Unit 6 not been incorporated into the assessment and does the figure in Table 6.2 for location R02 not include noise from Unit 5 and Unit 6?

Apart from the noise of the heavy goods vehicle and van, there does not seem to be an LAmax figure given for any other component of the delivery noise and only car doors opening and closing in the car park. Therefore, the report does not demonstrate how the self-imposed limit of 45dB(A) is achievable. Even the contour map shown in Figure 6.1 is for the LAeq(16 hours) and not the LAmax.

An operation management plan has been put forward as an additional control for this application. I am wary of utilising this approach to achieve the best outcome. It is also an

indicator that the orientation of Unit 5 and Unit 6 to residential receptors is not the most ideal design with regards to noise control.

However, in an attempt to be pragmatic and given that the nearest façade will be approximately 40 metres from the source and there will be a barrier in situ which ought to provide around 10dB attenuation, when combined with distance, ought to equate to an approximate reduction of 40dB and based upon the existing daytime background noise level, deliveries and collections could operate during the daytime and evening without leading to a significant adverse impact. The daytime background noise levels at LT2 are likely to be similar at R02 and R03, and so the potential impacts associated with deliveries and collections are likely to be reduced. Furthermore, as people are generally awake, although the noise will be audible the impacts are likely to be less compared to the night time period.

In the future a further application could be submitted to extend the opening hours if it could be adequately demonstrated that the self-imposed LAmax limit was achievable. I have suggested the following conditions which I hope will alleviate the concerns of residents whilst allowing the proposal to proceed.

Plant noise.

As per my initial E-Mail, regarding the plant serving Unit 5 and Unit 6, there is still inadequate information provided. I am therefore unable to determine the likely impact upon residential receptors from these sources. Theoretical predictions must be provided.

Next steps.

Going forward, the application could be acceptable if the following conditions were applied.

- Deliveries and collections to Unit 5 and Unit 6 shall only be permitted 07.00 to 23.00 on weekdays, 08.00 to 23.00 on Saturdays, 09.00 to 22.00 on bank holidays and Sundays.
- No tonal reversing alarms shall be used on site, and smart broadband / white noise reversing alarms shall only be permitted.
- Engines to be switched off when vehicle is waiting, not in use, or parked.
- Roller shutter doors (loading gates) shall be kept closed when not in use.
- Plant serving Unit 5 and Unit 6 shall not be used until calculations have been provided demonstrating that they can operate without exceeding the relevant representative background noise level specified within the accompanying acoustic report.
- A construction management plan must be approved by the Council prior to the commencement of construction works.

It is important to note that if planning permission were granted in full to the whole site permitting 24 hour use, if there were future noise complaints, the legislation we would utilise to try and rectify the situation would be the Environmental Protection Act 1990. However, there is a defence of best practicable means given to businesses within the act and this can hinder efforts to eliminate noise, particularly when the business is implementing best practicable means. It is for this reason that utilising the planning regime to strike the right balance between the needs of business and residents is vital. Over the years, our team has had to deal with noise complaints from similar set ups and not only do they take up a lot of Council resources to deal with but they often lead to residents having to endure noise whilst prohibiting the business from operating in a way that best suits them. In those types of circumstances, as a last resort we try and agree an operation management plan.

9.16 TRDC – Tree and Landscape Officer (06/02/25): No objections

Recommend: Approval, subject to conditions

The submitted plans indicate that approx. 26 trees would need to be removed to facilitate development. However, of these only 6 are of moderate quality, with the remaining graded as poor quality, including T2 (Magnolia) that is protected by Tree Preservation Order (TPO570).

The submitted landscape plans provide details of extensive replacement tree, hedge and shrub planting that would take place following development and are sufficient to mitigate the loss of trees proposed. Conditions should be applied that require the tree protection method statement to be followed during construction, and that the landscape plans are implemented in full.

9.16.1 TRDC – Tree and Landscape Officer (12/05/25): No objections

The plans generally look pretty good. One of the key aspects would be, is there enough space for the trees to develop to size where they would provide effective screening. It appears that on the southern boundary, the building is approx. 10 metres from the boundary, which should provide just about enough space for the trees to develop before they are getting too close to the building, or neighbouring properties, and have to be cut back.

There appears to be a mix of standard trees, which will give some immediate landscape impact, but are slow to establish. And bare whips, which whilst small at first, will establish quickly and will catch up with the standards over the first ten years and may well overtake them.

The other important consideration will be ensuring that the ground preparation, planting, and establishment maintenance (particularly watering), is carried according to the Landscape strategy. As the standards proposed appear to be root-balled and bareroot, they will need to be planted in well prepared ground and well-watered for at least three years after planting to ensure they survive.

9.17 TRDC – Local Plans Team (First response, 08/01/25): Comments received

Representation: The proposal relates to the construction of warehouse units accessed from Denham Way (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works. The proposed development consists of 6no. industrial units in Class E(g)(iii), B2 and B8, with a total floorspace of 7,540 square metres (gross internal area). The submitted Planning, Economic and Heritage Statement sets out that a prior approval for demolition application (ref. 24/1334/PDND) was submitted for the demolition of all existing buildings on the site. This application was determined, and prior approval was not required.

The application site is located in the Secondary Centre of Maple Cross, as identified in the Core Strategy (adopted 2011). The Spatial Strategy states that in Secondary Centres, more limited new development will take place on previously developed land and appropriate infilling opportunities. The National Planning Policy Framework's (NPPF) core planning principle is to encourage the effective use of previously developed land. The site is comprised of previously developed land and subsequently the proposal would comply with the Spatial Strategy.

The site is located in the Maple Cross/Maple Lodge allocated employment area in the Site Allocations LDD (adopted 2014) (site E(d)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The provision of E(g)(iii), B2 and B8 floorspace in this area of the employment site would contribute to the safeguarding business, industrial, storage and distribution uses. Subsequently, the application complies with Policy SA2.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floor space within the district. Policy CP6(j) similarly states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas, including the Maple Cross/Maple Lodge employment site. The South West Herts Economic Study (2019) estimates that there is a requirement for approximately 40,000 sqm of industrial and warehousing floorspace over the period to 2036. The application supporting documents specify the gross internal area of the proposed units totals 7,540sqm, which would contribute to the industrial and warehousing floorspace needs.

Given the Permitted Development Notice of Demolition, in reality, the proposal would result in a net loss of employment floorspace (approximately 10,754sqm) at the Maple Cross/Maple Lodge employment area, although it must be noted that the demolition of the buildings is not being assessed under this planning application. Nevertheless, due to the site's formal allocation for employment uses and the future need to provide employment floorspace for industrial uses (as set out above), the site is considered suitable for the proposed uses and the development is supported.

9.17.1 TRDC – Local Plans Team (Second response, 06/02/25): Comments received

Representation: The proposal relates to the construction of warehouse units accessed from Denham Way (Use Classes E(g)(iii), B2 and B8) including access and servicing arrangements, car parking, landscaping and associated works. The proposed development consists of 6no. industrial units in Class E(g)(iii), B2 and B8, with a total floorspace of 7,540 square metres (gross internal area). The submitted Planning, Economic and Heritage Statement sets out that a prior approval for demolition application (ref. 24/1334/PDND) was submitted for the demolition of all existing buildings on the site. This application was determined, and prior approval was not required.

The application site is located in the Secondary Centre of Maple Cross, as identified in the Core Strategy (adopted 2011). The Spatial Strategy states that in Secondary Centres, more limited new development will take place on previously developed land and appropriate infilling opportunities. The National Planning Policy Framework's (NPPF) core planning principle is to encourage the effective use of previously developed land. The site is comprised of previously developed land and subsequently the proposal would comply with the Spatial Strategy.

The site is located in the Maple Cross/Maple Lodge allocated employment area in the Site Allocations LDD (adopted 2014) (site E(d)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The provision of E(g)(iii), B2 and B8 floorspace in this area of the employment site would contribute to the safeguarding business, industrial, storage and distribution uses. Subsequently, the application complies with Policy SA2.

Policy CP6 of the Core Strategy states that the Council will provide for a range of small, medium and large business premises and retain overall levels of industrial and warehousing floor space within the district. Policy CP6(j) similarly states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas, including the Maple Cross/Maple Lodge employment site. The South West Herts Economic Study (2024) sets out that demand for industrial and storage & distribution space in South West Hertfordshire is strong, driven mainly by demand for large scale storage & distribution space which increased during the pandemic. The study identifies a need for 413,400 sqm of storage & distribution space between 2021 and 2041. After taking account of the existing employment land supply, the study considered two employment land scenarios. In Scenario 1, there is no need to identify additional employment sites over the 2021-41 period. In Scenario 2 (which is the preferred option),

there is a shortfall of 9.5 hectares across South West Hertfordshire. The application supporting documents specify the gross internal area of the proposed units totals 7,540sqm, which would positively contribute to the industrial and warehousing floorspace needs.

In terms of office space, the South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,000 sqm of available office space in south-west Hertfordshire, of which 124,000sqm was identified as vacant. However, the economic study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority "should prioritise the protection of office space as far as possible".

Given the Permitted Development Notice of Demolition, in reality, the proposal would result in a net loss of employment floorspace (approximately 10,754sqm) at the Maple Cross/Maple Lodge employment area, although it must be noted that the demolition of the buildings is not being assessed under this planning application. Nevertheless, due to the site's formal allocation for employment uses and the future need to provide employment floorspace for industrial uses (as set out above), the site is considered suitable for the proposed uses and the development is supported.

9.18 Thames Water (19/12/24): 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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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

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

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

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







View toward site from neighbouring garden in Franklins



View from pre-existing car park (now demolished) toward Franklins



View south toward Franklins from pre-existing carpark (now demolished)



View toward Longmore Close properties from site.





View north from car park south of the ‘Kier’ buildings



View of rear of pre-existing office building from car park



Image from neighbouring garden to the south of the site, looking toward the previously existing building



Front of pre-existing building (From Google Street View)

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PLANNING COMMITTEE - (17 July 2025)

PRELIMINARY REPORT

24/2073/OUT - Outline Application: Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems. (Layout, scale, appearance and landscape as reserved matters) at LAND TO NORTH OF LITTLE GREEN LANE, CROXLEY GREEN, WD3 3SP

Parish: Sarratt Parish Council/Croxley Green Parish Council[1]

Ward: Chorleywood North & Sarratt / Durrants[2]

Expiry of Statutory Period: 31.07.2025 (Agreed Extension)

Case Officer: Claire Westwood

Development type: Large Scale Major Dwellings

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(s) for consideration by the Committee:

1. Called in by Members of the Planning Committee for the following reasons: 1) Highways; 2) Impact on Green Belt; 3) Impact on other local services/utilities; and 4) Flooding.
2. Called in by Sarratt Parish Council for the reasons set out at 9.24 below (if officers are minded to approve).
3. Called in by Croxley Green Parish Council for the reasons set out at 9.4 below (if officers are minded to approve).

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

24/2073/OUT | Outline Application: Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated

[1] The majority of the site falls within Sarratt Parish area, however, the access points fall within Croxley Green Parish area. Both Sarratt and Croxley Green Parish Councils were consulted.

[2] The majority of the site falls within Chorleywood North and Sarratt ward, however, the access points fall within Durrants ward.

infrastructure including sustainable urban drainage systems. (Layout, scale, appearance and landscape as reserved matters). | Land To North Of Little Green Lane Croxley Green WD3 3SP

1 Relevant Planning History

1.1 24/1220/EIA - EIA Screening Request: Up to 600 new residential dwellings (Use Class C3), 1FE Primary School plus expansion land, mixed use local centre including Doctor's surgery, open and green space and associated infrastructure. Determined. Not EIA development.

2 Description of Application Site

2.1 The site has an area of approximately 40 hectares. It is a greenfield site predominantly used for agriculture, with existing woodland comprising approximately 7% of the site area. Little Green Lane borders the site to the south, with the existing residential streets of Croxley Green and existing Little Green Junior School beyond this. To the north and east of the site is Rousebarn Lane, a predominantly single track route which runs between the site and Whippendell Woods. To the west of the site is woodland and agricultural fields. A public footpath (Sarratt 017) runs through the site between Rousebarn Lane to the east and Dell Wood to the west.

2.2 The site is located to the northern edge of Croxley Green, and falls within Sarratt Parish area. The centre of Croxley Green is located approximately 2km to the south with Watford approximately 4km to the east.

2.3 The site is less than 2km from Croxley Station (Metropolitan Line) which provides regular services to central London via Northwood and Harrow. The closest bus links are on Baldwins Lane to the south. Junction 18 of the M25 is approximately 6km from the site.

2.4 In terms of site constraints, the site is situated wholly within the Metropolitan Green Belt. There are Ancient Woodlands adjoining (Dell Wood and Long Newlands Spring) the site to the west and north-west and within the site (Green Lane Wood). These are also Local Wildlife Sites. Public footpath (Sarratt 017) runs through the site.

2.5 Whippendell Wood SSSI is sited to the east and north-east, separated by Rousebarn Lane. Cassiobury Park (Registered Park Grade II, NHLE 1000219) is also sited to the east. Durrants House (Listed Building Grade II, NHLE 1403581) is directly opposite the site boundary on Little Green Lane. It is a Tudor/Jacobean revival-style country house built in 1866-7. The Croxley Green Conservation Area is to the west, south-west of the site – the site does not adjoin the conservation area boundary. The site is wholly within Flood Zone 1 as defined by the UK's Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance).

3 Description of Proposed Development

3.1 This application seeks outline planning permission for the; 'Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban 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 001 Rev C (Proposed Site Access Durrants Drive) and 002 Rev C (Proposed Site Access Links Way) show the position of the two proposed points of vehicular access to the site across Little Green Lane from Durrants Drive and Links Way.

3.4 The application is accompanied by a Land Use Parameters Plan (ref. P24-1200_DE_0015 Sheet 1 Rev C) which demonstrates how the different components of the scheme can be incorporated. The Parameters Plan identifies areas for residential development; open space; mixed use local centre; 1FE primary school; and school expansion land. The Land Use Parameters Plan also illustrates indicative areas for access to the site and within the site. In the event that Outline planning permission was granted, a condition would require that subsequent Reserved Matters accord with the Land Use Parameters Plan.

3.5 The application is accompanied by an illustrative masterplan (page 57 of Design and Access Statement) which accords with the Land Use Parameters Plan and demonstrates how the site could be developed, with open space and sustainable drainage to the east and built development to the south and west with a series of roads and walking/cycling routes. It is important to note that the masterplan is submitted for illustrative purposes only to demonstrate how the site could be developed at the quantum proposed.

3.6 A Design Code has been submitted with the application. The purpose of the Design Code is to provide a series of clear instructions/rules to inform subsequent Reserved Matters applications.

3.7 The application was accompanied by the following plans/reports:

- Application Form
- Land Use Parameters Plan (P24-1200_DE_0015 Sheet 1 Rev C)
- Location Plan (P24-1200_DE_001)
- Proposed Site Access Links Way (T24544.001 Rev C)
- Proposed Site Access Durrants Drive (T24544.002 Rev C)
- Affordable Housing Statement (Tetlow King Planning, December 2024, M24/0511-01.RPT)
- Agricultural Land Classification and Soil Resources Report (Reading Agricultural Consultants, July 2024)
- Air Quality Assessment (BWB, December 2024, 233574-01-AQA)
- Biodiversity Calculation Metric
- Biodiversity Checklist
- Design and Access Statement and Design Code (Richbourough, January 2025, Rev A)
- Ecological and Biodiversity Impact Assessment (RammSanderson, December 2024, RSE_8239_R1_V4_EcIA)
- Education Report (EFM, December 2024)
- Energy Statement (Greengage, December 2024)
- Flood Risk Assessment (BWB, December 2024, 233574_FRA)
- Health Impact Assessment (RPS, December 2024, 1.0)
- Heritage Statement (Pegasus Group, December 2024, P24-1200)
- Landscape and Visual Impact Assessment (iceni, December 2024)
- Local Centre Capacity Statement (Lambert Smith Hampton, December 2024)
- Noise Impact Assessment (BWB, December 2024, 233574_002)
- Phase 1 GEO-Environmental Assessment (BWB, December 2024, 233574)
- Planning Statement (RPS, December 2024)

- Preliminary Arboricultural Impact Assessment (Tyler Grange, December 2024, 11702_R02_NC RevD)
- Sports and Leisure Strategy (Sports Planning Consultants, December 2024)
- Statement of Community Involvement (Catus Group, December 2024)
- Sustainability Statement (Greengage, December 2024)
- Sustainable Drainage Strategy (BWB, December 2024, 233574-SDS)
- Transport Assessment (hub, January 2025, Rev A)
- Travel Plan (hub, December 2024)
- TRDC 5 Year Housing Land Supply Assessment (Emery Planning, December 2024, 24-305)
- Utilities Statement (BWB, December 2024, 233574)

3.8 Amendments/additional information include:

- Response to TRDC Heritage Officer comments (Pegasus Group 27/03/25 received 28/03/25).
- Response to Lead Local Flood Authority comments (BWB Ref. 233574-BWB-ZZ-XX-T-W-0005_LLFA received 07/05/25).
- Response to Sport England comments (RPS 22/05/25).
- Green Belt Addendum Assessment (Iceni, March 2025)

4 Consultation

A summary is provided below, with the full comments set out in **Appendix 1 at Section 9.**

Active Travel England:	9.1	Deferral, further information requested
Affinity Water	9.2	No objection
British Pipeline Agency	9.3	No comments on application
Croxley Green Parish Council	9.4	Objection
Forestry Commission	9.5	No objection subject to condition(s)
HCC Footpath Section	9.6	No response received (see Hertfordshire Highways)
HCC Growth and Infrastructure Unit	9.7	No objection, contributions requested
HCC Healthy Places	9.8	No response received.
HCC Lead Local Flood Authority	9.9	No objection subject to condition(s)
HCC Waste and Minerals Team	9.10	No objection subject to condition(s)
HCC Water Officer	9.11	No response received.
Hertfordshire Archaeology	9.12	No objection subject to condition(s)
Hertfordshire and West Essex ICB	9.13	No objection, contributions requested
Hertfordshire Constabulary	9.14	No response received.
Hertfordshire Ecology	9.15	No objection subject to condition(s)
Hertfordshire Highways	9.16	Objection – insufficient information
London Underground Limited	9.17	No comments on application
National Grid	9.18	No response received.
National Highways	9.19	Holding Objection
National Planning Casework Unit	9.20	No response received.
Natural England	9.21	No objection subject to condition(s)
NHS England	9.22	No response received.

Ramblers	9.23	No response received.
Sarratt Parish Council	9.24	Objection
Sport England	9.25	No objection subject to condition(s) and S106 contribution(s)
Thames Water	9.26	No objection subject to condition(s)
Transport for London	9.27	Objection – further information required
TRDC Environmental Health (Residential)	9.28	No objection subject to condition(s)
TRDC Environmental Protection	9.29	Advisory comments regarding resources required
TRDC Heritage Officer	9.30	Objection (less than substantial harm)
TRDC Housing Officer	9.31	No objection
TRDC Tree and Landscape Officer	9.32	No objection (subject to suitable compensation/mitigation)
TRDC Leisure Development Officer	9.33	No objection subject to condition(s)
TRDC Planning Policy Team	9.34	Advisory comments re. policy framework
Watford Borough Council	9.35	No response received.
Watford Environmental Health (Commercial)	9.36	No objection subject to condition(s)
Woodland Trust	9.37	Objection

4.1 Public/Neighbour Consultation

4.1.1 Number consulted: 2143

4.1.2 No of responses received: 706 representations (**702 objections** including from Croxley Green Residents Association, CPRE – Campaign to Protect Rural England, Governing Bodies of local primary schools; and Little Green Junior School and **4 supporting comments**).

4.1.3 Site Notice(s): x 5 Displayed 23/01/25 Expired 13/02/25

4.1.4 Press Notice: Published 24/01/25 Expired 14/02/25

4.1.5 Summary of Responses:

4.1.5.1 Objections:

The site is prime agricultural land and is used for agriculture.
Loss of farmland reduces capability to produce own food sources.

Object to destruction of Green Belt.
Green Belt should be protected.
The Green Belt is crucial in preventing the encroachment of Croxley Green into Chandlers Cross, Sarratt and beyond.
There would be extensive harm to the openness of green belt land.
The Green Belt is inherently connected to the ecology of the whole area including SSSI and Ancient Woodland.
The Very Special Circumstances required by the NPPF have not been demonstrated.
This area is not Grey Belt.
The proposal would undermine the purpose of restricting sprawl of large built-up areas. The site plays a significant contribution in this regard and the proposal would undermine this purpose.

Would result in urban sprawl.
The Green Belt stage 2 review undertaken by LUC in October 2019 states release of the site for development would have a significant impact on preventing urban sprawl and encroachment onto the countryside.

600 new residences would fundamentally alter the character of an area / village.
Overdevelopment.
High density development does not relate to Croxley Green.
Inappropriate to build a new town on this area.
Four storey buildings out of character.
Design is out of keeping.
Visual impact.
Impact on landscape

Heritage and conservation – the site is near listed buildings and conservation areas which must be protected.

Regularly used for running, walking and enjoying the countryside.
Negative impact on local community.
Negative impact on physical and mental wellbeing.
Fails to address need for sporting facilities in Croxley Green.
Impact on quality of life.

Highways safety concerns, particularly for school children.
Access roads are unsuitable for the expected traffic from a development of this scale.
Access roads are narrow and heavily parked.
It is more appropriate for such a large residential area to be served from a Type 2 or Type 1 road rather than residential roads proposed.
Baldwins Lane is already solid in rush hour, this will be exacerbated.
The traffic challenges make this development unviable and unsafe.
The traffic congestion will increase dramatically in all areas.
Hertfordshire Highways object.
National Highways object.
No credible plans for improved transport links.
Parking is already limited in the area.
Impact of overflow parking on local streets.
Lack of sustainable transport options / reliance on cars over public transport.
Poor public transport links.
Proposed bus service would not be sufficient mitigation.
Existing roads in disrepair.
Concerns regarding access for emergency services.
The potential cycle lane would reduce the parking for current residents on an already narrow road.

Destroy valuable green space.
Negative impact on protected species in the area.
The application fails to sufficiently address mitigations for the dormice, badgers, bats, muntjac, foxes
and protected bird species like skylarks, swifts and red kites that are on the land.
Development will impact biodiversity and ecology of ancient woodland and SSSI including hedgerow removal and damage to root systems and drainage.
Damaging loss of habitat, and foraging grounds for a wide range of species.
Significant environmental impact.
Unclear how 10% BNG will be achieved.
Major impact on flora and fauna.
Impact on River Chess, protected chalk stream.
Impact on SSSI.

Impact on Local Wildlife Sites.
Disappointed to see ancient trees cut down.
Swift bricks should be included.

No need for additional primary school / struggling to fill others.
Data suggests falling demand linked to falling birth rate.
Will add pressure on waste and water treatment and many other services.
Medical centre should be in central Croxley, not this site.
Local infrastructure is already struggling, this will be exacerbated.
Will the community services offered actually get built? Will the school be built?
Inadequate drainage.
Impact on water pressure.
Connection to utilities will put further strain on existing.
Pressure on local schools.
No local benefit.
Country Park could attract large numbers of visitors and no parking has been proposed.
If the scheme goes ahead then it would be important that Country Park is maintained

Impact of construction over an extended period including high volumes of dust.
Environmental risks to both natural and human ecology generated both during and at the completion.
Noise pollution.
Light pollution.
Air quality.

Increased hard surfaces will worsen flooding on Rousebarn Lane.
Heavy flooding including surface water.
No clear sustainable drainage plan.

Will not provide affordable housing as evidenced by other new builds.
There is already considerable new housing provision recently completed, under construction or with planning permission.
Alternative solutions for housing such as unused office buildings in better locations.
Brownfield sites should be prioritised.
Recognise need for housing but this is not the right location.
Killingdown Farm development should be the limit for the area.
This development fails to deliver genuinely affordable housing.

Misleading information within application.
Have application documents / reports been diligently reviewed.
Houses on nearby sites are not sold.
Contrary to policy.
Although Three Rivers lacks 5-year housing supply, speculative developments should not bypass planning process.
Approving could set precedent.
Likely extension of development in future into proposed green spaces.
Driven by developer greed.
Violation of human rights.
Croxley is being overdeveloped, no one is considering cumulative impacts.
Lacks sustainable building practices or commitments to renewable energy.
Not allocated in draft local plan

4.1.5.2 Support:

Much needed new homes in desirable location.
Need for housing is overwhelming.

Includes provision of new primary school and other community uses / facilities and space for play and recreation.
The village has always grown so has already changed character.
Doctors surgery may be required.
Traffic is never as bad as feared.
It is large but will create modern vibrant district.
In absence of other suitable land need to look at Green Belt.
Things have changed since Green Belt introduced.
The alternative is tower blocks.
Proposal includes screening and protection to woodland.
I believe that better education provision would be served by building a 3 or 4 form infant school on the site.

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.

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.

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 2024 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) 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 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP6 (Employment and Economic Development), CP7 (Town Centres and Shopping), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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), DM12 (Community, Leisure and Cultural Facilities), DM13 (Parking), Appendix 2 (Design Criteria) and Appendix 5 (Parking Standards).

Croxley Green Neighbourhood Plan (2018). As previously noted, the majority of the application site falls within Sarratt Parish area. It is only the two access points proposed from Little Green Lane that fall within the Croxley Green Neighbourhood Plan area and that can be assessed against the Neighbourhood Plan. Policy H03 (Connections to existing footpaths and cycle ways in new developments) advises that all new development should connect into the existing networks and improve their connectivity.

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

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. Policy CP11 of the Core Strategy (adopted October 2011) 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 Policy DM2 of the Development Management Policies LDD (adopted July 2013) 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 in relation to inappropriate development 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 Paragraph 142 of the NPPF states "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 143 states that Green Belt serves five purposes:

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

7.1.4 Paragraph 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 Paragraph 151 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 153 states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 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 Paragraph 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);
g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed used including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt;
h) Other forms of development provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:
i) mineral extraction;
ii) engineering operations;
iii) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
iv) the re-use of buildings provided that the buildings are of permanent and substantial construction;
v) material changes in the use of land (such as changes of use for outdoor sport or recreation, of for cemeteries and burial grounds; and
vi) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.8 This application, submitted in outline form with only details of access provided at this time, proposes the 'Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems'.

7.1.9 In respect of paragraph 154, the proposed development does not fall into any of the categories a, c, d, e, f, or g. As regards category b, the development includes a country park and areas for play and recreation that may not be inappropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As regards category h, 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. To be considered appropriate, such operations must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

7.1.10 Whilst the development as a whole would not comply with paragraph 154, it is also necessary to consider the development in relation to paragraph 155 of the NPPF which relates to 'grey belt'. This states that 'the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply:

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
b) There is demonstrable unmet need for the type of the development proposed;
c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this frameworks;
d) Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157.

7.1.11 In considering whether the site would constitute Grey Belt land, reference must be had to Annexe 2 which defines Grey Belt as follows:

'For the purposes of plan- making and decision making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. Grey Belt excludes land where the application of the policies relating to the areas of assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development'.

7.1.12 The site is 'any other land' as it is not 'previously developed land'. For it to be considered Grey Belt it needs to not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the NPPF. These are:

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
d) to preserve the setting and special character of historic towns;

7.1.13 The Planning Practice Guidance (PPG) provides guidance in respect of consideration of the above matters.

7.1.14 The applicant has submitted a Planning Statement and Green Belt Addendum Assessment (Iceni, March 2025) which concludes that in their opinion the development complies with paragraph 155 ('grey belt') of the NPPF and is therefore not inappropriate.

7.1.15 If the development does not comply with paragraph 155 ('grey belt') of the NPPF it would be inappropriate by definition. There would also be actual harm to openness.

7.1.16 The benefits of the case as put forward by the applicant to support their case for Very Special Circumstances (in the event that LPA conclude that the development does not comply with paragraph 155 of the NPPF) are outlined at section 7.21 below.

7.1.17 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, in the event that development does not comply with paragraph 155 ('grey belt') 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 <u>Impact on the character and appearance of the locality</u>

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale,

height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.2.2 This application is submitted in outline, with only matters of access for detailed consideration. The application is accompanied by a Land Use Parameters Plan (ref. P24-1200_DE_0015 Sheet 1 Rev C) which demonstrates how the different components of the scheme can be incorporated. The Parameters Plan identifies areas for residential development; open space; mixed use local centre; 1FE primary school; and school expansion land. The Land Use Parameters Plan also illustrates indicative areas for access to the site and within the site. In the event that Outline planning permission was granted, a condition would require that subsequent Reserved Matters accord with the Land Use Parameters Plan.

7.2.3 The application is also accompanied by an illustrative masterplan (page 57 of Design and Access Statement) which accords with the Land Use Parameters Plan and demonstrates how the site could be developed, with open space and sustainable drainage to the east and built development to the south and west with a series of roads and walking/cycling routes. It is important to note that the masterplan is submitted for illustrative purposes only to demonstrate how the site could be developed at the quantum proposed.

7.2.4 A Design Code has been submitted with the application. The purpose of the Design Code is to provide a series of clear instructions/rules to inform subsequent Reserved Matters applications. In the event of a grant of Outline planning permission, compliance with the Design Code would be secured via appropriately worded condition(s).

7.2.5 The indicative Building Heights Plan (page 70 of Design and Access Statement) indicates development up to 4 storeys in height. Development to the south adjacent to Little Green Lane would be up to 2.5 storeys, with the majority of the development site up to 3 storeys in height. The higher 4 storey element would be limited to a small central section framing the green corridor. To the east the development would be up to 2 storeys in height, responding to its siting adjacent to Green Lane Wood.

7.2.6 The character of the site itself would change as a result of the proposed development, with the existing open arable land lost and replaced by a new residential development with associated open space and infrastructure. The submitted Landscape Visual Impact Assessment (LVIA) judges the effect on the landscape character of the site to be adverse due to the loss of open land, however, this does not mean that the resultant development would be unattractive or inappropriate.

7.2.7 The LVIA concludes that the effects on the immediate surroundings of the site will be limited as a result of the careful design, and due to the existing dense vegetation which bounds the site to the north, east and west. The submitted Planning Statement sets out that transitional character areas are proposed within the development through the incorporation of areas of open space within the site between the built development and the woodland beyond, and that these areas and associated planting within them will further minimise effects on the immediate surrounding landscape. The Planning Statement notes that the clear southern edge to the development also limits the effects on the wider landscape, with the woodland physically and visually separating the development from the countryside beyond. Little Green Lane to the south also provides a further strong boundary line.

7.3 Housing Mix

7.3.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent version of the Local Housing Needs Assessment (LNHA) was

finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social / Affordable Rented Housing	20%	32%	35%	12%

7.3.2 The housing mix is not a matter being determined at outline stage.

7.4 Affordable Housing

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 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 have been requiring 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate. However, within paragraph 6 of the NPPF (2024), reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted.

7.4.4 The application proposes to deliver 50% of the dwellings as affordable units, with the remaining 50% being provided as open market dwellings. The affordable housing must be secured at the outline stage.

7.4.5 The affordable housing would comprise 300 dwellings, with 70% Social Rent, 25% First Homes and 5% Shared Ownership.

7.4.6 The application also proposes the construction of a 5-bedroom property for children's social care and supported living (Use Class C3(b)). HCC welcome and supports the inclusion of a children's home on the site, their full comments are at 9.7 below.

7.5 The Local Centre & Community Facilities

7.5.1 In addition to the residential element (up to 600 dwellings), the application proposes construction of a 5-bedroom property for children's social care and supported living (Use Class C3(b)); a one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school); a mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)); a country park, areas for play and recreation, allotments and community orchard.

7.5.2 Supporting documents submitted with the application include Education Report (EFM, December 2024); Health Impact Assessment (RPS, December 2024, 1.0); Local Centre Capacity Statement (Lambert Smith Hampton, December 2024); Planning Statement (RPS, December 2024); and Sports and Leisure Strategy (Sports Planning Consultants, December 2024).

7.5.3 As noted above, HCC welcome and supports the inclusion of a children's home on the site.

7.5.4 In relation to the primary school, HCC note that when they responded in 2018 to Three Rivers District Council Regulation 18 local plan consultation, their response set out that primary school sites may need to be identified in all settlements to meet pupil yield from new housing developments, depending on the number of sites and level of growth chosen. They acknowledge that the applicant has proposed a new 1FE (up to 2FE land) primary school on-site to accommodate the needs arising from their scheme. They therefore seek a financial contribution towards the delivery of a new 1FE (up to 2FE land) primary school in the area and/or provision serving the development.

7.5.5 The application includes provision for NHS health and social care services (Use Class E(e)). The Hertfordshire and West Essex Integrated Care Board (ICB) are supportive of the principle of the delivery of a new medical centre at this location, however, in the event that the ICB cannot support the delivery in this location (for viability, affordability and deliverability reasons), the ICB will seek a financial contribution as set out in their comments at 9.13 below.

7.5.6 The Local Centre Capacity Statement concludes that the proposed local centre seeks to meet the needs that arise from the proposed development and the wider local area. It indicates that the commercial anchor of the local centre would be a convenience store and that the Capacity Statement has addressed the appropriate scale for such a store to demonstrate that it is a viable commercial proposition, but would not compete with existing services within Croxley Green.

7.5.7 Following the receipt of additional information during the application, Sport England have raised no objection (subject to conditions S106 agreement). In relation to community sports provision Sport England request financial contributions being secured through a section 106 agreement towards off-site outdoor and indoor sports facility provision. They also request a minimum specification for the community hall building being secured through a section 106 agreement and a planning condition being imposed to address the design and implementation of the NewGen Active Track.

7.6 Impact of proposal on heritage assets

7.6.1 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".

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

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

7.6.3 Paragraph 208 of the NPPF advises that:

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

7.6.4 Paragraphs 212 and 213 of the NPPF state that:

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

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

7.6.5 Paragraph 215 of the NPPF advises that:

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

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

7.6.7 Policy DM3 of the Development Management Policies LDD (adopted July 2013) 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.

7.6.8 The application is accompanied by a Heritage Assessment (HA) which identified Durrants House (Listed Building Grade II) and Cassiobury Park (Registered Park Grade II) as heritage assets which could be affected by the proposals through change within their settings. The Council's Heritage Officer agrees with these identifications.

7.6.9 The submitted HA states that the development has been designed to minimise harm to the significance of Durrants House and Cassiobury Park through changes to their settings and taking into account retained views to and from the rear of Durrants House and the retained buffer of open space in the areas adjacent to Cassiobury Park, concludes that the scale of the effect is assessed as being less than substantial harm at the lower end of the spectrum in relation to Durrants House and at the lowest end for Cassiobury Park.

7.6.10 In relation to Durrants House, the Conservation Officer agrees that the proposal would result in less than substantial harm to the setting of Durrants House. They consider the level of harm would be low – mid level. Whilst they consider that the degree of harm could be mitigated to some extent, due to the scale of the proposal and change in land use and character they do not consider that the harm could be removed. In relation to Cassiobury

Park the Conservation Officer agrees that the proposal would result in less than substantial harm at the lowest end of the spectrum as a result of the substantial landscaped buffer.

7.6.11 Following the receipt of comments from the Conservation Officer the applicant provided a response (Pegasus Group 27/03/25 received 28/03/25). This has been reviewed by the Conservation Officer but does not alter their comments set out in full at 9.30 below.

7.6.12 As noted above, 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. 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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Archaeological Considerations

7.6.13 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment. The submitted HA considers archaeological interest.

7.6.14 The Historic Environment Advisor has reviewed the submitted details. They note that no heritage assets of archaeological interest are known from within the proposed development site, however, as noted in the HA, there is an underlying potential for prehistoric activity, which would be of regional significance. The site has not been subject to significant development or other disturbance and as a result, it is likely that if any archaeological remains are present on the remainder of the site, they are well preserved. The Historic Environment Advisor concludes that given the size and scope of the proposed development, it should be regarded as having the potential to have an impact on heritage assets of archaeological interest, and therefore they recommend archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing. They consider that appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants and have provided suggested wording.

7.7 <u>Highways & Transport Impacts</u>

7.7.1 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.

7.7.2 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.

7.7.3 The NPPF at paragraph 115 sets out that in assessing specific applications for development it should be ensured that

> *a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
> *b) safe and suitable access to the site can be achieved for all users;*

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

7.7.4 Paragraph 116 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".

7.7.5 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.

7.7.6 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

7.7.7 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. Similarly Transport for London have been consulted on the application.

7.7.8 Highway infrastructure works proposed include: Two proposed points of vehicular access to the site across Little Green Lane from Durrants Drive and Links Way; Footpath and cycleway connections throughout the scheme; and retention of the existing public right of way (017) and incorporation into the scheme.

Hertfordshire County Council – the Local Highway Authority (HCCHA)

7.7.9 HCCHA have raised an objection to the application at this stage advising that there is insufficient information supplied to enable them to reach a recommendation. The applicant's Transport Consultant has met with HCCHA to discuss their comments and a response / additional information is currently being prepared. HCCHA will be reconsulted upon receipt.

National Highways – the Highway Authority (NH)

7.7.10 NH is interested whether there would be any adverse safety implications or material increase in queues and delays on the strategic road network (SRN) as a result of the proposed development, in this case on the M25 J18 and 19, and the M1 J5.

7.7.11 NH provided an initial holding objection, requesting that further information be provided. The applicant's Transport Consultant has met with NH and NH note in their second response they have had confirmation from the applicant's consultants that their requirements for

further information can be supplied and further assessment work undertaken if necessary. NH will be reconsulted upon receipt.

Active Travel England (ATE)

7.7.12 ATE has reviewed the application against the criteria in the updated planning assessment toolkit, national planning policy, and active travel design guidance. They note that the proposals demonstrate strong potential to support active travel, with the site being sustainably located and offering opportunities to access surrounding services and amenities via active modes. However, they consider that certain aspects require further consideration and therefore ATE have requested additional information and analysis to address these matters. A response / additional information is being prepared by the applicant and ATE will be reconsulted upon receipt.

Transport for London (TfL)

7.7.13 TfL have commented that as part of the Transport Assessment (TA), the applicant should consider the potential impacts of the proposed development on TfL services and infrastructure including Croxley station. Whilst TfL welcome the fact that the applicant is willing to make an appropriate contribution to the proposed station access improvements at Croxley station, they consider that a full station capacity assessment is required to be submitted to inform this. A response / additional information is being prepared by the applicant and TfL will be reconsulted upon receipt.

7.8 Vehicle Parking

7.8.1 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.

7.8.2 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 in addition to car parking for the new school and local centre.

7.8.3 The Transport Assessment states that car parking at dwellings outside the local centre will be provided in accordance with the residential car parking standards in the current local plan.

7.8.4 The Transport Assessment suggests that 126 car parking space would be proposed at the local centre, 24 for the 62 flats and 102 for the community uses which represents a shortfall of 83 spaces against current local plan standards.

7.8.5 It is acknowledged that a package of sustainable transport initiatives is proposed, primarily focussing on encouraging alternatives to private car use to maximise the need for extensive new traffic infrastructure. It is proposed to bring a bus service into the site, available to both existing and new residents. Other proposals include consideration of inclusion of Beryl Bike scheme.

7.9 Impact on residential amenity

7.9.1 Paragraph 135 (f) 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.

7.9.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities. Design Guidelines for residential development are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.9.3 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 buffer would be maintained between the development and the closest existing properties to the opposite side of Little Green Lane, however, impact on neighbouring amenity would be fully assessed at reserved matters stage. The impact on the amenity of future occupiers would also be assessed.

7.10 Pollution – Air Quality

7.10.1 Paragraph 187 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 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.

7.10.3 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.

7.10.4 The application is accompanied by an Air Quality Assessment (BWB, December 2024, 233574-01-AQA) which has been review by the Environmental Protection Officer (EPO). They note that a construction phase dust assessment was undertaken to evaluate the potential impact of construction activities (including construction vehicles on public highways up to 250m from the site entrances) on local air quality. The assessment indicates that with the implementation of the recommended mitigation measures, the residual impacts from the construction phase will be not significant. The EPO notes that an operational phase road traffic emissions assessment was also undertaken to consider the impact of development generated road traffic at identified existing receptor locations. This concludes that the development is not predicted to result in any new exceedances of the air quality objectives and that the impacts of the development are considered to be negligible at all modelled receptor locations.

7.10.5 The EPO raises no objection subject to conditions as the impact of the proposed development on local air quality is not considered to be significant.

7.11 Pollution – Noise and Vibration

7.11.1 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

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

7.11.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) 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.

7.11.3 The application is accompanied by a Noise Impact Assessment (BWB, December 2024, 233574_002). Environmental Health (EHO) have reviewed the submitted report and consider the main impacts associated with the application to be: (1) Increased traffic flows resulting in higher noise levels. The EHO notes that this has been considered within the report and the impact on existing residents has been deemed insignificant. The EHO does not have grounds to consider this to be inaccurate; (2) Noise associated with the school; and (3) Noise associated with the community centre and café. The EHO raises no objections to the application on noise grounds subject to the inclusion of relevant planning conditions.

7.12 Pollution – Light

7.12.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) 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.

7.12.2 As the application is in Outline, full details of lighting would be required at Reserved Matters stage or via condition if appropriate.

7.13 Pollution – Land Contamination

7.13.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) 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.

7.13.2 The application is accompanied by a Phase 1 GEO-Environmental Assessment (BWB, December 2024, 233574) which has been reviewed by the Environmental Protection Officer (EPO). They note that the preliminary risk assessment undertaken has identified a number of plausible contaminant linkages that require further investigation. As such, an assessment of the potential risks associated with the site is considered necessary and the EPO therefore recommends the standard contaminated land condition be attached in the event that planning permission were to be granted.

7.14 Impact on Wildlife, Biodiversity and Agriculture

7.14.1 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.

7.14.2 Paragraph 187 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

7.14.3 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".

7.14.4 Paragraph 192 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.

7.14.5 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".

7.14.6 Policy DM6 of the Development Management Policies LDD (adopted July 2013) advises that development should result in no net loss of biodiversity value across the District as a whole.

7.14.7 The applicant has submitted an Agricultural Land Classification and Soil Resources Report (Reading Agricultural Consultants, July 2024) which concludes the land is Grade 3B land which is not considered best and most versatile land.

7.14.8 In respect of biodiversity, the submission includes Biodiversity Calculation Metric; Biodiversity Checklist; and Ecological and Biodiversity Impact Assessment (RammSanderson, December 2024, RSE_8239_R1_V4_EcIA).

7.14.9 Biodiversity Net Gain calculations detail that the development would result in a 34.41% increase in habitat units and 42.54% increase in hedgerow units. This net gain is owed to the creation of other neutral grassland, modified grassland, mixed scrub, allotments, bioswale, shrubs, vegetated gardens, and urban trees. Herts Ecology have reviewed the proposed BNG, they note that the country park proposals have not fully maximised opportunities for ecological enhancements. Whilst they do not consider this to be a constraint at this stage, they note that the BNG proposals should be revisited to maximise potential for biodiversity. Herts Ecology have advised that sufficient information has been provided 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.

7.14.10 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. Initial concerns were raised regarding nesting birds, with Herts Ecology suggesting that further surveys should be carried out prior to determination. The applicants' ecologist responded noting that as construction would not be taking place for some time, they considered that it would be premature to undertake the surveys at this time as it is vital that the red kite surveys are as current as possible to accurately inform mitigation measures. Herts Ecology have reviewed their position and have confirmed that completing pre-commencement red kite surveys will be sufficient. The results of the survey can be included in the Construction Environment Management Plan (CEMP), along with any mitigation outlined by the ecologist.

7.14.11 In relation to habitats, Herts Ecology note that no areas of ancient woodland will be lost to the development, and that no existing trees or groups of trees on site will require removal. They note that a 30m buffer has been implemented from the areas of built development to Green Lane Wood Local Wildlife Site. In relation to Whippendale Wood Special Scientific Interest (SSSI), Herts Ecology do not consider there will be any adverse impacts on this important habitat, similarly to the adjacent Dell Wood, Jacotts Hill/West Herts Golf Course, and Merlin's Wood and Newland's Spring. Herts Ecology do request appropriate condition(s) to ensure that no indirect impacts occur on the above important habitats.

7.15 Landscaping and Impact on trees including Ancient Woodland and SSSI

7.15.1 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.

7.15.2 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.

7.15.3 The NPPF sets out at paragraph 193c) 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".

7.15.4 There are Ancient Woodlands adjoining (Dell Wood and Long Newlands Spring) the site to the west and north-west and within the site (Green Lane Wood). Whippendell Wood SSSI is sited to the east and north-east, separated by Rousebarn Lane.

7.15.5 In addition to the illustrative landscape strategy, the application is accompanied by a Preliminary Arboricultural Impact Assessment (Tyler Grange, December 2024, 11702_R02_NC RevD). The site is predominantly an agricultural field bounded by hedgerows and trees that are proposed to be supplemented with new planting. Two small sections of hedge (adjacent to Little Green Lane) are proposed to be removed to facilitate access to the site, however, no trees, woodland or groups of trees require removal to facilitate the development proposals.

7.15.6 Natural England (NE) is a non-departmental public body whose statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations. NE have reviewed the application and raise no objections subject to appropriate mitigation being secured. NE considers that without appropriate mitigation the application would damage or destroy the interest features for which Whippendell Wood Site of Special Scientific Interest have been notified. In order to mitigate

these adverse effects and make the development acceptable, NE advise that the following options should be secured: Provision of 24ha green space/country park with secured management plan/maintenance for the lifetime of the development; Minimum 30m buffer zone around ancient woodland within and adjacent to the proposed development; An ancient woodland recreational management plan; Information packs for residents on sensitive use of local habitats/protected sites; and a Construction Environment Management Plan for both construction and operational measures. They consider that these mitigation measures can be secured via an appropriate planning condition or obligation attached to any planning.

7.15.7 The Woodland Trust (woodland conservation charity) have reviewed the submitted application and have raised an objection on the basis of concerns regarding the deterioration of Woodland Trust sites and ancient woodlands. They raise particular concerns in relation to two sites adjacent to the development - Dell Wood ancient woodland and Newland's Spring (part ancient woodland). The Woodland Trust object on the basis that the feasibility of mitigating deterioration of ancient woodland has not been demonstrated. They suggest that the applicant should submit additional information to demonstrate that effective mitigation could be provided. The applicant has met with the Woodland Trust and TRDC Tree and Landscape Officer to discuss the proposal and appropriate management.

7.15.8 The Forestry Commission (Governments forestry experts) have also reviewed and provided comments on the application. In relation to the Ancient Woodland Buffer they note that the Standing Advice refers to a minimum 15m buffer and that the application proposes a 30m buffer. Whilst the buffer may be sufficient to avoid direct impacts, indirect soil damage and disturbance would still be expected. They would encourage considering a mix of habitat types to create a graded edge from the existing woodland including new woodland, scrub and species rich grassland with effective management that maximises biodiversity value. They also note the inclusion of amenity public open space and footpaths within the Ancient woodland buffer, and suggest that these may be better located outside of the buffer, with the buffer itself managed as a semi natural habitat less attractive to be used as public open space. In relation to habitat fragmentation and connectivity the Forestry Commission suggest there is opportunity for increased woodland planting to improve connectivity. The planting of new trees is supported, however, the species and provenance of new trees needs to be considered to ensure resilience. Plans should also be in place to ensure long term management and maintenance. The Forestry Commission request, in the event of a grant of planning permission, that full details of any woodland protection measures, a woodland management plan, a planting plan including species selection and lighting strategy to avoid illuminating all woodlands on site and adjacent to it, be provided at the reserved matters stage.

7.15.9 TRDCs Tree and Landscape Officer has visited the site and reviewed the submitted details. They note that the outline plans indicate that there will be no direct impacts on trees and woodland on the site. With no trees needing to be felled or pruned, and no loss of irreplaceable habitats. In addition, no development is proposed to take place within the root protection areas of retained trees. Although some short sections of existing hedgerow would need to be removed. Whilst they consider there to be no direct impacts on trees and woodlands, they note the high potential for indirect impacts. They consider the increase in population would inevitably lead to additional recreational pressures on the trees and woodland, such as the compaction of soils around important trees; the trampling of ground flora in woodland areas; erosion and widening of footpaths through woodland areas; and the disturbance of wildlife, through activities such as dog walking. To prevent any long-term deterioration of these irreplaceable habitats a suitable compensation and mitigation strategy would be required. The Landscape Officer notes that the plans indicate that buffer zones between the housing areas, and the woodlands and trees, would be created, comprising of a Country Park, formal areas of green space, and allotment sites. Whilst they consider that these will provide some mitigation, over the long term, managing visitor access and

pressure to the surrounding woodland and being able to deal with antisocial behaviour issues will be key to preventing the deterioration of the trees and woodlands.

7.16 Energy Use

7.16.1 Paragraph 161 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".

7.16.2 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.

7.16.3 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.

7.16.4 The application is accompanied by an Energy Statement (Greengage, December 2024). 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.

7.17 Flood Risk and Drainage

7.17.1 Policy CP1 of the Core Strategy (adopted October 2011) 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 of the Development Management Policies LDD (adopted July 2013) 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.

7.17.2 The site is wholly within Flood Zone 1 as defined by the UK's Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance).

7.17.3 The application has been accompanied by a Flood Risk Assessment (FRA) (BWB, December 2024, 233574_FRA) and Sustainable Drainage Strategy (BWB, December 2024, 233574-SDS).

7.17.4 The submitted FRA and Sustainable Drainage Strategy have been reviewed by the Lead Local Flood Authority (LLFA). The LLFA requested additional be provided following their initial review. This has subsequently been provided and the LLFA have since advised that the submitted details are in accordance with the NPPF and local planning policy and they therefore raise no objection subject to conditions.

7.17.5 In relation to water quality, Affinity Water (AW) have advised that the proposed development site is not located within an Environment Agency defined Source Protection Zone. AW raise no objection but note that construction works should be in accordance with the relevant British Standards and Best Management Practices to minimise groundwater pollution risk. In relation to water efficiency, AW note that the site is within a water stressed area such they would expect it to include water efficient fixtures and fittings and measures such as rainwater harvesting. Whilst this level of detail would not be secured at Outline stage, it is noted that the submission (Sustainability Statement (Greengage, December 2024)) has considered water efficiency and refers to the integration of water efficient fixtures and fittings; rainwater harvesting; flow control devices; leak detection and irrigation.

7.17.6 Thames Water (TW) 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. TW have confirmed that they have identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed.

7.18 Refuse and Recycling

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

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

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

7.18.3 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.

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

7.18.5 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.

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

7.19 Infrastructure Contributions

7.19.1 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).

7.19.2 The below summarises the contributions requested at this time, however, it is important to note that the report is preliminary only at this stage and therefore the below may be subject to change once a recommendation is finalised.

7.19.3 As set out above, the applicant is providing additional information in response to initial comments from Transport for London (TfL). Whilst further information is required by TfL, they have indicated that contributions towards station access improvements at Croxley Green Station would be required to mitigate the impacts in terms of the additional demand at the station.

7.19.4 As set out above, the applicant is providing additional information in response to an initial objection from Hertfordshire County Council as Highway Authority. In the event that the objection is overcome it is anticipated that Hertfordshire County Council as Local Highway Authority will quire contributions and highways works to be secured. Further details will be provided once received.

7.19.5 Hertfordshire County Council as Education Authority note that the applicant has proposed a new 1FE (up to 2FE land) primary school on-site to accommodate the needs arising from their scheme. Therefore, the contribution sought towards the delivery of a new 1FE (up to 2FE land) primary school in the area and/or provision serving the development would be (£5,335,853 index linked to BCIS 1Q2022). They have also calculated that contributions are required towards Secondary Education (£4,534,908 index linked to BCIS 1Q2022), Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places and/or provision serving the development (£498,652 index linked to BCIS 1Q2022), and associated monitoring fee. HCC welcomes and supports the inclusion of a children's home on the site.

7.19.6 Hertfordshire County Council also seek a contribution (£35,316 index linked to BCIS 3Q2022) towards increasing capacity at Waterdale Transfer Station and/or provision serving the development, and associated monitoring fee.

7.19.7 The application includes provision for NHS health and social care services (Use Class E(e)). The Hertfordshire and West Essex Integrated Care Board (ICB) are supportive of the principle of the delivery of a new medical centre at this location, however, in the event that the ICB cannot support the delivery in this location (for viability, affordability and deliverability reasons), the ICB will seek a financial contribution as set out in their comments at 9.13 below.

7.19.8 Sport England request financial contributions towards off-site outdoor and indoor sports facility provision as set out at 9.25 below.

7.19.9 The significant Biodiversity Net Gain (BNG) would be secured via a S106 Agreement, there would also be associated monitoring fee in association with 30 year monitoring period.

7.20 Referral to Secretary of State

7.20.1 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.

7.21 Benefits of the Scheme

7.21.1 The applicant has suggested that the development complies with paragraph 155 ('grey belt') of the NPPF and is therefore not inappropriate, however, the following benefits of the scheme as put forward by the applicant within their Planning Statement are to support their case for Very Special Circumstances (in the event that LPA conclude that the development does not comply with paragraph 155 of the NPPF) and public benefits (heritage harm). These benefits as presented by the applicant are summarised below and presented for information with no weighting being given by the LPA at this time:

Social Benefits

- Provision of Housing – The Council cannot demonstrate a five-year housing land supply as required by the NPPF. The proposed development would deliver 600 dwellings of a range of unit sizes, providing an opportunity for a mix of housing types and sizes to meet different needs. The proposed quantum of development represents a deliverable and meaningful contribution towards meeting the very substantial shortfall.
- Provision of Affordable Housing – As a direct consequence of the identified significant shortfall in housing delivery there is a significant shortage of affordable housing. The proposed development would deliver up to 300 affordable homes (50% provision) which exceeds the policy requirement and constitutes a very substantial contribution to affordable housing need.
- Custom and Self Building Housing – The application proposes a 2% provision of dwellings to be built as custom and self-build dwellings.
- Supported Living for Vulnerable Children – Following pre-application discussions with the Local Education Authority the application includes a 5 bedroom property to be built for children's social care.
- A New 1FE Primary School with expansion land for 2FE – The proposed development includes provision of land for a new one form entry primary school in partnership with HCC with capacity for future expansion land if required. The education statement submitted with the application addresses how the school will be available to both new and existing children in the area.
- Provision for NHS health and social care services – The development includes dedicated space within the local centre specifically for new NHS health and social care services.
- Provision of Local Centre (Retail, Café and Community Building) – The proposed development provides floorspace for a community hub and local centre facilities to meet the needs of the existing community of Croxley Green in addition to those of future residents.
- Provision of Sports Facilities and Play – The proposed development will deliver a range of multifunctional green spaces, providing opportunities for children's play, recreation paths and biodiversity enhancement. Equipped play areas are incorporated into the scheme with other informal open spaces around the site designed to allow for informal play and exploration. A site-specific Sports Need Assessment has been prepared and supports the application.

Environmental Benefits

- Locational Sustainability – Growth at Key Centre – The Core Strategy sets out the overall spatial strategy for the district for the period up to 2026. Whilst the site is located in Sarratt Parish, it would represent an urban extension of Croxley Green which is identified as one of six 'Key Centres' within the Council's settlement hierarchy. The overall strategy for the Key Centres is delivery of 60% of the district's housing requirement. The development is located at one of the most sustainable settlements in the district. Future residents would be able and likely to walk or cycle to services in Croxley Green and access essential shops, services, secondary schools and employment. They would also have access to the public transport network
- Low Carbon Development – Through a range of measures including sustainable design and construction, the development will seek to maximise energy efficiency in order to reduce energy consumption and achieve high levels of sustainability. The proposals will include air source heat pumps to all new homes and will reduce carbon dioxide emissions by 78kg per year which demonstrates a 37% reduction, significantly exceeding the Councils target of 5%.
- Electric Vehicle Charging – The applicant is proposing to include electric charging ports as part of measures to enhance the sustainability of the proposal.
- New High Quality Public Open Space and Country Park – The proposals would retain the public right of way across the site, maintaining an east to west connection. The extent and quality of green infrastructure and publicly accessible open space proposed (approximately 60%) would be significantly in excess of the 10% policy requirement. The current site is privately owned with limited public access to restricted to one public right of way.
- Biodiversity Net Gain (BNG) – The development would result in a 34.41% increase in habitat units and 42.54% increase in hedgerow units.
- Quality of Design – The development will promote a safe, accessible, and healthy environment creating a sense of pace by complementing the local character and pattern of the surroundings. Whilst the application is in Outline, a significant package of detail is provided regarding the ultimate design and layout of the proposals via a Design Code.

Economic Benefits

- Delivery of Sustainable and Active Travel Options and a New Bus Service – A package of sustainable transport initiatives is proposed, primarily focussing on encouraging alternatives to private car use to maximise the need for extensive new traffic infrastructure. It is proposed to bring a bus service into the site, available to both existing and new residents. Other proposals include consideration of inclusion of Beryl Bike scheme.
- Job Creation – The proposed development will contribute to the provision of employment in the local area through the generation of construction jobs both on site and in the local supply chain. The construction phase will directly create around 930 FTE jobs.
- Enhanced Retail Spend – The proposed development will generate additional demand and support for the range of services within Croxley Green.
- Increased Revenues – The proposal will generate additional revenue for the local authority through Council Tax generation, forecast to be in the region of £1,207,500 in council tax revenue. The scheme will also attract the New Homes Bonus from central government.

7.21.2 The benefits set out above would need to be considered by the decision maker.

7.22 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt) and Public Benefits (Heritage)

7.22.1 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 in the Green Belt section of this report).

7.22.2 In respect of the tilted balance, the Council can only demonstrate a 1.7 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.22.3 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, SSSIs and designated heritage assets. In respect of d) ii. the NPPF sets out that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

7.22.4 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.

7.22.5 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.

7.22.6 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.

7.23 Site Visit

7.23.1 It is noted that this development is of a considerable size and scale, impacting a large area of land which is designated as Green Belt. 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 – Consultee Responses

9.1 Active Travel England: [Deferral, further information requested]

9.1.1 Initial comments 11.2.25 [Deferral, further information requested]

1.0 Background

Active Travel England (ATE) welcomes the opportunity to comment on this outline planning application. This is ATE's first involvement with the proposal site; however, it is noted that standing advice was issued in response to a pre-application engagement request, as ATE does not currently provide detailed advice at the pre-application stage.

It is understood that the site is not allocated within the current Local Plan (2011); however, it has been considered as part of evidence gathering for the preparation of a new Local Plan.

2.0 Summary

ATE has reviewed the application against the criteria in the updated planning assessment toolkit, national planning policy, and active travel design guidance.

The proposals demonstrate strong potential to support active travel, with the site being sustainably located and offering opportunities to access surrounding services and amenities via active modes. However, certain aspects require further consideration, leading to a deferral response. ATE requests additional information and analysis to address these matters, detailed below.

3.0 Areas of Concern

1. Trip Generation and Travel Plan Targets

Trip Generation:

Expected trip rates for walking, wheeling, and cycling journeys are not clearly provided in the Transport Assessment (TA) and appear to focus solely on vehicle trips. Trip rates should be provided for active modes as all-day trips rather than being restricted to peak hours. The trip generation for active modes should consider all onsite uses, not just residential elements.

Travel Plan:

The Travel Plan lacks targets for active modes and instead relies on 2011 Census Journey to Work (JTW) data to establish a baseline modal split, intending to update this with surveys post-occupation. This approach is disappointing, given the site's high potential for active travel. Reliance on outdated census data results in a less ambitious starting point. Recognising the limitations of the 2021 Census, adopting a vision-led approach and incorporating alternative data sources, such as the National Travel Survey, could help establish robust, forward-looking targets in line with the updated NPPF.

2. Active Travel Route Audit

Section 4.0 of the TA assesses the distances to local facilities and opportunities for sustainable and active travel. While it identifies several destinations accessible on foot or by cycle, it does not include maps to illustrate key routes. The assessment provides photographs and commentary on walking routes but lacks a cycling audit, unlike the walking audit.

While the walking audit identifies some areas for improvement, a more critical evaluation is required, considering:

• National Design Guide
• Inclusive Mobility Guidance
• The five core design principles of LTN 1/20, which apply to both cycling and walking routes

The Watford and Three Rivers Local Cycling and Walking Infrastructure Plan (LCWIP), attached in Appendix A of the TA, applies similar principles. It would be beneficial for the applicant to provide a comparable level of assessment with maps.

3. Accessibility

Walking and Cycling – Access to Services:

The development site is well located for accessing services, as confirmed in Table 3 – Distance to Local Facilities of the TA. However, when assessing accessibility, it is essential to evaluate the quality of routes. As noted, the route audit should be expanded to cover a broader range of facilities. While proposed commercial and educational facilities will improve accessibility, residents will likely need access beyond the site boundary.

Access to Public Transport:

Public transport journeys typically start and end with active travel. Ideally, developments should be within:

• 400m of a high-frequency bus stop
• 800m of a rail station

The TA states the nearest bus stop is 750m away at Durrants Drive/Baldwins Lane. The nearest underground station (Croxley) is 1.8km away, and the closest National Rail station is a 15-17 minute cycle ride, making it inaccessible by foot to most users.

While the site is generally well served by public transport, the distance to the nearest bus stop exceeds the recommended standard. The proposed new bus service within the site could improve access, but further details on funding, frequency, routes, and operating hours are needed.

4. Off-Site Infrastructure Improvements

Access Arrangements:

Two vehicular accesses via Links Way and Durrants Drive are proposed. While these allow logical, direct routes into the site, improvements are needed to facilitate east-west pedestrian and cycle connections along Little Green Lane in terms of materials and crossings. The Design and Access Statement (DAS) illustration (p.146) suggests this, but the detailed drawings do not reflect it.

Further Improvements:

• New Pedestrian & Cycle Links:
o A shared footway/cycleway connecting the site to Croxley Danes School and Baldwins Lane.
o Pedestrian/cycle priority at junctions along this route.

While the principle of off-carriageway walking and cycling infrastructure is welcome, ATE does not generally support shared-use paths unless they meet limited exceptions in LTN 1/20. The proposed route interacts with driveways, creating potential conflicts with both vehicles and pedestrians and ultimately amounts to conversion of a footpath. Moreover, it appears pavement parking is prevalent along this route, however no detail on how this will be manged is provided. Alternative measures should be considered, including managing pavement parking, enhancing placemaking and introducing traffic calming which reduces conflicts, to ensure this route is attractive to all users.

• Upgrades to Public Rights of Way (PRoW):
o Footpath 17 improvements towards West Hertfordshire Golf Course.
o Enhancements to PRoWs 63 and 18 to improve connectivity.
• Cycle Route Integration with LCWIP:
o Contributions to the cycleway along The Green.
o Cycle priority improvements along the A412 corridor towards Watford.

Discussions with the PRoW and Highway Authority are needed to determine appropriate contributions. It is considered that there is a significant opportunity to benefit from the proximity of the site to existing PRoW network.

5. Permeability and Placemaking

The proposals are currently in outline form, which typically limits the level of detail available for comment on permeability and placemaking. However, the submitted road layouts provide an opportunity to influence design at this stage.

Permeability

Detailed comments on internal permeability will be provided at an appropriate time. It is disappointing that the submitted Land Use Parameter Plan only reserves land for vehicular access.

The DAS includes an Indicative Pedestrian and Movement Strategy, but it is concerning that while this plan identifies several potential access/egress points for cyclists and pedestrians, it does not seek to secure them. While it is recognised that the layout is not fixed, it is crucial to guarantee a minimum number of dedicated access points for cyclists and pedestrians. Additional opportunities to secure links include:

• Southwest corner – to create a dedicated link to Little Green Junior School.
• Southeastern corner – to facilitate a link to Rousebarn Lane and onward to Croxley Danes School.
• Northeastern corner – to connect towards footpaths 017 and 031 leading to Watford.

The boundary along Little Green Lane should remain open to prevent disconnection from the built-up area to the south. Walking and cycling links into the site should be abundant to ensure the development remains integrated, especially given the number of proposed services on-site and paying regard to NPPF 96a.

Shared Use

It is understood that the Boulevard will feature a 3m-wide foot/cycleway. As previously discussed, ATE does not support shared-use facilities, particularly in residential areas where pedestrian flows are high. While it is acknowledged that vehicle traffic will generally be low-speed and low-volume, shared-use paths can lead to conflicts between cyclists and pedestrians.

Consideration should be given to:

• Providing segregated facilities on both sides of the highway; and/or
• Enhancing placemaking by reducing carriageway widths.
• Restricting on-street parking to create a safer and more accessible environment for active travel.

These measures would help prioritise safe and inclusive movement throughout the development.

6. Cycle Parking

• It is understood that cycle parking provision will comply with local standards. Thought should also be given LTN 1/20 standards. Parking should be as convenient as car parking with unobstructed access to secure facilities provided by the developer.
• The need for further cycle parking provision should be explored at Croxley Underground Station.
• The expansion of Beryl Bikes is welcomed.

4.0 Next Steps

ATE acknowledges the strong potential of this development to support active travel but requests further information and amendments to trip generation analysis, infrastructure design, permeability, and public transport integration before providing full support.

ATE requests that the Local Planning Authority share this response with the applicant's agent. Additional details and amendments in line with the above comments would be welcomed, with a view to providing further feedback and appropriate wording for conditions as required.

9.2 Affinity Water: [No objection]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

Water quality

We have reviewed the planning application documents and we can confirm that the site is **not located** within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

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.

For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), 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.

We currently offer a discount to the infrastructure charge for each new development where evidence of a water efficiency design to a standard of 110litres (or less) per person per day is expected. The discount value for the charging period 2023/24 is £258. For more information visit Water efficiency credits (affinitywater.co.uk).

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.
Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

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

9.3 British Pipeline Agency: [No comments on application]

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

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

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

9.4 Croxley Green Parish Council: [Objection]

Introduction

We object to the application for the following reasons:

The site is open farmland and part of the protected green belt currently enjoyed by thousands of residents. It can be seen from all the roads and footpaths adjoining and approaching it. The loss of amenity resulting from its removal would affect the well being of all those who currently enjoy it. It is not and does not meet the test of grey belt.

The proposed design, layout and density are out of keeping with the existing patterns in the environs. Insufficient parking is provided.

Existing services: sewerage, water supply and electricity supply are not adequate to support the proposed development.

Traffic in the area will be adversely affected by the proposed development, and a sustainable transport plan has not been demonstrated.

Green Belt, Planning & Heritage

Green Belt Protection – The land is currently protected Green Belt. It should not be developed unless there are exceptional circumstances, which have not been demonstrated. This is not "Grey Belt".

This land is not previously developed, so it falls into the category of 'other land.' It is required for the purposes of a, b and d in NPPF (page 73), therefore it is not Grey Belt.

The Croxley Green Neighbourhood Plan (CGNP, adopted 2018) identifies the extent of the Green Belt surrounding Croxley Green and its importance to residents.

For example, in CGNP at 2.1.3:
"Croxley Green is surrounded by countryside and greenery – fields, woodlands and marshy floodplain, mostly designated as Green Belt. Some of these areas lie within the parish, but most of them lie in adjoining parishes, to the south, west and north. These green areas provide a physical and visual buffer and help define the exclusive "village" feeling as well as being highly valued by the majority of residents. The main characteristic is of two storey houses set in residential roads many with glimpses of the open countryside which lies on all sides."

TRDC commissioned a strategic analysis of the Green Belt in August 2017. It concluded that the Green Belt fulfils its purpose.

A further study in 2019 ranked 152 parcels of land on a 7-point scale of very high, high, moderate-high, moderate, low-moderate, low and very low. This proposal site was ranked as moderate-high harm. Logically the sites identified as being moderate to very low harm should be brought forward first.

As a result of the recently revised NPPF, TRDC has to undertake a new Green Belt Review.

Therefore, this application is premature and a decision should be deferred until Three Rivers District Council has completed its review.

Neighbourhood plan: This application should be revised to take account of the Croxley Green Neighbourhood Plan

Heritage Statement: The development of the site will adversely affect the prospect of listed Durrants House and its iconic tower when viewed from footpath 17. A corridor between 4 storey buildings along the proposed 'Durrants View' will severely restrict the view of Durrants House. The development will not preserve the setting.

Density, Design and topography

Density of Housing: The proposed density is markedly tighter than the existing adjacent housing, Front gardens of 2m (cf 5m nearby in Croxley), back gardens of 10m (cf 20m nearby in Croxley).

Design code: This advocates three storey buildings across most of the site, with many four storey buildings. This is out of character with the adjacent housing in Croxley Green. The code shows inappropriate examples of buildings taken from central London as design examples. Four storey Georgian buildings for example.

Topography: The whole assessment of the site seems to ignore topography. Parts of the site are comparatively level, others are quite steeply sloped. The site is visible from a number of directions, the proposed built form should be 3D modelled to show the visual impact.

Well being, sports & environment

Protected species such as skylarks will be affected as noted by the applicant. The applicant also states that they have not carried out a study to find out which protected species exist across the site. Surely that must be done before an application is made.

Street trees and road noise. The proposed new cycle way along Links Way requires the inappropriate removal of many street trees. This will destroy existing residents' green amenities, which with the stated 5dB increase in road noise from traffic will reduce their quality of life.

Sports facilities: The report states that football and cricket fields in particular are under increasing strain. It also identifies significant overuse of grass pitches, with rising youth and female participation creating "urgent demand". No new pitch or court sports facilities are proposed. The expectation is that residents travel elsewhere in the area to participate in sports, creating additional car journeys.

Community Facilities: Falling school rolls and Hertfordshire County Councils five years projections suggest there is no need for a new school. The space allocated for a doctor's surgery is not large enough to take the expanded facility that is required, nor is there sufficient parking provided. There are already 8 halls available for community use in Croxley, so the need for a new one is not demonstrated. There are two local shopping centres within 15 minutes walk of the site, so the viability of two new retail units is not proved.

Infrastructure

Foul drainage: The sewerage system is at capacity and cannot take any further discharge from this proposed site. As Thames Water asserted in their consultee comment, the development should not be approved until it is confirmed that the system's capacity can be suitably enlarged.

Drainage strategy: This says that the new roads themselves will take the excess surface water, presumably becoming a river over the road. We have seen instances in nearby Millside Grange where the unadopted roads have not been built to sufficient standards and gullies are raised not allowing water to escape into them.

Net Zero: There is no overall assessment of the energy demands associated with creating the buildings on site, the embedded carbon, or the energy requirements for the life of the buildings, to demonstrate how the proposed development will comply with net zero targets.

Transport, Roads & Parking

The Transport Assessment and Travel Plan does not consider the impact of construction traffic (or of providing for workers on site) or heavy vehicle movements on local roads. Baldwins Lane is already showing signs of structural deterioration and may require extensive reconstruction if it is used as part of the site access route for construction vehicles. The transport assessment fails to take account of the development of Breakspeare School or the proposed redevelopment of Croxley House as a nursery.

The network analysis is deficient in only considering local network effects and impacts outside Croxley Green but not the impact on the main road network within Croxley Green.

The Transport Assessment contains inaccuracies and errors. The obvious ones give no confidence that the more technical parts are correct or appropriate.

We note that Highways England recommend refusal based on the information provided to date.

The Travel Plan is not sustainable. The site is a significant distance on foot from local facilities and public transport.

We note that Active Travel England can not support the proposal for these reasons.

The outline proposal is to bring a bus route to the site, but there is no evidence about the practicability in terms of diverting local services, the quality of local services, existing patronage, or the desired destinations from the new development.

Parking: The 2021 census shows that residents near the proposed site had approximately 170 vehicles (cars and vans) per 100 addresses. The local area is currently highly dependent on cars and vans for travel and transport. The proposed parking provision is inadequate. The 'centre' has too few spaces. The residential areas
have too few spaces. One only has to look at Durrants estate and Millside Grange to see that cars are parked on pavements because there is nowhere else to park.

Therefore, the sustainability aspects of the travel plan and the transport assessment lack the substance required to be credible.

Conclusion

There have been over 650 objections from the local community to this proposal. It is clear there is strong resistance on planning grounds.

The site is open farmland and part of the protected green belt currently enjoyed by thousands of residents. It is not and does not meet the test of grey belt.

Traffic in the area will be adversely affected by the proposed development, and a sustainable transport plan has not been demonstrated.

Existing services: sewerage, water supply and electricity supply are not adequate to support the proposed development.

The proposed design, layout and density are out of keeping with the existing patterns in the area. Insufficient parking is provided.

There is no need for the proposed new school, NHS facility, community hall or retail units.

We therefore confirm our objection to the application.

If the officer is minded to approve, we request 'call in.'

9.5 Forestry Commission: [No objection subject to condition(s)]

9.5.1 Initial comments 11.2.25 [No objection subject to condition(s)]

We have been notified of this application and would like to submit comments.

As the Governments forestry experts, we endeavour to provide as much relevant information to enable the project to reduce any impact on irreplaceable habitat such as Ancient semi natural Woodland as well as other woodland. We are particularly concerned

about any impact on Ancient Semi natural Woodland and will expect to see careful consideration of any impact when assessing the site.

The site is directly adjacent to Dell Wood and Long Newland's Spring Ancient Semi Natural Woodlands, with Green Lane Ancient Semi Natural Woodland within the site.

Ancient Woodland:

Ancient woodlands are an irreplaceable habitat. They have great value because they have a long history of woodland cover, being continuously wooded since at least 1600AD with many features remaining undisturbed.

Decisions should be made in line with paragraph 193 (c) of the National Planning Policy Framework (Dec 2024), which states:

"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"

As Ancient woodland, ancient trees and veteran trees are irreplaceable, you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.

We particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and "Keepers of Time" – Ancient and Native Woodland and Trees Policy in England.

The Joint NE/FC Standing Advice states that both the direct and indirect effects of development should be considered for both the construction and operational phases of the proposed development.

Not just including the potential for actual construction to impact on soils, trees and tree roots. But also the potential for effects when the residential development is in use.

Other impacts to the ancient woodland, for example reducing the resilience of the woodland and making it more vulnerable to change. Increasing the amount of dust, light, air and soil pollution and increasing disturbance to wildlife, also trampling of plants, erosion of soil and noise from additional people, traffic and domestic pets.

Ancient Woodland Buffer:

The Standing Advice also states that proposals should have a buffer zone of **at least** 15m from the boundary of ancient woodlands to avoid root damage which can result in loss or deterioration of the woodland. Where assessment shows impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that can result from a significant increase in traffic.

Whilst we note plans for a 30m buffer for the ancient woodlands, and plans for thorny shrub planting in the buffer zone, the application may still have the potential to cause deterioration to the ancient woodland. Although the buffer may be sufficient to avoid direct soil compaction during construction, indirect soil damage and disturbance would still be expected due to the extent of the proposed development. Impacts from machinery, movement of the workforce and from new residents would be expected to cause a deterioration.

We would encourage considering a mix of habitat types to create a graded edge from the existing woodland including new woodland, scrub and species rich grassland with effective management that maximises biodiversity value. We also note the inclusion of amenity public open space and footpaths within the Ancient woodland buffer, these may be better located outside of the buffer, with the buffer itself managed as a semi natural habitat less attractive to be used as public open space.

Priority Habitat:

Both Dell Wood and Green Lane Wood are also listed as mixed deciduous woodlands on the National Forest Inventory and the Priority Habitat Inventory (England).

They were recognized under the UK Biodiversity Action Plan as being the most threatened, requiring conservation action. The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.

Paragraph 187b of the NPPF states:

“Planning policies and decisions should contribute to and enhance the natural environment 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.”

Habitat Fragmentation and Connectivity:

Fragmentation is one of the greatest threats to mixed deciduous woodland and especially ancient woodland. Woodlands can suffer loss or deterioration from nearby development through damage to soils, roots and vegetation and changes to drainage and air pollution from an increase in traffic and dust, particularly during the construction phase of a development.

The proposed development will not improve habitat connectivity between Dell Wood, Long Newland’s Spring and Green Lane Wood. In fact, it could sever it completely. With Green Lane Wood becoming completely isolated in its landscape. While managed grassland and play areas are to be provided, there is a greater opportunity to provide habitat connectivity between Green Lane Wood and Dell Wood in particular.

With current plans, there would be very limited movement of species (flora and fauna) between habitat areas and therefore the species quality and diversity in the smaller, isolated woodland would likely decline and would be unlikely to improve (especially without appropriate management) and would further impact the woodland’s resilience to future threats including climate change. The measures taken by the application to offset the proposal do not appear to take account for habitat connectivity or continuity.

Whilst we understand that all trees and woodlands on site will be retained, there is an opportunity for increased woodland planting between the two woodlands to improve connectivity across the whole landscape.

Hedgerows, individual trees and woodlands within a development site should be considered in terms of their overall connectivity between woodlands affected by the development. Perhaps with the creation of some larger woodland blocks and hedgerow/hedgerow trees between the existing woodland blocks on site, to link them and ensure maximum gains to increase habitat connectivity, to make woodlands more resilient and to benefit biodiversity across the whole site

Canopy Cover and Woodland Management:

With the Government aspiration to increase tree and canopy cover to 16.5% of land area in England by 2050, The Forestry Commission is seeking to ensure that tree planting is a consideration in every development not just as compensation for loss.

The species and provenance of new trees and woodland needs to be considered to ensure a resilient treescape which can cope with the full implications of a changing climate. The biosecurity of all planting stock also needs to be considered to avoid the introduction of pests and diseases, particularly in areas near ancient woodlands.

Plans should also be in place to ensure the long term management and maintenance of new and existing woodland, including deer management and would recommend the creation of a UK Forestry Standard compliant management plan, access also needs to be considered for future management.

Active management of woodlands, especially ancient woodlands, is essential for a host of reasons but crucially to create and maintain the valuable biodiversity element of these habitats. This diversity leads to greater resilience and productivity along with environmental benefits. The diversity and benefit of woodlands will be lost over time if they are neglected. These interventions are also crucial in the face of climate change where active management is needed to help woodlands adapt.

If the Local Authority is minded to approve this application, we would recommend that full details of any woodland protection measures, a woodland management plan, a planting plan including species selection and lighting strategy to avoid illuminating all woodlands on site and adjacent to it, be provided at the reserved matters stage.

We hope these comments have been useful to you. If you require any further information, please do not hesitate to contact me.

9.5.2 Further comments 10.06.25 following notification of increased separation between SuDS and woodland:

Thank you for contacting us regarding changes to the application. While any separation between the suds and the woodland is to be welcomed, we have rather more concerns regarding the potential increase in recreational pressures on the ancient woodlands within and adjacent to the site. The minimum suggested buffer mentioned in the Natural England/Forestry Commission Standing advice is more suited to a single dwelling, rather than a large development of up to 600 dwellings. With the associated direct and indirect impacts of both development, traffic, people and domestic pets.

Larger planted buffers, better connectivity between woodlands, provision of alternative recreational space and appropriate woodland management may go some way to mitigate these effects. However an assessment of the impacts of the development on the woodland habitats as a whole should be undertaken before appropriate mitigation can be proposed.

It is however worth noting that The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: The Town and Country Planning (Consultation) (England) Direction 2024 - GOV.UK (www.gov.uk)

Strategic tree planning can also be used to assist with minimising flood risk on some sites and should also be a consideration.

9.6 HCC Footpath Section: No response received.

9.7 HCC Growth and Infrastructure Unit: [No objection, contributions requested]

Thank you for your recent consultation. I am writing regarding the additional planning obligations that are sought for this outline planning application. HCC acknowledges that the site falls within the district council's CIL charging area. However, to mitigate the impact of the proposed development of 600 dwellings on education provisions (primary education, secondary education and SEND education) and waste facilities, it is essential that appropriate mitigation measures be secured through a Section 106 legal agreement.

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1		
2	15	8
3	153	59
4+	56	8
Total	**224**	**75**

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	51	46
2	115	89
3		
4+		
Total	**166**	**135**

Trajectory						
Year	2026	2027	2028	2029	2030	2031
Units	50	100	150	150	150	

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

Children's Homes

HCC welcomes and supports the inclusion of a children's home on the site. We look forward to engaging with the applicant regarding the appropriate location and design as plans progress. Additionally, we anticipate starting discussions related to the potential operation of the home and any necessary land or building transfers, as deemed appropriate.

Primary Education Contribution

In 2018, HCC responded to Three Rivers District Council Regulation 18 local plan consultation. In paragraph 17.4, our response set out that primary school sites may need to be identified in all settlements to meet pupil yield from new housing developments, depending on the number of sites and level of growth chosen. We acknowledge that the applicant has proposed a new 1FE (up to 2FE land) primary school on-site to accommodate the needs arising from their scheme. Therefore, the contribution sought towards the delivery of a new 1FE (up to 2FE land) primary school in the area and/or provision serving the development would be (£5,335,853 index linked to BCIS 1Q2022).

Secondary Education Contribution towards the expansion of a Secondary School in the area and/or provision serving the development (£4,534,908 index linked to BCIS 1Q2022).

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£498,652 index linked to BCIS 1Q2022).

Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development (£35,316 index linked to BCIS 3Q2022).

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.

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 ONLY: 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.

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:
HCC Guide to Developer Infastructure Contributions
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, 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. Should you require any further information please contact the Growth & Infrastructure Unit.

9.8 HCC Healthy Places: No response received.

9.9 HCC Lead Local Flood Authority: [No objection subject to conditions]

9.9.1 Initial comments 7.2.25 [Objection]

Thank you for your consultation on the above site, received on 21 January 2025. We have reviewed the application as submitted and wish to make the following comments.

This is an Outline Application for up to 600 residential dwellings, a social care / assisted living facility and a medical centre.

We are concerned that calculations have not been provided for all rainfall return periods up to and including the 1% AEP plus appropriate climate change allowance event. This should include the correct parameters (FEH2013 / FEH22, CV value of 1, 10% urban creep and correct climate change allowance on the 3.33% AEP and 1% AEP events). Additionally, we are concerned that the level of detail on the masterplan drawing is not sufficient. Currently, the swales do not appear to connect into the drainage system and there is no outfall (infiltration rate) for the basin.

We **object** to this planning application in the absence of an acceptable Drainage Strategy relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or local policies.
    - Three Rivers SFRA Level 2

Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

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

9.9.2 Further comments 15.5.25 [No objection subject to conditions]

Thank you for your consultation on the above site, received on 06 May 2025. We have reviewed the application as submitted and wish to make the following comments.

This is an Outline Application for up to 600 residential dwellings, a social care / assisted living facility and a medical centre.

We have reviewed the updated documentation as submitted (Response to the LLFA – prepared by BWB, 08 April 2025, REF 233574-BWB-ZZ-XX-T-W-0005_LLFA) and have the following comments to make.

The applicant has provided a Flood Risk Addendum and additional information, as listed in the Annex). These are to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy Three Rivers SFRA Level 2.

We have **no objection subject to conditions being attached to any consent** if this application is approved. We suggest the following wording.

Condition 1:

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA (Flood Risk Assessment, prepared by BWB, 17 December 2024, REF 233574-BWB-ZZ-XX-T-W-0002_FRA REV P04) and Drainage Strategy (Sustainable Drainage Statement, prepared by BWB, 11 December 2024, REF 233574-BWB-ZZ -XX-T-W-0001_ SDS REV P01), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

i. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s.

or

i. If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

ii. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

iii. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

iv. The design of the infiltration basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

v. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

vi. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Condition 2:

Prior to or in conjunction with the submission of each Reserved Matters application a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers District Council.

Condition 3:

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

Condition 4:

Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority.

The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three Rivers District Council.

9.10 HCC Waste and Minerals Team: [No objection subject to condition(s)]

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' 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. British Geological Survey (BGS) data also identifies potential superficial sand/gravel deposits in the west of the application site.

The Minerals Planning Authority identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks, as Mineral Consultation Areas.

Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources.

In accordance with paragraph 225 of the NPPF (Dec 2024) development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

After reviewing the application, the Minerals Planning Authority does not consider that the proposal would have the potential to unacceptably sterilise mineral resources. It is not

necessary to investigate the potential for the prior extraction of mineral resources at this site.

Whilst prior extraction is not necessary, there may still be opportunities to utilise sand and gravel resources that are found during site preparation works, should any deposits be uncovered that are of a suitable quality.

Opportunistic extraction refers to cases where preparation of a site for built development, such as excavating the foundations and footings or landscaping works, may result in suitable material being uncovered that could be extracted and processed for use on site as part of the development.

The Minerals Planning Authority would like to encourage the opportunistic extraction and subsequent use of sand and gravel deposits within developments wherever possible. Opportunistic use of minerals will reduce the need to import sand and gravel to the site and make sustainable use of these valuable resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

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

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

Section 7.35 of Planning Statement makes reference to the Waste Core Strategy and Development Management Policies DPD (2012). The policies in the adopted 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). Section D of the 'Three Rivers District Council Adopted Screening Opinion' for 24/1220/EIA included within the Planning Statement makes reference to the production of a SWMP as part of the planning application, which the county council encourages.

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

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

As a SWMP has not been 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 the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste 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).

9.11 HCC Water Officer: No response received.

9.12 Hertfordshire Archaeology: [No objection subject to conditions]

No heritage assets of archaeological interest are known from within the proposed development site. However, as noted in the Heritage Assessment report submitted with the planning application, there is an underlying potential for prehistoric activity, which would be of regional significance. The site has not been subject to significant development or other disturbance, and according to the same Heritage Assessment, cartographic evidence shows the development site has remained largely untouched since at least 1766. As a result, it is likely that if any archaeological remains are present on the remainder of the site, they are well preserved.

A Geophysical Survey carried out in September of 2024 revealed a number of anomalies within the site. Although none of these anomalies could be confidently identified as archaeological in origin, there were anomalies where archaeological origin could not be ruled out either. In particular, a group of anomalies were identified in Area 2, which form rectangular patters that may relate to buildings or other structures. Given that maps from the post-medieval period show no indication of buildings within the site, these anomalies could potentially date to the a much earlier period, if found to be archaeological in nature.

Therefore, I believe that given the size and scope of the proposed development, it should be regarded as having the potential to have an impact on heritage assets of archaeological interest, and I recommend that the following provisions be made, should you be minded to grant consent:

1. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;
2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
    a. the preservation of any remains *in situ*, if warranted,
    b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
    c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
    d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
4. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 218, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence *until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

1. *The programme and methodology of site investigation and recording*
2. *The programme and methodology of site investigation and recording as required by the evaluation*
3. *The programme for post investigation assessment*
4. *Provision to be made for analysis of the site investigation and recording*
5. *Provision to be made for publication and dissemination of the analysis and records of the site investigation*
6. *Provision to be made for archive deposition of the analysis and records of the site investigation*
7. *Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition* ***(A)***

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (**A**) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

I hope that you will be able to accommodate the above recommendations.

9.13 Hertfordshire and West Essex ICB: [No objection, on site provision or contributions requested]

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 TRDC 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 c1.5m. 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, 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.

Primary Care Networks (PCNs)

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 practices to provide sufficient space to increase resources and clinical services to keep patient lists open.

Assessment of impact on existing Healthcare Provision

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision in and around the vicinity of Croxley Green. This scheme is expected to deliver 600 homes, which based on an average occupancy of 2.4 will create circa 1,440 new patients.

These new residents will impact on Grand Union PCN, which is formed of 2 GP practices and has a combined patient list of 26,388 as of 1 January 2025.

In terms of premises need and priority, Grand Union PCN is ranked 4th out of 35 PCNs in the HWE ICB. To illustrate their current capacity, individually as well as collectively - on PCN as well as settlement level please see the table below:

				Settlement level			PCN level		
Surgery Name	Settlement/ Area	PCN	Number of patients capacity/ constraint relative to 18 per m2	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
Bridgewater House Surgeries (Meriden	North Watford/ Garston	Bridgewater	-825	-9,836	-546	£3,825,224			
Bridgewater House Surgeries (North		Bridgewater	-1,315						
Garston Medical Centre		Grand Union	-7,697						
Baldwins Lane Surgery	Croxley	Grand Union	-152	-3,711	-206	£1,443,034	-11,407	-634	£4,436,118
New Road Surgery		Grand Union	-3,113						
Church Lane Surgery		Grand Union	-446						
Bridgewater House Surgeries	West Watford	Bridgewater	594	-1,378	-77	£0			
Holywell Surgery		Attenborough	-1,972						

*For the purposes of capacity assessment, we have adopted an alternative calculation to the NHS England "Principles of Best Practice" (referred to below) based on 18 patients per m2, which has regard to national GMS space guidelines but also considers opportunities for economies of scale.

This table demonstrates that both practices – New Road Surgery, including its branch surgeries and Garston Medical Centre - are already constrained and their ability to accept additional patients is limited. The closest practice to the proposed development is New Road Surgery and its branch on Baldwins Lane. Both surgeries are operating out of converted residential buildings which do not meet the needs of the modern General Practice or NHS building guidelines.

In reviewing the PCN data and as explained above, New Road Surgery and its branches will be unable to accommodate the additional patient numbers arising from this development, and indeed potential future housing growth in and around the vicinity of Croxley Green. In reviewing all options, the HWE ICB has concluded that new health infrastructure in the form of on-site provision for a new medical facility will be needed to accommodate additional patient numbers arising from this development.

In the light of the HWE ICB's response to this outline planning application, it would be sensible for the HWE ICB to meet with the Council and the applicant to discuss in more detail the NHS' site and primary and community healthcare requirements, and the draft Heads of Terms.

NHS GP premises and 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 2024, 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 2024.
- 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 the NHS receives 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, the NHS will be liable for these costs indefinitely.

Please note, all NHS health infrastructure improvement projects are subject to the HWE ICB's own governance and scrutiny processes and are assessed against viability, affordability, deliverability and the ability to be future proofed for any future housing growth, given that new medical facilities present a significant cost pressure to the NHS.

Therefore, in terms of the HWE ICB's formal commitment to the proposal for a new on-site medical facility at **Land north of Little Green Lane, Croxley Green**, at this stage the following points must be considered:

- All projects are subject to Full Business Case approval by the ICB and NHS England.
- A commercial arrangement has to be agreed between the landowner, developer and end user based on a compliant design specification and demonstrate value for money.
- A project identified and costed in response to the planning application may not meet the objectives of NHS current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

In the event the HWE ICB cannot support the delivery of a new medical centre at this location for viability, affordability and deliverability reasons, the HWE ICB will seek a financial contribution as calculated below.

Cost calculation of additional primary care healthcare services arising from the development proposal

The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in Croxley Green and its vicinity, or other development proposals in the area.

The proposed development would deliver 600 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa **1,440 new patient registrations.**

1,440 new patient registrations/2000 = 0.72 of a GP
*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"
0.72 x 199 m2 = 143.28 m2 of additional space required

143.28 m2 x £7,000* per m2 = £1,002,960 (*Build cost; includes fit out and fees)
£1,002,960 / 600 = £1,671.60 per dwelling (rounded up to £1,672 per dwelling)

Total GMS contribution requested: 600 dwellings x £1,672 per dwelling = £1,003,200 (indexed from the date of the planning permission)

If planning permission is granted, and in the event the HWE ICB cannot support the delivery of a new medical centre at this location for viability, affordability and deliverability reasons, the HWE ICB propose to focus Section 106 monies on the relocation of New Road Surgery which explores options for a new medical facility within the locality to accommodate additional patient numbers arising from this development and future housing growth in and around Croxley Green.

It is also vital to consider the impact of new development, and the additional residents on community and mental healthcare, as occupiers of the development will also access a variety of healthcare. Based on recent cost impact forecasting calculations, the cost impact on community and mental healthcare is as follows:

Mental Health costs:
600 dwellings x £338.92 per dwelling = £203,352

Community Healthcare costs:
600 dwellings x £352.68 per dwelling = £211,608

Section 106 contributions towards these services support for the Croxley Green area will be focused on the proposed integrated Health Hub at Watford Town Hall Quarter, which is planned to include reprovision of the Avenue Clinic (current building is to be demolished). Contributions would be allocated to the Community Services provider Hertfordshire Community NHS Trust and the Mental Health Services provider Hertfordshire Partnership NHS Foundation Trust.

The HWE ICB therefore requests that these sums are secured through a planning obligation attached to any grant of planning permission.

A trigger point of payment on occupancy of the 1st Dwelling is requested for GMS and community and mental healthcare planning obligations. Please note, the developer contribution figure(s) referred to in this response are a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.
Subject to securing the healthcare infrastructure and/or the developer contributions, as set out above, to mitigate the health service impacts arising from this development, the HWE ICB does not raise an objection to the proposed development.

The HWE ICB looks forward to working with the Council and the applicant to address the matters raised in this consultation response and would appreciate acknowledgement of receipt of this letter.

9.14 Hertfordshire Constabulary: No response received.

9.15 Hertfordshire Ecology: [No objection subject to conditions]

9.15.1 Initial comments 10.2.25 [Further information prior to determination]

Overall Recommendation:

☒ Further information/amendments required prior to determination.

Summary of Advice:

- Further information required in relation to Schedule 1 birds – Red kite breeding surveys should be undertaken.
- Condition 1 – CEMP.
- Condition 2 – Pre-commencement badger survey.
- Condition 3 – Lighting Design Strategy for bats.
- Condition 4 – Biodiversity Enhancement Plan.
- Condition 5 – Mitigation and Monitoring Plan for Green Lane Wood LWS (irreplaceable habitat).
- BNG sufficient for determination – Significant BNG requiring HMMP Condition (Condition 6).

Supporting documents:

- Ecological Impact Assessment and Biodiversity Impact Assessment (RammSanderson, December 2024).
- Biodiversity Metric.

Comments:

The site is situated in an area of high ecological importance, with multiple Local Wildlife Sites (LWS) adjacent to the site boundaries including Jacotts Hill/West Herts Golf Course, Dell Wood, and Merlin's Wood and Newland's Spring. Whippendell Wood SSSI is also adjacent at the northern boundary. The site itself is dominated by cropland, however an area of ancient woodland is present at the east of the site, which is classified as an irreplaceable habitat. This area of onsite ancient woodland is designated as Green Lane Wood LWS. Other habitats onsite comprise rural trees, native hedgerows with trees, and native hedgerow.

An Ecological Impact Assessment and Biodiversity Impact Assessment document has been submitted (RammSanderson, December 2024) whereby the site was assessed for its potential to host protected/notable species. We have no fundamental objections to the proposals, however the below regarding nesting birds will need addressing prior to determination.

Protected species:

Bats: Walked Bat Transect Surveys and Static Bat Detector Surveys were undertaken across the site between May and September 2024. The site was confirmed to be utilised by nine species of bat – common pipistrelle, soprano pipistrelle, Nathusis pipistrelle, noctule, Leisler's, serotine, Natterer's, brown long-eared, and barbastelle. However, most of the bat activity was owed to common and soprano pipistrelles, and noctules. The bat activity on site was assessed to be of nature conservation importance at the local level.

A Ground Level Tree Assessment (GLTA) for bats was undertaken, with results indicating that eight trees onsite either had potential for individual roosting bats, or multiple roosting bats. It should be noted that the trees within the ancient woodland will also have value for roosting bats, however given the proximity of the woodland to the proposed houses, I do not consider further assessment for these trees is required.

The eight trees with potential for roosting bats are situated in close proximity to the built development, with what looks to be driveways adjacent to the one of the trees identified to have roosting features. No lighting proposals have been included as part of the application.

GCN and reptiles: The site was deemed unsuitable for great crested newts given the lack of ponds in vicinity, and the lack of terrestrial habitat onsite, which I do not dispute. Most of

the site was deemed to be of sub-optimal for reptiles, however the boundary features could provide opportunities for a small number of reptiles. Further surveys were not deemed proportionate.

Badgers: Two single-hole outlier sets were found within the site boundary, along with other signs of badgers such as footprints, latrines, and snuffle holes. A live badger was also identified during the survey. The ecologist has noted that further sett excavation can occur prior to construction, therefore a pre-commencement badger survey is required.

Birds: A total of 22 bird species were recorded within the site, four of which are red listed (greenfinch, mistle thrush, common swift, and skylark). A large portion of birds were assessed to be "possibly breeding", and this includes red kite which is listed as a schedule 1 species. Schedule 1 birds are afforded additional protection during the nesting period whereby it is an offence to disturb them or their young while they're nesting, building a nest, in or near a nest that contains their young.

The ecologist has recommended that nesting bird surveys specifically for red kites should be carried out. If breeding is therefore confirmed onsite, further mitigation should be implemented which is listed in s4.10.2 of the ecology report. Given the size of the development and significant disturbance it would cause, **I advise that the nesting bird surveys for red kites should be carried out prior to determination.** The results should then be included in a report, with any appropriate mitigation measures included in the below CEMP to ensure no schedule 1 species are disturbed during the works.

Habitats:

No areas of ancient woodland will be lost to the development, and no existing trees or groups of trees on site will require removal. The EcIA has noted that a 30m buffer has been implemented from the areas of built development to Green Lane Wood LWS.

Given the proximity of the built development to the Whippendale Wood SSSI, I do not consider there will be any adverse impacts on this important habitat, similarly to the adjacent Dell Wood, Jacotts Hill/West Herts Golf Course, and Merlin's Wood and Newland's Spring. However, the below Condition will ensure that no indirect impacts occur on the above important habitats.

Biodiversity Net Gain: The baseline habitat units stand at 82.25BU. Given the presence of an irreplaceable habitat onsite, the woodland does not count towards the baseline. No bespoke compensation is required since this woodland is to be retained. The total net unit change for habitats is 28.30BU which equates to a biodiversity net gain of 34.41%. This net gain is owed to the creation of other neutral grassland, modified grassland, mixed scrub, allotments, bioswale, shrubs, vegetated gardens, and urban trees. The landscape plan shows that an orchard will be created, albeit the size of this orchard will be very small. This has not been included in the metric calculation for habitat creation, however since BNG is a pre-commencement matter, this is not a constraint at this stage.

The country park proposals have not fully maximised opportunities for ecological enhancements. All the area north of the bridleway, which itself should be bordered by a hedge on at least its north side, should be a priority for biodiversity and be managed as such. Currently this does not seem to be proposed, although access here is proposed to be limited which is welcome. This area could support areas of wood pasture/parkland creation with some scattered trees. This would provide a better-quality buffer zone of the landscape between the development and the important habitats adjacent to the site. Again, this is not a constraint at this stage, however the BNG proposals should ideally be revisited to maximise potential for biodiversity.

The baseline hedgerow units stand at 14.62BU. The total net change for this group is 4.36BU, which equates to a biodiversity net gain of 42.54%. Some hedgerows will be retained, and further native hedgerows will be created.

I consider the proposed BNG is sufficient to advise determination of the application. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition.

The claims for BNG for this site would be considered as 'significant' net gain. This is because of the creation of medium distinctiveness habitats. In this instance the LPA are advised to secure this significant net gain for the respective habitat units via legal agreement whether through an S106 agreement or conservation covenant.

Conditions

Condition 1: Given the presence of multiple wildlife sites both within the redline boundary, and adjacent, **I advise that a Construction Environmental Management Plan (CEMP) should be submitted as a Condition of approval.**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- *Risk assessment of potentially damaging construction activities.*
- *Buffer zones to be implemented to protect onsite and adjacent habitats.*
- *All mitigation recommended in the ecology report (RammSanderson, December 2024) for local wildlife sites and habitats (Section 4 to 4.6 in the report).*
- *Identification of "biodiversity protection zones".*
- *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- *The location and timing of sensitive works to avoid harm to biodiversity features.*
- *The times during construction when specialist ecologists need to be present on site to oversee works.*
- *Responsible persons and lines of communication.*
- *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- *Use of protective fences, exclusion barriers and warning signs.*

The CEMP shall also include the mitigation in the ecology report for the protected species listed below:

- *Reptiles (s4.7 of the report).*
- *Bats (s4.8 of the report).*
- *Nesting birds (subsequent to mitigation informed by the red kite breeding surveys).*
- *Badgers (s4.11; iv precautionary work measures).*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Condition 2: Given the known presence of badgers onsite, **a pre-commencement badger survey should be submitted as a Condition of approval.**

A pre-commencement survey for badgers shall be undertaken prior to the commencement of the development. This survey shall determine whether the current outlier setts are still

active and thus require closure, or if any additional setts have been excavated. The results of this badger survey should be submitted to the LPA for approval.

Condition 3: Given the presence of bats making use of the site for foraging and commuting, **I advise that a Lighting Design Strategy for bats should be submitted as a Condition of approval.**

Prior to occupation, a lighting design strategy for bats shall be submitted to and approved in writing by the LPA. This should accurately identify the features/areas of interest, describe levels of illumination prior to, during, and post-development, and should be shown in suitable contour plans and charts so that it can be clearly demonstrated that that lit areas will not compromise existing use.

Proposed lighting should accord with best practice (Bats and artificial lighting in the UK, (BCT & ILP) and maintained accordingly. No further external lighting should be added unless agreed with the LPA. These proposals should also be accompanied by a statement by an ecologist on how it achieves these goals.

Condition 4: Biodiversity enhancements have been recommended in the ecology report (s4.13). **I advise that these should be incorporated into the development plan and outlined in a Biodiversity Enhancement Plan, secured by Condition.**

A Biodiversity Enhancement Plan shall be submitted to the LPA as a Condition of approval. The Biodiversity Enhancement Plan shall include the following:

- *Installation of one integrated swift brick per dwelling (north facing).*
- *Installation of one integrated bat box per dwelling (south facing).*
- *Bat and bird boxes on retained trees.*
- *Hedgehog highways – one hedgehog hole per garden fence.*

Condition 5: Taking into account the presence of an irreplaceable habitat onsite (Green Lane Wood LWS), I advise that mitigation should be in place to ensure the habitat is maintained in its current condition and to allow for further measures if impacts are shown to be having a negative effect. Since this habitat is being retained and not enhanced, it is not included in the biodiversity metric calculations, therefore monitoring outside of the BNG process should be in place.

To prevent a reduction in the existing condition of Green Lane Wood LWS, a mitigation and monitoring plan shall be submitted as a Condition of approval. This plan shall outline mitigation measures, monitoring methodology and time frame and the bodies responsibilities for its implementation and any remedial action required.

Condition 6: Given that BNG for this site is significant, if the LPA were minded granting permission, a Habitat Management and Monitoring Plan (HMMP) should be added as a Condition of approval.

This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

9.15.2 Officer comment: Further comments were received from the applicants' ecologist in relation to red kite surveys. In summary, as construction would not be taking place for some time, they considered that it would be premature to undertake the surveys at this time as it is vital that the red kite surveys are as current as possible to accurately inform mitigation measures.

Therefore they suggested the detail of the pre-commencement survey requirements and associated mitigation measures should be secured by planning condition.

9.15.3 Further comments 27.2.25 [No objection subject to conditions]

As per the recommendation from the ecologist, I can confirm that completing pre-commencement red kite surveys will be sufficient. The results of the survey can be included in the already conditioned CEMP, along with any mitigation outlined by the ecologist.

9.16 Hertfordshire Highways: [Objection – insufficient information]

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for the free and safe flow of public highway users.

Access Comments

Durrants Drive - Little Green Lane junction there is clear evidence of vehicles over-running the grass verge, the proposed design will need to consider this issue in terms of the geometrical design and construction i.e the footway / cycleway will need to have suitable loading capacity for HGV's. Section of Durrants Drive from Dover Way to Little Green Lane more heavily parked due to housing layout and several properties not having driveway provision. This creates a situation with vehicles parking on the footways, traffic movement through this section will be problematic with development traffic creating congestion.

The proposed footpath / cycleway along Canterbury Way as it passes over Little Green Lane will require further design consideration, currently the proposal shows the route crossing the existing road we are assuming that the levels are the same as the existing footway so a raised table would be required at this junction.

Dover Way between the junction of Canterbury Way and Links Way narrower than both Durrants Drive and Links Way noticeable parking occurring on footways. If the road is narrowed to introduce a pedestrian / cycle link this issue will need to be considered. Also, at the junction of Canterbury Way / Dover Way the northern kerbline on the western side of the junction would also need to be realigned with some hatching provided otherwise vehicles travelling in an eastbound direction will be swerving by the junction as they try to avoid the footpath/cycleway build out.

We require a Stage 1 Safety Audit for the access options.

Cycle Route Comments

The proposed shared footway/cycleway will be located along the northeastern side of Canterbury Way, the existing width is approximately 3.0m wide some minor widening works may be required subject to detailed design. This section has the lighting columns set at the back of the footway which assists in providing a continuous width for pedestrians and cyclists, there are two highway trees near to the junction with Dover Way that will need to be removed. The route then joins onto Dover Way this section of the route will be located on northern side, the route will require the widening to provide a shared footway/cycleway. The lighting columns set at the back of the footway however three trees are located in the

footway these will need to be removed. Cyclists will then cross Dover Way near to the junction with Links Way using the proposed raised table and the head along Links Way. This section of the route will be located on the western side of the road, the route will require the widening to provide a shared footway/cycleway. There are telegraph poles and lighting columns located at the front of the existing footway that will obstruct the proposed route once the widening occurs. This infrastructure should be relocated to the back of the footway. Two trees are located along the route these will need to be removed.

We require a Stage 1 Safety Audit for the cycle out options.

TA – General Comments

Traffic Data
Paragraph – 3.14 land 3.15 lists the location of the classified turning counts and 3.16 states that these along with the queuing data are included in Appendix B. Some of the counts are missing and there is no queuing data included for any of the junctions listed. Also, the baseline flows listed as Figures 3.1 to 3.4 in paragraph 3.9 have also not been included. Without this information we are unable to review any of the modelling outputs or check the flow diagrams for baseline and future year scenarios.

Accident Data
Paragraph 3.20 refers to the review of Personal Injury Accidents along the site frontage and in the vicinity of the site with locations identified in Appendix D. It appears that several locations identified on the image in Appendix D have not been referred to in Table 1. An example is along Rousebarn Lane and the link to north of Croxley Danes School where it appears that three slight accidents and one severe accident has occurred. Also, the image shows a fatal accident along Sarrat Road, please explain why these locations have not been include and if other locations have been discounted, please provide a list and an explanation of why. The route along Rousebarn Lane could be well used by both pedestrians and cyclists so we wish to see this area included.

Accessibility by Foot / Waking Audits
This proposed development needs to promote as many options as possible in term of providing alternative modes of travel beyond site boundary. The new proposed pedestrian / cycle links to the south of the site provides one set measures. However, as part of this application other routes to the east need further consideration.

indicative active travel image as set out on page 147 of the Design Access Statement Design Code shows internal footpath/cycleways connecting onto footpath Sarratt 017 which connects onto Watford Borough 031 this provides a route through Cassiobury Park to Watford Railway Station this route is approximately 2.8km. It has not been included in the Walking Audit but provides another opportunity of promoting connectivity to the site.

This proposed development needs to promote as many options as possible in term of providing alternative modes of travel to residents and as such we would be seeking improvements to these routes. The Transport Consultant should firstly audit the route via Sarratt 017 / Watford Borough 031 via Cassiobury Park and identify where improvements could be made and costing provided.

With regards to the alternative route to Watford Station via Rousebarn Lane this route is shortest route to the railway station, there are opportunities to improve this route. The Transport Consultant should provide a series of measures to enhance this route for both walking and cycling and provide costings.

Accessibility by Bus
Paragraph 4.50 of the Transport Assessment indicates that to enhance the appeal of using public transport from the proposed development, it is proposed to bring a service into the

site to serve Watford and important transport hubs along with major destinations between the site and Watford.

We have noted that there is no information regarding the anticipated service provision, or which existing route will be diverted into the site. Or is the bus route a new service that will serve the destinations described above? Will any additional stops be provided along Durrants Drive to serve this existing residential catchment for this service?

Secondly there is no evidence that any dialogue has taken place with bus operators. The introduction of a bus service into the site, is one of many measures to assist in promoting sustainable travel options for residents, as it is imperative that a bus service is provided and therefore, we will require further evidence that this is supported by the bus operators along with costings for the service. So this can be incorporated into the Section 106 agreement.

Paragraph 4.77 states that bus stops and shelters will be on site along with real time bus information.

Chapter 5 set out details of the development proposals with reference to the site access strategy paragraph 5.4 indicates that existing width of Durrant Drive will be maintained, with buses entering the site from Durrants Drive completing a loop around the primary street network and exiting the site along Durrants Drive. Durrants Drive will have priority over Little Green Lane for motor vehicles, cycles and pedestrians.

Accessibility by Rail

It is noted that as part of this proposed development it will provide a suitable contribution towards the implementation of step-free access at Croxley Underground station. This will need to be finalised so it can be secured via S106 contribution if the application is considered for approval at a later date.

Car Parking

Paragraph 5.10 states that “Sufficient car parking for the site will be provided in accordance with Three Rivers and Hertfordshire County Councils Parking standards to provide on plot parking spaces and secure cycle storage for residents of the development site, and to provide suitable levels of parking for staff at the school and at the local centre”. Firstly, Hertfordshire County Council do not have any parking policy this is set by the LPA.

Paragraph 5.14 and 5.15 sets out reduced levels of parking for the local centre. The proposed level of parking is 126 spaces, with the emerging LP requirement listed as requiring 166 spaces, thus a 40-space shortfall is being delivered. Paragraph 5.17 states the following “*The main purpose of the provision of the local centre on the proposal site is to serve the needs of the development. Any such trips to the local centre from the development will predominantly be undertaken by walk or cycle and, therefore, typical parking standards will not apply*”. However, a significant proportion of the shortfall relates to the residential element of the scheme, people living in this location are not travelling in from the wider development, so this rational would apply to this land use. If the local centre is going to viewed as having reduced parking provision, then some form of parking controls will be required so parking is not abused by residents, and it is available to all visitors to the local centre.

It is unclear how the figure of 187 spaces quoted in paragraph 5.22 has been derived and what relevance it has to the parking provision quoted in paragraph 5.14 and 5.15.

Paragraph 5.23 states that “*community parking in Durrants Square (42 spaces) and close to the school (16 spaces), will not be assigned to any particular use. This proposal offers the ability of uses to efficiently share parking and therefore minimise the amount of space taken up by parking in the development*”. Refer to point above regarding the residential element of the scheme and the risk of overspill parking from this land use into this area.

Traffic Generations

We have reviewed the trip rates, and we have some concerns with the affordable housing trip rate that has been used. We appreciate that TRICS has limited sites available but after further reviewing the selected site it has come to our attention that site EX-03-B-01 has low levels of parking when compared to the other selected sites which is lowering the trips rates

This site should be deselected, and the trip rate calculations and all the supporting information should be updated to reflect the revised flows.

Traffic Impact and Assessment

The following points have been previously mentioned we have repeated them again under this section as they are fundamental to the review of the traffic impacts.

Figures 3.1 and 3.2 are missing so we unable to review the baseline flows and compare the information to the surveyed data. These figures should also include the PCU conversion factors so we can undertake checks. Subsequently we cannot confirm the future year flows as these use the baseline data as part of calculation process. This issue will also affect our ability to check the traffic matrices in the modelling outputs.

Appendix B includes junction location imagery and the manual classified turning counts, we have noted that some of counts are missing these should be provided.

Queue length survey information has not been included, this is referenced in the TA as some of junction modelling has been calibrated, please provide this information. Queue length surveys should have undertaken for several days to provide an accurate representation of current levels of queuing.

Junction Modelling

Appendix H - Site Access Junction – Little Green Lane (NE)/ Durrants Drive/ Little Green Lane (SW)

• Minor Arm visibilities have been set to 0m for two of the inputs we would expect any proposed access to provide adequate visibility provision to meet safety audit requirements, as two of the visibility inputs relate to visibility splays passing into the site from the minor arms this can be improved.
• Major Arm carriageway width is incorrectly inputted refer to the proposed junction design that has been submitted as part of this application.
• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Appendix I - Little Green Lane (NE) / Links Way / Little Green Lane (SW)

The submitted outputs relate to the junction of Baldwins Lane / Links Way these have been submitted in the wrong appendices.
• The major arm carriageway width has been incorrectly inputted.
• The minor arm has no flare, and the splitter island reduces the minor arm widths.
• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.
• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs.
• The interaction of the Winton Drive junction which located 30m east of Links Way has the potential to create additional delays along Baldwin Lane, the road markings along the major arm have been modified so that the Winton Drive has a longer right turn storage capacity at the junction. The assessment should model the junctions as a staggered crossroad and the pedestrian crossing by the school should be included in the assessment, as this will create delays along major road especially in the AM Peak. New traffic survey and pedestrian counts will be required for this updated analysis. to address this point.

Appendix J - Baldwins Lane (W) / Links Way / Baldwins Lane (E)

The submitted outputs relate to the junction of Little Green Lane (NE) / Links Way / Little Green Lane (SW) these have been submitted in the wrong appendices. The following comments relate to the outputs within Appendix J for the junction of Little Green Lane (NE) / Links Way / Little Green Lane (SW)

• Minor Arm visibilities have been set to 0m for three of the inputs we would expect any proposed access to provide adequate visibility provision to meet safety audit requirements, as two of the visibility inputs relate to visibility splays passing into the site from the minor arms this can be improved.

• Major Arm carriageway width incorrectly inputted.

• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Appendix K – A412 Watford Road (W) / New Road / A412 Watford Road (E)

• The minor arm lane width of 2.2m is incorrect.

• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs

• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Appendix L – Winton Drive / A412 Watford Road

• Please confirm the Major Arm carriageway width it is difficult to read the pdf document that has been submitted.

• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

The modelling for the junction of A412 Watford Road and Winton Approach has been submitted in Appendix L by mistake.

Appendix M – Winton Approach / Watford Road

• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs, the mainline carriageway has advisory cycle lanes along so it's unclear how the major arm width has been calculated.

• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Appendix N – Manor Way / Baldwins Lane / Repton Way

• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs, for example Arm A has a flare of 3.3m it's clear that this arms approach onto the mini roundabout is relatively straight and no radius is provided until after the give way point so it's not possible to have a flare length of over 3m. This would apply to the other arms as well. Also, the distances to the next arm and entry corner kerb line distances raise some concerns.

• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Appendix O – A412 Watford Road (E) / Sea Cadets / A412 Watford Road (S) / Baldwins Lane / Car Panet.

• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs, for example Arm D has an entry width of 5.4m however this approach has a two-lane entry, the existing lane widths are not 2.7m. Also, google imagery shows parking occurring after the bridge which starves the nearside lane capacity, the geometry input shows arm D as having a flare of 22m it's unclear how this has been calculated and what assumptions are being made to the parking issue. The inscribed circle diameter for Arm E is 32m this also appears to be incorrect.

• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Appendix P – A412 Rickmansworth Road / Ascot Round Roundabout

• We have noted that within the TA reference is made to calibration being used for this junction. No information has been provided with the Transport Assessment in relation to queue length surveys.
• Please provide a drawing showing the geometry measurements, the entry width for arm A appears to be less than what has been inputted. Also, the radii for the arms appears to be incorrect.
• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.
• As this roundabout is so close to the Whippendell Road / Ascot Road roundabout they should be assessed as linked roundabouts, due to the lane configurations the modelling should consider lane simulation mode in ARCADY. The results show queues of between 25 - 41 vehicles in future year scenarios this level of queuing would block back onto the Whippendell Road / Ascot Road roundabout which is another reason why modelling the roundabouts as linked junctions may provide a more accurate assessment of the impacts.

Appendix Q – Raven Close / Whippendell Road / Ascot Road

• We have noted that within the TA reference is made to calibration being used for this junction. No information has been provided with the Transport Assessment in relation to queue length surveys.
• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs, for example Arm A has the half width as 3.0m this is incorrect as Raven Close is narrower. Also, the flare length for Arm D appears to be incorrect. For Arm E the half width is shown as 10.0m and the entry width as 11.4 with a flare length of 10m, and the entry radius is shown as 25m. These inputted geometries are incorrect.
• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.
• As this roundabout is so close to the A412 Rickmansworth Road / Ascot Round Roundabout they should be assessed as linked roundabouts.
• Along Whippendell Road / Ascot Road there is a Premier Inn and Health Centre along with other land use and bus stops all of which could generate a reasonable level of pedestrian movements. Therefore, the pedestrian crossing facilities should have been surveyed and included in the ARCADY analysis as they could create delays that may result in queuing occurring onto the roundabout due to the close proximity.

Appendix Q – Durrants Drive / Baldwins Lane

• We have noted that within the TA reference is made to calibration being used for this junction. No information has been provided with the Transport Assessment in relation to queue length surveys.
• Please provide a drawing showing the geometry measurements, we have concerns in relation to the inputs, for example Arm C has a flare of 3.4m it's clear that this arms approach onto the mini roundabout is relatively straight and no radius is provided until after the give way point so it's not possible to have a flare length of over 3m. This would apply to the other arms as well. Also, the distances to the next arm and entry corner kerb line distances raises some concerns.
• HGV matrix has all movements at zero baseline traffic data shows HGV's therefore this matrix should be updated.

Design and Access Statement – comments

The indicative pedestrian cycle and movement strategy appears to have some discrepancies between the image and the key, this relates to the green routes where they appear to be described the wrong way around.

The plan shows two potential access/egress for cyclists and pedestrians only onto Little Green Lane these are identified with yellow arrows, the issue with the access located opposite Durant House is the narrowing of the footway on the southern side of Little Green Lane, if pedestrians exit at this location and wish to head towards Lincoln Drive they are

forced to work in the road especially if they have a child's buggy. By adding another connection west of the proposed access point would resolve this issue.

Travel Plan Review

General comments:
There is potential for this site to be sustainable, if adequate infrastructure and services are provided. If the site can be included in the Beryl Bikes scheme with a docking station on site this would help to encourage active travel, and a bus service diversion is proposed but no details given – this is required to make bus use more attractive as current bus stops are well over the recommended 400m away. According to the Travel Plan, contributions have been requested by TfL towards lifts at Croxley Underground station which would improve accessibility of the station for site residents and visitors.

This Travel Plan requires significant amendment in a number of key areas before we can approve, in particular in relation to the inclusion of clearly stated aims and objectives, Travel Plan Co-Ordinator duties and plan management, a wider range of measures, revised targets, monitoring method and travel plan duration.

As the Travel Plan is intended to cover the whole site, which is mixed use, the plan is a Framework Travel Plan. Individual Travel Plans will be required to be produced prior to occupation for land uses on site which meet the criteria set out in Appendix A of our Travel Plan Guidance (www.hertfordshire.gov.uk/travelplans). The primary school will also be required to produce an Education Travel Plan. The individual Travel Plans will be expected to be in general alignment with the Framework Travel Plan but with measures tailored to the land use in question.

Detailed comments are as follows:

Site details/introduction:
• The site location plan is provided as a figure in the appendix only and does not show the boundary of the site – usually a smaller version of the location plan is integrated into the main text at the relevant point which helps understanding of the geographical context and the site given a red line boundary to clearly illustrate its extent (as in the separate Location Plan provided as part of the application but not part of the Travel Plan).

Outcome objectives:
• There should be clearly stated aims and objectives for the Travel Plan in a dedicated section. The Travel Plan objective is not in Section 3 as stated, and whilst paragraph 5.1 comes close to being an objective it is not stated as such, nor are paragraphs 6.1-6.3 which also cover relevant ground, and obviously these paragraphs are not even together. There should be objectives around positive impacts on health/environment and reducing traffic impacts, levels of awareness of the Travel Plan, reducing the need to travel in the first place as well as reduction in single occupancy vehicle use mentioned in 5.1.

Travel Plan Management:
• Travel Plan Co-Ordinator contact details should be provided on appointment along with those of a secondary contact in case of personnel changes. Frequency on site and time allocated to the role should be provided once known and a list of expected duties is required now. These are all indicators for us that the role has been understood and sufficient resource (in terms of both people and funding) will be provided to undertake the role effectively.
• We require a statement of commitment to the robust implementation of the Travel Plan from a suitable member of developers' senior management prior to occupation – this is to demonstrate senior level commitment to the effective implementation of the plan.
• More detail should be given as to how the Travel Plan will be managed. As a Framework Travel Plan, with individual Travel Plans for land uses on site sitting beneath this, the Travel

Plan Co-Ordinator will be required to liaise between representatives of the different land uses and gather feedback on the effectiveness of measures and progress towards the overall objectives and targets within the Framework Plan. A Steering Group or similar which meets regularly and is formed of relevant stakeholders should be considered – this can improve levels of engagement and target initiatives more effectively.

Measures:
• Measures are generally appropriate although given the scale of the site, we would usually expect a wider range. Suitable additional measures include promotion of HCC cycle training, provision of cycle repair equipment, Dr Bike sessions, active travel events, promotion of local cycle hubs/cycling groups, showers/lockers/changing facilities in land uses other than residential, Bicycle User Group, information provision re local walking groups, walking/cycling buddy scheme, promotion of national active travel events, promotion of Intalink website for bus/rail information (https://www.intalink.org.uk/).
• Again given the scale of development, provision of a car club car on site should be considered not just promotion of Liftshare and EV charge points. People may be more willing to share with people living close-by that they know.
• There is no detail on car parking provision which can affect the relative attractiveness of sustainable modes of transport, not just total no's but inclusion of car share spaces and provision for electric vehicles.

Targets, monitoring and action plan:
• Targets proposed lack ambition. We seek a minimum 10-15% mode shift for a 5 year plan – this being based on experience of what is realistic and achievable. Whilst single occupancy vehicle use indicated by the Census data is relatively low, this is only for commuting trips and actual baseline figures for the site may well be higher and given the length of travel plan required for the residential element, greater levels of modal shift should be aspired to.
• Travel surveys are proposed, but little detail given as to exactly what this means – for a site of this scale, we require TRICS SAM standard (or equivalent) multi-modal counts as well as questionnaires. This ensures adequate data is obtained, both qualitative and quantitative. This helps give a more complete picture of travel patterns and why people are travelling the way they are which can inform revisions to the Travel Plan after each monitoring period.
• Paragraph 7.12 suggests an annual survey for a period of 3 years – we require annual monitoring until 5 years post full occupation of residential element, for 7 years for the Education Travel Plan and for 5 years from first occupation for commercial land uses with an individual Travel Plan.

Evaluation and Support Fees:
• We require an Evaluation and Support Fee of £1200 per year (for the residential Travel Plan which should be in place until 5 years post full occupation) index linked to RPI from March 2014. Education Travel Plans require a fee of £1500 per year (linked to RPI from March 2020 for 7-year plan) and business/workplace Full Travel Plans a fee of £1200 per year (for a -year plan).

Plan approved? No

9.17 London Underground Limited: [No comments on application]

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

My colleagues in Spatial Planning will respond separately with comments, if any.

9.18 National Grid: No response received.

9.19 National Highways: [Holding objection]

9.19.1 Initial comments 10.2.25 [Holding objection]

National Highways Ref: NH/25/09637

Referring to the consultation on a planning application dated 21 January 2025 referenced above, in the vicinity of the M25, J18 and 19, the M1 J5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Annex A National Highways' assessment of the proposed development

National Highways was 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 is interested whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of the proposed development, in this case on the M25 J18 and 19, and the M1 J5.

Proposed Development

The proposed development includes construction of up to 600 dwellings and a 5-bedroom property for children's social care and supported living. Two vehicular access points from Little Green Lane are proposed, as well as further pedestrian and cycleway access points. A one form entry primary school, plus expansion land for a two form entry primary school are also proposed alongside a mixed use local centre with provision for NHS health and social care services, a community building, retail units and café provision. A country park and areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including SuDS are also included in the development proposals.

A bus service is also proposed to be secured via s106 contribution to serve the site, and the development will provide a suitable contribution towards the implementation of step-free access at Croxley Underground Station.

We have reviewed the Transport Assessment (TA) provided as part of the planning submission, written by Hub Transport Planning Ltd.

Trip Generation

Table 7 in Section 6 of the TA sets out the total trip generation expected from the residential aspect of the proposed development, including both market and affordable dwellings. The proposed development is expected to generate 254 two-way vehicle trips in the AM peak period, and 267 two-way vehicle trips in the PM peak period. In both periods, this equates to just over 4 additional vehicles per minute. Following an internal replication of the selection parameters provided using TRICS, National Highways are satisfied that the expected trip generation is accurate.

The trip generation provided in the TA does not include any other aspect of the proposed development, including the expected trips generated from the primary school use, or the mixed use local centre with NHS health and social care facilities, retail and café provision, or the country park and outdoor play / recreation areas. Paragraph 6.9 states that it was previously agreed with Hertfordshire County Council (HCC) that the "great majority of movements to/from school will be local in nature and that traffic movements associated with the school will be limited". Paragraph 6.10 similarly states that "the majority of traffic movements to/from the local centre are likely to be undertaken by those from the development or from residents just to the south of the development, and likely to be undertaken by active travel modes. Therefore, no additional traffic has been added for these development proposals".

National Highways accept that this is an outline application and the trip impact from the non-residential uses of the proposed development on the SRN are likely to be minor. However, as the anticipated trips from the residential uses alone are already relatively high, we require this additional information to understand the full potential traffic impact of the proposed development, particularly given the proposed country park and play space uses may generate a significant number of external vehicle trips. **We request that the additional information is provided, including the anticipated trips generated from the non-residential uses of the proposed development with internalisation factors applied, and justification for the proposed internalisation factors.**

Trip Distribution and Assignment

Figure 7.5 and Figure 7.6 illustrate the total anticipated traffic flows on the local highway network including the 2030 Future Year Base Flows, committed development traffic flows and the proposed development traffic for the AM and PM peak periods. The impact of the proposed development on the SRN has not been considered as part of the TA despite there being several connections to the SRN from the proposed development site, namely via the M25 J18 and 19, and the M1 J5. Due to the relatively high number of trips predicted to be generated from the proposed development, in addition to the trips generated from committed development in the surrounding area, **National Highways request that the trip distribution/assignment exercise is extended to the nearby SRN junctions and provided for review before further comments are made. This should be presented as turning movements for the sensitive weekday AM and PM peak hours.**

Junction Capacity Assessments

Section 7 of the TA sets out the traffic impacts, growth rates and the outputs of the junction capacity assessments. Junctions with the SRN are not included in these assessments. Due

to the relatively high volume of anticipated vehicle trips from the proposed development, it is possible that further junction capacity assessments may be required to assess the impact on the SRN. This will be determined following the provision of the additional information requested above, including the trip distribution/assignment at the SRN junctions.

Sustainable Transport

We have reviewed the Framework Travel Plan supplied and relevant sections of the TA relating to sustainable transport. Section 4 of the TA (replicated in the Travel Plan) outlines the accessibility of local facilities, i.e. education, retail and health care services, by foot, cycle and public transport, demonstrating that the proposed site is readily accessible by a variety of transport modes that have the potential to reduce reliance on the private car.

The active and sustainable transport proposals set out in Paragraphs 4.72 to 4.90 suggest that new pedestrian and cyclist access routes and links are proposed and there is potential to expand the Beryl cycle hire scheme with a bike station on site. Proposals also include a bus service into the site via Durrants Drive to serve Watford and major destinations between Watford and the proposed site, as well as important transport hubs.

National Highways welcomes sustainable transport measures being the primary means to off-set any severe / significant development impacts on the SRN, although for us to take these measures into account, these would need to be worked up to a position where we can understand the likely mode shift benefits they could provide.

National Highways agree that in principle the measures proposed will help reduce travel demand by private vehicle on the SRN, particularly the proposed provision of a bus service providing connections to important transport hubs and Watford. **The applicant should provide further information regarding the proposed routing and service frequency etc of this bus service for us to review.**

Construction Traffic

National Highways request that a construction traffic impact assessment is carried out and provided for review, to allow us to understand the potential impact of construction HGVs and workforce traffic on our network, particularly during the peak construction period.

A Framework Construction Traffic Management Plan (FCTMP) should also be provided to mitigate any potential impacts identified.

Recommended Non-Approval

Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and MHCLG NPPF2024 [particularly paras 115 to 118]). This response details the steps that need to be taken in order to resolve this issue.

In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.

This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.'

It is recommended that the application should not be approved until 11 April 2025.

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 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

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.

9.19.2 Further comments 07.05.25 [Holding objection maintained]

National Highways Ref: NH/25/09637

Referring to the consultation on a planning application dated 21 January 2025 referenced above, in the vicinity of the M25, J18 and 19, the M1 J5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

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The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

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National Highways is interested whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of the proposed development, in this case on the M25 J18 and 19, and the M1 J5.

Our previous NHPR response of 7 February stated the following

Proposed Development

The proposed development includes construction of up to 600 dwellings and a 5-bedroom property for children's social care and supported living. Two vehicular access points from Little Green Lane are proposed, as well as further pedestrian and cycleway access points. A one form entry primary school, plus expansion land for a two form entry primary school are also proposed alongside a mixed use local centre with provision for NHS health and social care services, a community building, retail units and café provision. A country park and areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including SuDS are also included in the development proposals.

A bus service is also proposed to be secured via s106 contribution to serve the site, and the development will provide a suitable contribution towards the implementation of step-free access at Croxley Underground Station.

We have reviewed the Transport Assessment (TA) provided as part of the planning submission, written by Hub Transport Planning Ltd.

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The trip generation provided in the TA does not include any other aspect of the proposed development, including the expected trips generated from the primary school use, or the mixed use local centre with NHS health and social care facilities, retail and café provision, or the country park and outdoor play / recreation areas. Paragraph 6.9 states that it was previously agreed with Hertfordshire County Council (HCC) that the "great majority of movements to/from school will be local in nature and that traffic movements associated with the school will be limited". Paragraph 6.10 similarly states that "the majority of traffic movements to/from the local centre are likely to be undertaken by those from the development or from residents just to the south of the development, and likely to be undertaken by active travel modes. Therefore, no additional traffic has been added for these development proposals".

National Highways accept that this is an outline application and the trip impact from the non-residential uses of the proposed development on the SRN are likely to be minor. However, as the anticipated trips from the residential uses alone are already relatively high, we require this additional information to understand the full potential traffic impact of the proposed development, particularly given the proposed country park and play space uses may generate a significant number of external vehicle trips. We request that the additional information is provided, including the anticipated trips generated from the non-residential uses of the proposed development with internalisation factors applied, and justification for the proposed internalisation factors.

Trip Distribution and Assignment

Figure 7.5 and Figure 7.6 illustrate the total anticipated traffic flows on the local highway network including the 2030 Future Year Base Flows, committed development traffic flows and the proposed development traffic for the AM and PM peak periods. The impact of the proposed development on the SRN has not been considered as part of the TA despite there being several connections to the SRN from the proposed development site, namely via the M25 J18 and 19, and the M1 J5. Due to the relatively high number of trips predicted to be generated from the proposed development, in addition to the trips generated from committed development in the surrounding area, National Highways request that the trip distribution/assignment exercise is extended to the nearby SRN junctions and provided for review before further comments are made. This should be presented as turning movements for the sensitive weekday AM and PM peak hours.

Junction Capacity Assessments

Section 7 of the TA sets out the traffic impacts, growth rates and the outputs of the junction capacity assessments. Junctions with the SRN are not included in these assessments. Due to the relatively high volume of anticipated vehicle trips from the proposed development, it is possible that further junction capacity assessments may be required to assess the impact on the SRN. This will be determined following the provision of the additional information requested above, including the trip distribution/assignment at the SRN junctions.

Sustainable Transport

We have reviewed the Framework Travel Plan supplied and relevant sections of the TA relating to sustainable transport. Section 4 of the TA (replicated in the Travel Plan) outlines the accessibility of local facilities, i.e. education, retail and health care services, by foot, cycle and public transport, demonstrating that the proposed site is readily accessible by a variety of transport modes that have the potential to reduce reliance on the private car.

The active and sustainable transport proposals set out in Paragraphs 4.72 to 4.90 suggest that new pedestrian and cyclist access routes and links are proposed and there is potential to expand the Beryl cycle hire scheme with a bike station on site. Proposals also include a bus service into the site via Durrants Drive to serve Watford and major destinations between Watford and the proposed site, as well as important transport hubs.

National Highways welcomes sustainable transport measures being the primary means to off-set any severe / significant development impacts on the SRN, although for us to take these measures into account, these would need to be worked up to a position where we can understand the likely mode shift benefits they could provide.

National Highways agree that in principle the measures proposed will help reduce travel demand by private vehicle on the SRN, particularly the proposed provision of a bus service providing connections to important transport hubs and Watford. The applicant should provide further information regarding the proposed routing and service frequency etc of this bus service for us to review.

Construction Traffic

National Highways request that a construction traffic impact assessment is carried out and provided for review, to allow us to understand the potential impact of construction HGVs and workforce traffic on our network, particularly during the peak construction period.

A Framework Construction Traffic Management Plan (FCTMP) should also be provided to mitigate any potential impacts identified.

Since our previous NHPR we have had confirmation from the applicant's consultants that the above requirements for further information can be supplied and further assessment work undertaken if necessary. A meeting was held on 25th March to discuss requirements.

We are awaiting the further information requested to enable us to determine the application with more certainty in relation to impacts on the SRN.

Recommended Non-Approval

Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and MHCLG NPPF2024 [particularly paras 115 to 118]). This response details the steps that need to be taken in order to resolve this issue.

In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.

This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.'

It is recommended that the application should not be approved until 7th August 2025.

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 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

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.

9.20 National Planning Casework Unit: No response received.

9.21 Natural England: [No objection subject to conditions]

Thank you for your consultation on the above dated 22 January 2025 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- damage or destroy the interest features for which Whippendell Wood Site of Special Scientific Interest and Croxley Common Moor Site of Special Scientific Interest have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following options should be secured:

- Provision of 24ha green space/country park with secured management plan/maintenance for the lifetime of the development
- Minimum 30m buffer zone around ancient woodland within and adjacent to the proposed development
- An ancient woodland recreational management plan
- Information packs for residents on sensitive use of local habitats/protected sites
- A Construction Environment Management Plan for both construction and operational measures

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

The proposed development falls within the Impact Risk Zones (IRZs) for Whippendell Wood SSSI and Croxley Common Moor SSSI and, without appropriate mitigation, has the potential to impact the sites' interest features. Natural England are satisfied that subject to securing of the below measures, the development will have minimal impact on the above designated sites. We have come to this conclusion after review of the following documents:

- Planning statement MNP-00124.C8622 December 2024
- Ecological Impact Assessment and Biodiversity Impact Assessment RSE_8239 _R1_V 4_E cIA December 2024
- Agricultural Land Classification and Soil Resources July 2024
- Landscape & Visual Impact Assessment and Green Belt Assessment I000010_DL100_E December 2024

Protected sites - Open Green space design

Having reviewed the provided landscape mitigation plan Natural England are satisfied that subject to implementation of the open Green Space design set out within the planning statement and illustrative masterplan, adverse impacts on Whippendell Wood SSSI and Croxley Common Moor SSSI can be avoided/mitigated. In order to provide an alternative to these highly sensitive protected sites, it is important that the development delivers, at the appropriate phasing, a suitable scale and quality of Green Space, ideally in accordance of Natural England's Green Infrastructure Framework: Principles and Standards, and particularly the ANGst guidelines. Ideally this should include:

- Circular walk of at least 2.3km
- Provision for dogs along SANG guidelines e.g. off lead areas, dog waste bins
- Signage and interpretation of PRoW/paths
- On-site maintenance and management of greenspace/country park secured in perpetuity

Due to the location of the proposed development within the Area of Search for the Chilterns National Landscape we recommend liaising with the Chilterns Conservation Board to inform such designs, ensuring they are sympathetic to the landscape character.

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.

Protected Landscapes – Chilterns National Landscape

The proposed development is located partly within/ within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB, known as National Landscape). Whilst this assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. In addition, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities to seek to further the statutory purposes of the area in carrying out their functions in relation to, or so as to affect, land in an AONB.

We expect consultation with the appropriate statutory body, in this case, the Chilterns Conservation Board to inform design and mitigation measures associated with this development.

An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issuing of the designation Order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.

Ancient woodland, ancient and veteran trees

The proposed site contains ancient woodland both within and adjacent to the red line boundary. Natural England acknowledges and welcomes provision of the aforementioned Green Infrastructure and a minimum 30m buffer zone for all ancient woodland within the site.

We strongly recommend liaising with the Forestry Commission as the statutory body for woodland habitats to inform a management plan and appropriate mitigation.

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications.

The following should be secured:

- An Ancient woodland recreational management plan
- A minimum 30m buffer around ancient woodland and woodland habitats, with associated root protected zone in design plans.

Other advice

Best and Most Versatile Agricultural Land or Minerals and Waste reclamation
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 the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk).

The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

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.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter, please contact me on consultations@naturalengland.org.uk.

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission to address the issues above.

Should the proposal change, please consult us again.

9.22 NHS England: No response received.

9.23 Ramblers: No response received.

9.24 Sarratt Parish Council: [Objection]

SPC object to this application for the reasons set out below. If the officers are minded to approve this application we request that it is brought into the planning committee.

We recognise this application whilst in Sarratt Parish boundaries, would have a more significant impact on Croxley Green and its residents.

Our primary objection is that this application is overdevelopment on Green Belt land with insufficient case to apply very special circumstances.

The purpose of Green Belt is to prevent urban sprawl by protecting separation between developed areas and to protect rural setting (NPPF Paragraphs 142 & 143). This application in our opinion would go against this policy including impacting the purpose of this land as separation between Croxley Green and Chandlers Cross, as well as providing rural setting to the north of Croxley Green. We reject the applicant's submitted assessment that this plot is classed as 'Grey Belt' as this statement does not correctly consider the full context and does not provide external references or evidence, to substantiate this self-assessed position.

We welcome the applicant adhering to the affordable housing policies with this application, however the housing need (including affordable provision) for Sarratt Parish as outlined in the Housing Needs. Assessment has already been satisfied by recent approved development applications. This and any other applications would exceed the housing need for the Parish.

Sarratt is a rural parish with concerning strains on its transport and services infrastructure. An application of this size is not sustainable in Sarratt Parish.

The neighbouring Croxley Green as a larger settlement has the theoretical potential to provide infrastructure for this size of development. However, the applicants own submitted expert reports identify many existing significant issues with transport infrastructure and services such as sewage capacity. Neither Sarratt Parish nor Croxley Green would be able to accommodate a development of this size which means this is an unsustainable location.

The indicative designs in the application include four story buildings. This height of building is not in keeping with Sarratt Parish buildings and is also not typical in Croxley Green. The effect of this aspect on the views and separation from settlements is a concern.

The need for the additional facilities outlined in this application has not been properly tested. One of these facilities, the NHS health and social care services duplicates provision in another already approved application in Sarratt Parish, so there is no defined need for this provision in this application.

We note the very large number of local public objections submitted on this application so far and also note the significant objections submitted by HCC highways and the local flood authority.

In conclusion we recognise the need for housing at the national, district and local level. SPC has in recent times supported new developments in our Parish where they are in appropriate locations. However, this application is for an unsustainable location on Green Belt land.

9.25 Sport England: [No objection subject to conditions/S106 contributions]

9.25.1 Initial comments 7.2.25 [Objection]

Thank you for consulting Sport England on the above application.

Sport England's Position

Community Sports Provision

Due to the need for more detail to be provided about the proposals for outdoor and indoor community sports provision, an **objection** is made to the planning application in its current form. However, I would be willing to withdraw this objection in due course if the advice in this response is considered and positive proposals are made to address the matters raised through the planning application and/or planning obligation/condition requirements.

Primary School

It is **requested** that any planning permission makes provision for securing a formal community use agreement on the primary school site.

Active Design

A planning condition is **requested** requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications.

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space. This application falls within the scope of the above guidance as it relates to a development of more than 300 dwellings.

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand.
Sport England's Planning for Sport guidance can be found here:
https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/

The Proposal and Assessment against Sport England's Objectives and the NPPF

Community Sports Facility Provision

Introduction

The proposal is an outline planning application for a mixed use residential led development of up to600dwellingson land to the north of Little Green Lane in Croxley Green. The population of the proposed development is estimated to be1,380based on the applicant's estimate set out in paragraph 6.10 of the Sport and Leisure Strategy. This additional population will generate additional demand for sports facilities. If this demand is not adequately met the nit may place additional pressure on existing sports facilities, thereby creating or exacerbating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new community sports facility needs arising as a result of the development. In this context, I would wish to make the following comments on the community sports provision aspects of the planning application.

Evidence Base and Policy Context

The evidence base and local planning policy context for community sport can be summarised as follows:

PolicyDM11of the adopted Development Management Policies Local Development Document (2013) advises that when granting planning permission for new residential development of 25 or more dwellings, the Council will expect developer contributions to the provision or enhancement of local sports facilities where a need is demonstrated to have arisen from the development concerned and there are inadequate local facilities

Three Rivers District Council's Playing Pitch Strategy (2019) identifies deficiencies in outdoor sports provision (especially football pitches, 3G artificial grass pitches and rugby union pitches) and accounts for future population needs.

Three Rivers District Council's Leisure Facilities Strategy (2019) covers indoor sports facilities and identifies deficiencies in facilities such as health & fitness and gymnastics centres and accounts for future population needs.

In view of the local planning policy and evidence base context, itis considered that in accordance with Government policy in paragraph 103of the NPPF, a robust local basis exists for justifying the provision of outdoor and indoor community
sports facility provision to be made by this development.

Proposed Sports Facility Provision

The Sport and Leisure Strategy (prepared by Sports Planning Consultants) that has been submitted in support of the application has assessed sports facility needs in detail and the findings and conclusions are considered to be robust. This strategy was prepared in consultation with Sport England and the sports governing bodies at the pre-application stage.

In relation to outdoor sports, in response to the strategy identifying deficiencies in football and cricket pitch provision, the strategy advises that the applicant explored the potential for on-site provision at pre-application stage but concluded that this was not feasible due to topographical, landscape and highways considerations. Instead, the strategy concluded that off-site provision options should be progressed involving financial contributions being secured towards off-site natural turf football pitches, 3G artificial grass pitches, rugby union pitches, cricket pitches and tennis courts.

In response to the Council's Playing Pitch Strategy advising new development to consider integrating opportunities for athletics within wider open spaces, as set out in paragraph 6.43 of the Sport and Leisure Strategy, consideration is being given to the provision of an informal Newgen active track https://www.englandathletics.org/clubs-and-facilities/facilities/newgen-tracks/ within the proposed on-site country park. Paragraph 6.38 of the strategy also suggests that a community use agreement is pursued for the proposed primary school to secure community access to the school's outdoor sports facilities although the limitations of primary school facilities in meeting community needs have been set out in the strategy.

In relation to indoor sports facility provision, the strategy concludes that there is no justification for on-site indoor sports provision but that qualitative improvements may be required to sports halls and swimming pools to ensure existing facilities continue to meet demand due to their age/condition. The strategy also identified that while the Council's Leisure Facilities Strategy identified a quantitative deficit in health & fitness provision there is no evidence that demand from the development cannot be met by existing local provision. In relation to community halls, consultation has identified that there have been ongoing increases in community demand and a local community venue has closed. The strategy has indicated that an on-site community hall could integrate a health and fitness facility into

its design. Furthermore, as set out above a community use agreement has been recommended for the proposed primary school's facilities which would be expected to include a school hall which may have community use potential.

The recommendations in the applicant's Sport and Leisure Strategy for meeting the additional sports facility needs generated by the development are broadly welcomed. However, before Sport England could confirm its support for the proposals the following matters would need to be addressed:

• Financial Contributions: Reference is made in paragraph 12.11 of the Planning Statement to appropriate and proportionate contributions towards sports being agreed following discussions with the District Council. Tables 6.1/6.2 and paragraph 6.22 of the Sport and Leisure Strategy set out what the capital costs would be of meeting the additional demand for the facilities generated by the development. These costings have been informed by the use of Sport England's Playing Pitch Calculator and Sports Facility Calculators, the use of which is endorsed for this purpose by the Council's Playing Pitch Strategy and Leisure Facilities Strategy.

However, despite these references there are no confirmed proposals at this stage in relation to the scope of the contributions and the amounts for the different sports facility types. Sport England would need certainty that appropriate contributions towards outdoor and indoor sports provision would be offered in practice before supporting the applicant's strategy for sports provision. This is necessary because if no contributions or inadequate contributions were proposed by the applicant and agreed by the District Council at a later stage of the determination process this would be unacceptable because the development's sports needs would not be met. A planning obligation would need to identify the projects that the contributions would be used towards and the trigger points for the contribution payments to be made. Confirmation is therefore requested of the scope and level of the financial contributions proposed.

• NewGen Active Track. While the reference in the Sport and Leisure Strategy to a NewGen Active Track being considered in the proposed country park is welcomed, no reference is made to this in the country park proposals set out in the Planning Statement or the Design & Access Statement. If an Active Track is to be provided within the country park, the track would need to be proposed as part of the application and its provision secured as part of a planning obligation. Without it being secured there would be no certainty that an Active Track which met England Athletics' guidance would be provided at the reserved matters stage as there would be no requirement to provide it in any outline planning permission. Clarity is therefore requested of whether an Active Track is proposed to be provided within the country park and how its delivery would be secured through any planning permission.

• Community Hall: As indicated, some indoor facility needs such as health & fitness can be met through multi-purpose community facilities such as community halls. Sport England's Village and Community Halls design guidance https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/sports-halls may be helpful in this regard. Consideration should therefore be given to whether the community centre proposed could be designed so that it could provide for formal sports use as well as other community uses. For example, community halls can be designed so that they are suitable for badminton, dance, fitness and martial arts while activity studios and fitness suites can be provided as part of community halls. This could potentially negate the extent of financial contributions that would be expected towards off-site projects. If this option is pursued, further advice from Sport England should be sought as a minimum specification for such a community hall would need to be included in a planning obligation in order to ensure that a facility is suitable for indoor sport in practice.

Conclusion

As there is further information requested about the proposals for meeting the development community sports facility needs, an **objection** is made to the planning application in its current form. However, I would be willing to withdraw this objection in due course if further information is provided as set out above.

Primary School

As indicated in the applicant's Sport and Leisure Strategy, the proposed primary school would be expected to provide some sport and recreation facilities for meeting educational needs that could also be used by the community outside of school hours such as the playing field and the school hall. While these facilities are principally for school use and would be designed for primary school aged children and should not be considered as a substitute for dedicated community facilities, they would offer potential to complement on and off-site provision made for dedicated community sports facility provision. While there is limited detail of what would be provided on the school site, to ensure that the school's facilities are secured for community use in practice, I would **request** that any planning permission makes provision for securing the community use of the sports facilities provided on the school site. A formal community use agreement would be the appropriate mechanism for securing community use. This has also been suggested by the applicant in paragraph 12.20 of the Planning Statement. Without a formal community use agreement being secured there would be no certainty that the facilities would be accessible to the community in practice after they have been built. Condition 16 from our model planning conditions schedule https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy should be used as a basis for securing this through a planning permission.

Active Design

Sport England, with support from Active Travel England and OHID, has produced 'Active Design' https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/active-design a guide to planning new developments that create the right environment to help people get more active. The guidance sets out ten key principles for ensuring developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design which is consistent with paragraphs 96 and 129 of the NPPF. Sport England commends the use of the guidance in the master planning process for new residential developments. It should be noted that the Active Design guidance has also been advocated by Hertfordshire County Council's Healthy Places Team (who Sport England works closely with) in their response to this planning application.

The conceptual development proposals offer opportunities for incorporating the active design principles such as the proposed walking and cycling routes, the co-location of the community facilities, the country park and the other multi-functional open spaces. This potential for this has also been recognised in the applicant's Sport and Leisure Strategy and Health Impact Assessment. As the planning application is in outline form it would be inappropriate to provide detailed comments at this stage because the submitted parameter plans are conceptual. The Active Design guidance includes a checklist that can be applied to developments and it is recommended that the checklist is used in the preparation of subsequent reserved matters planning applications if the application is permitted to ensure that opportunities for encouraging active lifestyles have been fully explored in the detailed planning and design of the development. It is therefore **requested** that a planning condition be imposed requiring the submission and approval of details to demonstrate how the reserved matters applications have considered Active Design principles. Sport England would welcome discussions with the applicant in due course to provide further advice on how Active Design can be considered in the detailed proposals.

A suggested planning condition is as follows:

"For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy.

Informative: Consideration should be given to using the Active Design checklist in Sport England's Active Design Guidance to assess reserved matters planning applications"

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

9.25.2 Further comments 28.5.25 [No objection subject to conditions/S106 contributions]

Thank you for consulting Sport England on the amended plans/information relating to the above application. The applicant's agent's letter dated 22nd May 2025 responds to the comments made in our initial formal response dated 7th February 2025. I am now in a position to review our position on the planning application and would wish to comment on the following matters:

Sport England's Position

Community Sports Provision

The objection in the previous response is withdrawn subject to the following matters being addressed as set out in this response:
• Financial contributions being secured through a section 106 agreement towards off-site outdoor and indoor sports facility provision in accordance with the capital costings set out in this response. The projects that the contributions would be used towards and the trigger points for the contribution payments to be made would need to be addressed as part of the preparation of a section 106 agreement.
• A minimum specification for the community hall building being secured through a section 106 agreement.
• A planning condition being imposed to address the design and implementation of the NewGen Active Track.

Primary School

The previous request to secure a community use agreement for the primary school's sports facilities through the imposition of a planning condition is withdrawn.

Active Design

A planning condition is requested requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications.

Community Sports Facility Provision

Financial Contributions: Off-Site Outdoor and Indoor Sports Provision

As set out in the agent's letter, if planning permission is forthcoming, the applicant is proposing to enter into a section 106 agreement with the District Council to secure financial contributions towards off-site outdoor and indoor sports facility provision in accordance with Table 1 in their letter (copied below). Financial contributions would address the majority of the additional demand for sports facilities generated by the proposed residential development.

Facility Type	***Impact of New Development (Number of Pitches / size / courts)***	***Capital Cost***
Natural Grass Pitches	*2.12*	*£217,169*
Adult Football	*0.46*	*£52,381*
Youth Football	*0.75*	*£70,447*
Mini Soccer	*0.67*	*£20,951*
Rugby Union	*0.06*	*£10,767*
Cricket	*0.17*	*£62,624*
Artificial Grass Pitches		
3G	*0.10*	*£117,438*
Tennis	*0.18 courts*	*£21,226*
Indoor		
Swimming Pools	*14.9 sqm (0.07 pools)*	*£330,488*
*Sports Halls**	*0.35 courts – equivalent to 0.09 halls*	*£273,238*

The capital cost figures in the above table align with the costs associated with meeting the additional demand set out in the applicant's Sport and Leisure Strategy document which is based on Sport England's Playing Pitch Calculator and Sport Facility Calculator outputs. The above figures are therefore supported if secured as financial contributions through a section 106 agreement.

If the above contributions were secured through a section 106 agreement, Sport England's objection to the lack of confirmed proposals for financial contributions for meeting the demands arising from development would be **withdrawn subject** to a section 106 agreement identifying the projects that the contributions would be used towards and the trigger points for the contribution payments to be made. These matters can be addressed as part of the preparation of a section 106 agreement following determination of the planning application.

It is noted from the agent's letter that the principal terms of a section 106 agreement are yet to be agreed with the District Council and that updated evidence or viability factors may influence the terms of a section 106 agreement that are agreed. In the event that the above financial contributions (in part or in full) do not form part of the terms of a section 106 agreement that is subsequently agreed between the District Council and the applicant, the Council is requested to re-consult Sport England so that our position on this matter can be reviewed if necessary.

As set out below, if a minimum specification for the on-site community hall was agreed as part of a section 106 agreement and if this was subsequently delivered it would not be necessary to secure an off-site financial contribution towards sports hall provision as well.

Community Hall

As set out in the agent's letter, the applicant has agreed as the default proposal for meeting the additional sports hall and health & fitness facility needs generated by the development to deliver a community hall that would be suitable for indoor sports and an activity studio. The specification proposed in the letter is based on Sport England's advice and would be considered appropriate for providing an indoor hall that could be used for activities such as dance, fitness and martial arts and a suitable activity studio. In the event that a community hall designed in accordance with this specification is not feasible, the contingency proposal of a financial contribution being secured towards off-site indoor sprots hall provision would be considered acceptable and should be included in a section 106 agreement as suggested in the letter.

I can therefore advise that Sport England's objection to the lack of confirmed proposals for the specification of the community hall is **withdrawn subject** to the following minimum specification for the community hall being included in a section 106 agreement:

"A community hall building with a minimum of 695 sq. metres (external) floorspace for the community hall building and the minimum internal dimensions for the community hall floorspace of 18x10 metres and an internal clearance height of at least 3.5 metres together with an activity studio with a minimum size of 12x9.1 metres and a minimum clearance height of 3.5 metres. The design of the flooring, walls, windows, ceiling, lighting, and ventilation for both the community hall and activity studio, as well as the provision of ancillary toilets and storage facilities, shall accord with Sport England's Village and Community Halls Design guidance https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/sports-halls."

NewGen Active Track

As set out in the agent's letter, the applicant has proposed a planning condition requiring details of the design and implementation of the proposed NewGen Active Track to be submitted and approved. The wording of the condition and
informative proposed by the applicant is considered to be acceptable for securing this. The condition would address the request for certainty to be provided in a planning permission that an suitably designed Active Track would be delivered as part of the development for meeting the demand for athletics generated by the proposal.

I can therefore advise that Sport England's objection to the lack of confirmed proposals for securing a suitably designed Active Track in the development is **withdrawn subject** to the condition suggested by

"Details of the design of the NewGen Active track, and timetables for the implementation of the facility shall be submitted to the local planning authority for approval with or before the submission of reserved matters application(s). No development shall commence until those schemes have been approved in writing by the local planning authority, and the facility shall then be delivered in accordance with the approved schemes and thereafter retained.

Reason: To secure well managed safe NewGen Active Track to ensure sufficient benefit to the development of sport and to accord with the Applicants Sports Strategy, Three Rivers Core Strategy, Three Rivers Development Management Policies Local Development Plan Document Policy DM11 and DM12 and Chapter 8 of the National Planning Policy Framework.

Informative: The applicant is advised that the design and layout of the active track should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: England Athletics NewGen Tracks guidance"

Primary School

While the applicant is amenable to a planning condition being imposed to secure a community use agreement for the facilities in the proposed primary school, it is understood that it has been advised by Hertfordshire County Council (as Local Education Authority) that such a condition should not be imposed at this stage until the operator of the school is identified due to the uncertainty about whether the operator would be willing and able to deliver community use in practice. As the school facilities were not proposed for meeting the community sports facility needs generated by the development on this occasion it would not be necessary for such a condition to be imposed on any outline planning permission. Sport England would be happy to revisit this matter at a future date when a reserved matters application for the primary school is submitted by which time the operator of the school may be known. I can therefore confirm that the previous request for a planning condition to be imposed requiring a community use agreement to be submitted and approved for the primary school is **withdrawn**.

Active Design

As set out in the agent's letter, the applicant has accepted a planning condition requiring reserved matters applications to submit details for approval to demonstrate how Active Design principles have been met. The wording of the condition is as set out in our previous response (repeated below):

"For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.

Reason: To promote healthy lifestyles through physical activity and to accord with the Three Rivers Core Strategy, Three Rivers Development Management Policies Local Development Plan Document Policy DM11 and DM12 and Chapter 8 of the National Planning Policy Framework.

Informative: Consideration should be given
to using the Active Design checklist in Sport England's Active Design Guidance to assess reserved matters planning applications."

It is therefore **requested** that the above condition is imposed if planning permission is forthcoming.

I would be happy to discuss the response with the local planning authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

9.26 Thames Water: [No objection subject to conditions]

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. As such Thames Water request that the following condition be added to any planning permission.

“The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.”

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn’t materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don’t surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. As such Thames Water request the following condition be added to any planning permission.

“No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - 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 – Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade 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 Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. 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) 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.

Supplementary Comments

STW capacity constraints with Maple Lodge STW being upgraded to ensure a higher quality of treated effluent, reducing phosphorus levels entering the river to below an average level of 0.25mg/l*. We'll also increase the capacity of the storm tanks. This will reduce the need for untreated sewage discharges during storm conditions. We plan to complete this work in 2030.

9.27 Transport for London: [Objection – further information required]

Thank you for consulting Transport for London (TfL) on this application for up to 600 residential dwellings, a children's social care and supported living property, a one form entry primary school, a mixed-use local centre, a community building, retail and café provision and a country park.

We provided comments for this site at pre-application stage. It appears that some of our comments have not been taken into consideration by the applicant. We are happy to discuss this further if required.

As per the pre-application comments, we encourage the applicant to aim to maximise travel by sustainable modes, including improved access to Croxley Underground station on the Metropolitan Line. Station access improvements should include a funding contribution towards the potential provision of step-free access at the station as well as measures to improve active travel routes, cycle parking and bus links from the development site.

As part of the Transport Assessment (TA), the applicant must consider the potential impacts of the proposed development on TfL services and infrastructure including Croxley station. A full station capacity assessment should be carried out using approved TfL data sources.

The TA submitted does assess the route from the development to Croxley station, however no improvements seem to be proposed. We welcome point 4.80 that does confirm the

applicant is willing to make an appropriate contribution to the proposed station access improvements at Croxley station. However, the impact assessment submitted currently only reviews the development's impact on the road network and as stated above a full station capacity assessment is required to be submitted.

Furthermore, could information be provided regarding the mode splits and trip rates that have been used to generate the impact assessment analysis.

In conclusion, further information is required to be submitted by the applicant prior to any decision being made on this application.

9.28 TRDC Environmental Health Officer (Residential): [No objection subject to conditions]

After reviewing the acoustic report for this application, it seems that not all the potential impacts have been assessed. However, I believe that these concerns can be overcome via condition.

The main impacts that are likely to be associated with this application are as follows.

- Increased traffic flows resulting in higher noise levels. This has been considered within the report and the impact on existing residents has been deemed insignificant. I do not have any grounds to consider this to be inaccurate.
- Noise associated with the school.
- Noise associated with the community centre and café. Odour and smoke associated with cooking could also have a negative impact.

School.
The report confirms that the precise location of the school is not yet known. This new facility is going to have an impact on existing and future residents. There will also be an impact on the school from the surrounding environment.

Whilst the precise location is not yet known, I am wary of confirming that this aspect of the application is completely acceptable. Therefore, a condition that requires revised calculations to be provided once the exact location is known would assist in overcoming this concern. These calculations also need to confirm that the internal noise level specified within section 5.9 of the report are achieved. There also needs to be consideration on how the school facilities might be used out of hours, for example, evening events or clubs such as football and how this impact will affect nearby residents and outline suitable controls, for example time limits or additional mitigation.

Community centre.
There are inadequate details on this new facility. These types of venues can have a substantial impact on residents from noise. The full impacts have not been considered. However, this new building can be subject to its own planning application where suitable controls can be set out. There also needs to be consideration on the control of impacts associated with food preparation.

Café.
There are no details provided on this. Some of the impacts are going to be similar to the centre, for example, deliveries and cooking. This also needs to be subject to a separate application.

Plant.
The precise detail of new plant is not yet known. Therefore, a condition requiring a separate planning application is needed to protect amenity.

Ventilation and glazing specification.

As per 5.8 of the acoustic report, the final glazing and ventilation scheme details need to be provided by an acoustic consultant or equally competent person. I am of the view that some properties will need mechanical ventilation systems that negate the need to open windows, particularly those close to the school and community centre. If there were any future complaints that required local authority investigation, assessments from properties fitted with an appropriate mechanical ventilation system would be made with the windows shut and the mechanical ventilation operating. A full mechanical ventilation with heat recovery would be appropriate.

Based upon the acoustic report, the application as it currently stands is only acceptable if the above conditions can be incorporated into the final decision. If that is not possible, the application ought to be refused until the required information is provided.

9.29 TRDC Environmental Protection: [Advisory comments regarding resources required]

Waste Services is nearing saturation point in terms of the amount of waste it can collect with the resources it currently has at its disposal. In order to enable the additional properties to be integrated into the service it would require two more refuse collection vehicles with associated running costs including two LGV drivers and 4 refuse collection loaders. The current Operators Licence allows for a maximum of 33 vehicles to be operated from the depot in Harefield Road. The depot is full to capacity and the additional two vehicles would lead to it being overfull and therefore an alternative site should be considered. Providing the above resources required would enable the service to absorb planned growth for the next few years

9.30 TRDC Heritage Officer: [Objection – less than substantial harm]

The application site comprises a parcel of agricultural land c. 40ha and includes an area of ancient woodland. A public right of way crosses the site (east-west) to the north of Dell Wood. The site is surrounded by hedged boundaries. The scheme would be a mixed-use development and include a country park along the northern and eastern fringes, a green corridor through the Site running north-south and other landscaped areas.

A nearby major housing development at Killingdown Farm c. 150m west of the site, was initially refused planning permission but allowed on appeal under PINS reference (APP/P1940/W/21/3280443).

This application follows EIA Screening Request (Ref:24/1220/EIA). The screening decision issued by the Council found that the EIA would not be required.

The current application has been accompanied by a Heritage Assessment (HA). This identified Durrants House (Listed Building Grade II, NHLE 1403581) and Cassiobury Park (Registered Park Grade II, NHLE 1000219) as heritage assets which could be affected by the proposals through change within their settings. This approach is considered appropriate by the Conservation Officer.

The stepped approach described in the Historic England Guidance document, The Setting of Heritage Assets (GPA3, 2017), has informed the accompanying Heritage Statement and the below advice. The four relevant steps are as follows:

1. Identify which heritage assets and their settings are affected.
2. Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.
3. Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it. This may include effects which may not solely by visual.
4. Explore ways to maximise enhancement and avoid or minimise harm.

Durrants House is directly opposite the Site boundary on Little Green Lane. It is a Tudor/ Jacobean revival-style country house built in 1866-7, with an asymmetrical plan consisting of a rectangular, south-facing range; a north-east wing consisting of the ballroom, clock tower, and a rear service courtyard. It contains architectural interest including its exterior use of the Tudor/ Jacobean revival style to create varied elevational interest. It also contains historical interest due to its association with Thomas Hoade Woods, a local businessman.

The house was formerly set within 91 Ha of parkland all to the south but is now surrounded by modern development to the south and was itself subdivided into nineteen dwellings under planning reference 12/0221/RSP.

There is no know association between Durrants House and the Site either at the present time or historically. However, the Site has formed an agrarian backdrop to the house since its construction. There is strong intervisiblity between the prominent northern elevation of Durrants and the Site when moving along Little Green Lane, particularly on the footway elevated above road level just to the west of Durrants House. There are also longer views south from Public Right of Way Sarratt 017, which runs east-west across the north of the Site.

Therefore, the Site forms an important part of the setting of Durrants House as a surviving remnant of its historic landscape context.

The introduction of a major housing scheme in this location would harmfully impact the appreciation of Durrants House within its historic agricultural setting. The submission recognises that there would be a harmful impact and has provided mitigation of a green corridor called 'Durrants View' on the master plan to retain views from the rear of Durrants house towards Whippendell Wood in the north.

This is shown to be approximately 50m in width at its southern end nearer Durrants House, then narrowing in the centre before widening out again. Although primarily a green pedestrian area, it would include two Primary Streets crossing from east-west, including one to towards the south of the Site and a LEAP and hard landscaped areas at the southern end. In addition, the Design Code document indicates that the green corridor would be fronted by higher density outward facing gateway/ perimeter blocks, up to a height of up to 4 storeys, designed to create a sense of enclosure.

The green corridor would provide some degree of mitigation of harm to the setting of Durrants House. However, while this is the rear of Durrants House, the Site forms its main surviving open setting and provides an appreciation of the building's historic landscape setting and its significance as a once isolated, rural dwelling. The view out from Durrants House looking north would be harmfully impacted by the built development and the complete change in the character of the landscape and the land use. Views from PRoW 017 looking south towards Durrants House would also be harmed. This would be exacerbated by the scale of development along the edge of the green corridor and the built form within the green corridor.

This would result in less than substantial harm to the setting of Durrants House. The degree of less than substantial harm would be at a low-mid level. The degree of harm could be mitigated to some extent by increasing the width of the green corridor, reducing the height of development along the corridor and moving formal elements including hard landscaping, LEAP and main road to more distant areas. However, due to the scale of the proposal and the fundamental change in land use and character, the harm would not be removed.

Cassiobury Park is a Grade II listed Registered Park and Garden, which includes elements dating from the sixteenth to eighteenth centuries. It now contains a public park and a golf

course to the western side, which is separated from the Site by a thick tree belt which ends at Rousebarn Lane.

There is no historic link between the RPG and the Site, but the Site does form part of the agricultural setting that contributes to the significance of the RPG. There is a thick tree buffer on the western edge of the RPG meaning there would be no views into the development from the RPG, although there is a degree of intervisiblity between the two along Rousebarn Lane. In addition, the existing Ancient Woodland within the Site would be retained, and a wetland area and country park would sit on the eastern boundary of the Site adjacent to the RPG, providing a clear green buffer. **This would mitigate the harm to the setting of the RPG to the extent that it would result in less than substantial harm at the lowest end of this spectrum.**

It is considered that the proposal would cause harm to the setting of the designated heritage assets, particularly Durrants House, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. National Planning Policy Framework (NPPF) paragraph 212 requires great weight to be given to the asset's conservation. In NPPF terms the degree of harm would be less than substantial and as per paragraph 215 this harm should be weighed against the public benefits of the proposal.

9.31 TRDC Housing Officer: [No objection]

Policy CP4 of the Adopted Core Strategy requires that 45% of new housing should 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) outlines the recommended proportions for housing mix in development proposals submitted to Three Rivers District Council. These proposals should generally aim for a mix of 40% 1-bed units, 27% 2-bed units, 31% 3-bed units, and 2% 4-bed units.

However, the identified need for affordable housing, based on the current housing register and the family composition of customers in temporary accommodation provided by the Council, suggests the following updated preferred mix: 20% 1-bed units, 45% 2-bed units, 30% 3-bed units, and 5% 4+ bed units. The primary need is for 2-bed, 4-person units, as there is a significant demand for family-sized accommodation to ensure families in temporary housing are offered permanent, suitable properties in a timely manner.

I can confirm that Housing Services would generally 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.

9.32 TRDC Tree and Landscape Officer: [No objection subject to suitable compensation/mitigation]

The site is in Metropolitan Green Belt and the woodland within its boundary is recorded as ancient on the Ancient Woodland Inventory. Within the fields are a number of notable and / or veteran field and hedgerow trees. There is a Right of Way (Public Footpath Sarratt 017) running east / west across the northern end of the site and another (Public Footpath Sarratt 063) running north / south along the western boundary. There are trees and woodland bordering the site that are protected by Tree Preservation Order (TPOs182; 026 & 118). Most of this woodland is also recorded as ancient, and some of the woodland (Whippendell wood) is a designated SSSI (Site of Special Scientific Interest).

The National Planning Policy Framework states 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 (70) and a suitable compensation strategy exists;
70 For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.’

The outline plans indicate that there will be no direct impacts on trees and woodland on the site. With no trees needing to be felled or pruned, and no loss of irreplaceable habitats. In addition, no development is proposed to take place within the root protection areas of retained trees. Although some short sections of existing hedgerow would need to be removed.

However, the potential for indirect impacts on trees and woodlands, and the deterioration of irreplaceable habitats over the longer term, are significant. The proposal to site up to 600 new dwellings within 30 metres (at the closest points) to ancient woodland and notable / veteran trees would result in a significant increase in the residential population close to these irreplaceable habitats. This increase in population would inevitably lead to additional recreational pressures on the trees and woodland, such as the compaction of soils around important trees; the trampling of ground flora in woodland areas; erosion and widening of footpaths through woodland areas; and the disturbance of wildlife, through activities such as dog walking.

Other unintentional impacts of an increased population would be increased localised air and water pollution from vehicle movements, and the use of pesticides in gardens and allotment areas.

There will also be additional anti-social behaviour issues relating to an increased population. This may include vandalism; arson; off-road motorcycling and mountain biking; and fly-tipping, which would all contribute towards the deterioration of this irreplaceable habitat. Placing development close to notable and veteran trees and incorporating them into more formal green spaces will also increase the level of risk should a tree fail. This could be detrimental to these ecologically important trees if overzealous safety works to fell or heavily prune them is undertaken to address perceived safety concerns.

To prevent any long-term deterioration of these irreplaceable habitats would require a suitable compensation and mitigation strategy. The plans indicate that buffer zones between the housing areas, and the woodlands and trees, would be created, comprising of a Country Park, formal areas of green space, and allotment sites. These will provide some mitigation but over the long term, managing visitor access and pressure to the surrounding woodland and being able to deal with antisocial behaviour issues will be key to preventing the deterioration of the trees and woodlands. To successfully manage the open space, and visitor access and recreation, would require some form of ranger team or on-site maintenance staff to be able to respond to issues effectively and quickly. This ongoing management and maintenance would need to be adequately funded and resourced to ensure the irreplaceable habitats are protected over the long term.

9.33 TRDC Leisure Development Officer: [No objection subject to conditions]

After full consideration of all the documents and information relating to the above planning application, Leisure Development Officers would recommend the following, in the submission of the planning application to Three Rivers DC.

These comments are given to help the development achieve the aims of Three Rivers District Council’s Local and Strategic plans and National Policy Framework sections detailed below:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

- Any outdoor leisure equipment must conform to the following standards:

 Playground Equipment & Surfacing – BS EN 1176 & 1177
 MUGA's (Multi Use Games Areas) – BS EN 15312 – Free Access Multi Sports
 Skate Parks – BS EN 14974 – Roller Sports Equipment
 Outdoor Fitness Equipment – BS EN 16630
 Parkour Equipment – BS EN 16899

- New play spaces should be located with regard to areas of deficiency (and designed following the same principles as if they were being implemented by the local authority)
- Particular attention should be given to DDA compliant access to any leisure areas including pathways, seating and equipment as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland).
- Provision of sustainable active travel to support an active lifestyle, such as being bike friendly.
- Where leisure provision is made by the developers, design advice must be sought from Three Rivers Leisure team which must include DDA compliant access, details of installation, quality details of all materials used, adherence to RoSPA recommendations such as gates and fences etc and RoSPA inspection of installed pieces of equipment.
- Please consider vehicle access for maintenance of any leisure areas.
- Operator signs for any leisure areas will need to be included for reporting of maintenance or reparation issues.
- A full Risk assessment of any leisure equipment should be considered.
- A RoSPA report or assessment should take place of any proposed play and/or leisure equipment.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if it the developer plans to formally hand over to the leisure facility to the Parish Council or Three Rivers District Council. This must include DDA compliancy certification as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland)., details of installation, quality details of all materials used with the relevant certification, detailed maintenance guides for each piece of equipment, RoSPA inspection of installed pieces of equipment, adherence to RoSPA recommendations such as gates and fences etc.

- Officers would recommend a community use agreement is put in place to enable local sports clubs and community organisations to access any facilities.
- Community use was not made clear in the planning application. If the applicant wishes to make the sports facilities available for community use outside of school hours, Officers recommend a community use agreement is put in place detailing hours of use, pricing and booking policy.
- As highlighted in the sports and leisure strategy, there is a lack of football pitches in the local area. Officers would like to see the proposed school site made available for community football use in the interim period until such time as the school is built.
- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

Therefore, A pre-commencement condition is therefore requested which requires

It is requested that the following condition is imposed which is based on:

(a) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Three Rivers District Council's Leisure Team

(i) A detailed assessment of community need for this equipment/building/MUGA.
(ii) A detailed specification of the proposed equipment/building/MUGA and other operations associated with grass and sports turf establishment, RoSPA assessment, ongoing maintenance and a programme of implementation.
(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for use in accordance with the scheme.

Reason: To ensure that the equipment/building/MUGA is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

Three Rivers District Council's Leisure team can provide examples of acceptable completed documents and contractor's specifications to the applicant to assist with meeting the requirements of the above condition.

If there are any queries about leisure facilities design in relation to the proposals, please feel free to contact the Head of Leisure and Natural Infrastructure.

9.34 TRDC Planning Policy Team: [Advisory comments re. policy framework]

The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

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

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The site is not within a defined settlement (although adjoins the northern boundary of the Key Centre of Croxley Green) and is not previously developed land. The development would result in the net gain of up to 600 new dwellings. The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of up to 600 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 sets out that up to 50% of the dwellings would be affordable housing, which would make a significant and positive contribution to the affordable housing need within the District.

The application site is located in the Metropolitan Green Belt. Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 further 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. Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless certain exceptions apply. Paragraph 154 of the NPPF sets out the following exceptions to inappropriate development in the Green Belt:

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), including buildings, 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

Additionally, paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a.) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b.) There is a demonstrable unmet need for the type of development proposed;

c.) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

d.) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157

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'.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent version

of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social / Affordable Rented Housing	20%	32%	35%	12%

It must be noted that 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. Policy CP4 sets out that the Council will "as a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate".

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 formed a material consideration in decision making. As a result of the introduction First Homes and changes to national policy, the Council released a First Home Policy Position Statement. This Policy Position Statement amended the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) as:

- *25% First Homes*
- *70% social rented, and*
- *5% intermediate*

However, changes were made to national policy following the publication of the newest version of the NPPF in December 2024. Within paragraph 6 of the NPPF, reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted. As such, the Council will be reviewing its Policy Position Statement. It is advised that development complies with Policy CP4 as written, apportioning 70% of the affordable housing provision as social rented and 30% as intermediate.

A Local Wildlife Site is located within the site and the site adjoins another Local Wildlife Site to the north-west. Policy DM6 of the Development Management Policies Local Development Document sets out that:

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

i) The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and

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

9.35 Watford Borough Council: No response received.

9.36 Watford Environmental Health (Commercial): [No objection subject to conditions]

Air Quality

I have reviewed the Air Quality Assessment prepared by BWB Consulting (Report ref. LGL-BWB-XX-ZZ-LA-RP-001-AQA).

The construction phase dust assessment was undertaken to evaluate the potential impact of construction activities on local air quality, the assessment indicates that with the implementation of the recommended mitigation measures, the residual impacts from the construction phase will be not significant.

The operational phase road traffic emissions assessment was undertaken to consider the impact of development generated road traffic at identified existing receptor locations. Road traffic emissions were modelled using dispersion modelling and concentrations of NO2, PM10 and PM2.5 were predicted at identified sensitive receptor locations. The development is not predicted to result in any new exceedances of the air quality objectives and the impacts of the development are considered to be negligible at all modelled receptor locations.

Pollutant concentrations were also predicted across the site. Concentrations of NO2, PM10 and PM2.5 were predicted to be below the relevant air quality objectives.

The impact of the proposed development on local air quality is considered to be not significant.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The Dust Management Plan should incorporate the mitigation measures presented in Section 5.14 of the Air Quality Assessment.

Land Contamination

I have reviewed the Phase 1 Geo-Environmental Assessment prepared by BWB Consulting (Report ref. LGL-BWB-EGT-XX-RP-LE-0001_Ph1).

The preliminary risk assessment has identified a number of plausible contaminant linkages that require further investigation.

An assessment of the potential risks associated with the site is considered necessary.

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

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

i) A preliminary risk assessment which has identified:
• all previous uses

• potential contaminants associated with those uses
• a conceptual model of the site indicating sources, pathways and receptors
• potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) 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.

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

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

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

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

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

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

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

9.37 Woodland Trust: [Objection]

Objection – impact on Woodland Trust sites and ancient woodland

The Woodland Trust is the UK's largest woodland conservation charity and a leading voice in bringing to the attention of government, landowners and the general public the state of the UK's woods and trees. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters.

We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of a planning application.

Woodland Trust Position

The Trust **objects** to this planning application on the basis of deterioration of Woodland Trust sites, and ancient woodlands designated on Natural England's Ancient Woodland Inventory (AWI), as detailed below:-

• Woodland Trust site Dell Wood (grid ref: TQ 07630 97103) - designated Ancient Semi Natural Woodland
• Woodland Trust site Harrocks Wood / Newland's Spring Wood (grid ref: TQ 07632 97418) - part designated Ancient Semi Natural Woodland
• Long Newland's Spring (grid ref: TQ 07448 96826) - designated Ancient Semi Natural Woodland
• Green Lane Wood (grid ref: TQ 08013 97009) - designated Ancient Semi Natural Woodland
• Whippendell Wood (grid ref: TQ 07939 97631) - designated Ancient Semi Natural Woodland, SSSI, and Wood Pasture and Parkland

Impact on Ancient Woodland

The application is for 600 dwellings, a school and associated infrastructure on land which includes, and is adjacent to, areas of ancient woodland and Woodland Trust sites. We are particularly concerned about the impact of the proposals on two Woodland Trust sites adjacent to the development - Dell Wood ancient woodland and Newland's Spring (part ancient woodland).

A key suggestion for mitigation of impacts on ancient woodland is the provision of a "Woodland Recreational Management Plan", the details of which are only briefly outlined in this application, but which appear to include both measures to manage recreational impacts within the woodlands, such as signposting and fencing, and measures to deter the public from accessing woodlands. We are not aware that the Woodland Trust Operational or Land & Property teams have been consulted with regards to any such measures or approached regarding any associated permissions.

The Ecological Impact Assessment concludes that the implementation of a Woodland Recreational Management Plan, together with an un-encroached buffer of 15 metres and a further encroached buffer of 15 metres, will be sufficient to mitigate impacts on Dell Wood and "*maintain the level of biodiversity within the woodland*". However, there is no evidence provided in the application to support this conclusion.

As far as we are aware, the applicant has not approached the Woodland Trust to better understand or survey biodiversity within our woodland. It is not clear, on the basis of the information provided, whether it would be feasible to ensure that for example, sensitive species are not disturbed by noise and recreation; that sensitive ground flora will not be trampled; that pollution or disturbance from dogs will be avoided; or that cat predation will be controlled.

Dell Wood is already experiencing significant deterioration. The name “Dell Wood” is a reference to the large hollow within the woodland, which currently suffers from anti-social behaviour, fires and barbecues. This has resulted in a large area of compacted bare ground within the woodland and high levels of discarded items and broken glass. The hollow is surrounded by vegetation, which increases the risk of fire spreading through the woodland during periods of drought.

The Woodland Trust is not in a position to agree to the principle of a development of this nature and scale at this location in the absence of a robust evidence-based assessment of the impact on Dell Wood and proposals for mitigation.

We have similar concerns with regards to Newland’s Spring wood, although to a lesser extent as this woodland would be adjacent to the new Country Park and further from built up areas.

Natural England and Forestry Commission have identified impacts of development on ancient woodland and veteran trees within their standing advice. This guidance should be considered the Government’s position with regards to development impacting ancient woodland or veteran trees.

We note that Natural England has specified a “minimum 30 metre buffer” and has drawn attention to the need for the local planning authority to consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193(c) of the NPPF and the standing advice.

The applicant is proposing 15 metres of undeveloped buffer, with a further 15 metre zone incorporating some development, such as pathways and allotments. However, there is no supporting assessment to demonstrate that these proposals will be adequate to prevent impacts on the woodland from the increase in recreational pressure associated with a housing development of this scale.

The appropriate width, design and management of a buffer zone will be influenced by numerous factors, including, but not limited to: the proposed housing mix and density; the nature and extent of existing development close to ancient woodland; existing recreational use of the woodland; the position of the woodland within the landscape in relation to the development; and the design of the development, including green space and available options for activities such as recreation and dog walking.

It is stated in the Ecological Impact Assessment that the pressures on Dell Wood could be of a similar magnitude to the pressures on Green Lane Wood, and yet the circumstances are completely different. There are public footpaths leading directly to Dell Wood from the development site, whereas Green Lane Wood would be enclosed with barrier fencing. It is not clear why Green Lane Wood would be provided with an un-encroached 30 metre buffer, whereas Dell Wood would be provided with a 15 metre un-encroached buffer. Even with a 30 metre buffer, the applicant concedes that it would not be possible to fully mitigate all potential negative urban edge impacts to Green Lane Wood.

In addition to the woodlands discussed above, we are concerned that impacts have not been assessed with regards to the finger of ancient woodland (Long Newland’s Spring) connecting Dell Wood with Little Green Lane. This woodland will be particularly vulnerable to intensified use due to its extremely narrow width, and the location of the public footpath within it. The application should include an assessment of the impact of the development on Long Newland’s Spring.

With regards to lighting, it is unclear how lighting will be controlled into the future as residents make changes to their properties. We are aware of research that suggests light pollution above 0.1 lux around ancient woodland and ancient and veteran trees will elicit

responses in animals (Azam et al., 2018). Mitigation of light pollution through buffers and screened zones that result in light pollution levels of 0.1 lux or below is suitable mitigation.

To conclude, we have not been able to find any modelling to assess the level of intensification of access and use of the woodlands, and therefore it is not possible to fully understand the pressures on the various areas of ancient woodland, including Woodland Trust sites, from the increase in people, dogs and cats associated with a development of 600 houses. It does not appear that the scale of recreational pressure resulting from the housing mix has been properly considered through evidence-based analysis.

Protection for ancient woodland is outlined within National Planning Policy Framework (NPPF) at paragraph 193(c). This policy provides a test for developments and impact on ancient woodland. However, the test for impact is not a test of significance or magnitude, it is a test of whether there would be any negative impact.

In this case, not only has the feasibility of mitigating impact not been demonstrated, but the applicant has acknowledged that it will not be possible fully to mitigate impact with the current proposals. Feasibility of adequate mitigation needs to be demonstrated by the applicant before this outline application can be approved.

Impacts on Veteran Trees

We are concerned to ensure that all veteran trees on site have been correctly identified and appropriately protected. In this respect, we note that the RAVEN methodology has been used to assess for the presence of veteran trees.

The Woodland Trust does not use, or agree with, the RAVEN methodology as we consider that the application of a standard 'tick box' methodology and use of disqualifying factors such as girth is not in line with government guidance. Planning Practice Guidance for the 'Natural environment'(Natural environment - GOV.UK (www.gov.uk), which is intended to clarify and interpret the NPPF, states: *"Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species."* The Arboricultural Association provides further information here Arboricultural Association - VETcert (trees.org.uk).

When assessing veteran status, size alone should not be a disqualifier and we would expect to see full consideration of the tree's condition and whether significant decay features have been identified, in line with the most recent government definition provided within The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. This states:

"*Ancient and veteran trees can be found as individual trees or collections of trees in any setting.*

Ancient trees have passed beyond maturity into an ancient life stage or are old in comparison with other trees of the same species which exhibit one or more of the following—
(i) demonstrably great age relative to others of the same species
(ii) changes to their crown and trunk development indicative of the ancient life stage
Veteran trees are mature trees that share physical and other characteristics in common with ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. All ancient trees are veteran trees, but not all veteran trees are ancient. Veteran and ancient trees which have died are still recognised as such because they retain significant biodiversity value for many decades.

Veteran trees exhibit one or more of the following—

(i) significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs
(ii) a large girth, depending on and relative to species, site and management history
(iii) a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates"

We would therefore encourage the involvement of the Council's tree officer to help determine the veteran status of trees on site. For example, we are concerned that oak tree T15 may need further assessment, and that its relatively small girth may have resulted in potential veteran status being ruled out. Any veteran trees on site should be provided with a veteran tree buffer zone in line with the standing advice.

Supporting Information - Ancient Woodland

Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to our diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy.

Natural England and the Forestry Commission, the Government's respective bodies for the natural environment and woodlands, define ancient woodland as follows within their standing advice:-

"*Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:-*
• *Ancient semi-natural woodland* [ASNW] - *mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
• *Plantations on ancient woodland sites* [PAWS] - *replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"*

In May 2022, the Government published an updated policy statement on ancient woodland, entitled 'Keepers of Time: ancient and native woodland and trees policy in England'. The Government's 'Keepers of Time' policy accentuates the importance of ancient woodland, stating: *"Ancient woodlands, ancient wood pastures and parkland and ancient and veteran trees are irreplaceable habitats which must be protected. Their long-standing presence, species and form serve as a rich cultural record of past management practices."*

Supporting Information - Veteran Trees

Ancient and veteran trees are irreplaceable habitats and afforded a high level of protection in planning policy. They possess unique features which provide a rich and diverse range of habitats, playing host to countless other species. In particular, many rare invertebrate, fungi and lichen species are dependent on the decaying wood provided by such trees. They are irreplaceable keystone structures disproportionately supporting ecosystem function and acting as critical refugia for biodiversity. Where they occur outside of woods they are also particularly important for landscape connectivity. They are an essential part of our landscape and cultural heritage.

Natural England and Forestry Commission's standing advice on ancient and veteran trees states that they "*can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats.*

“A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value.

“An ancient tree is exceptionally valuable. Attributes can include its: great age; size; condition; biodiversity value as a result of significant wood decay and the habitat created from the ageing process; and cultural and heritage value.”

Planning Policy

The National Planning Policy Framework, paragraph 193, states: “*When determining planning applications, local planning authorities should apply the following principles:-*

c) 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;”

Footnote 70 defines exceptional reasons as follows: “*For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”*

There is **no wholly exceptional reason** for the development in this location and as such this application in its current form does not comply with national planning policy.

Conclusion

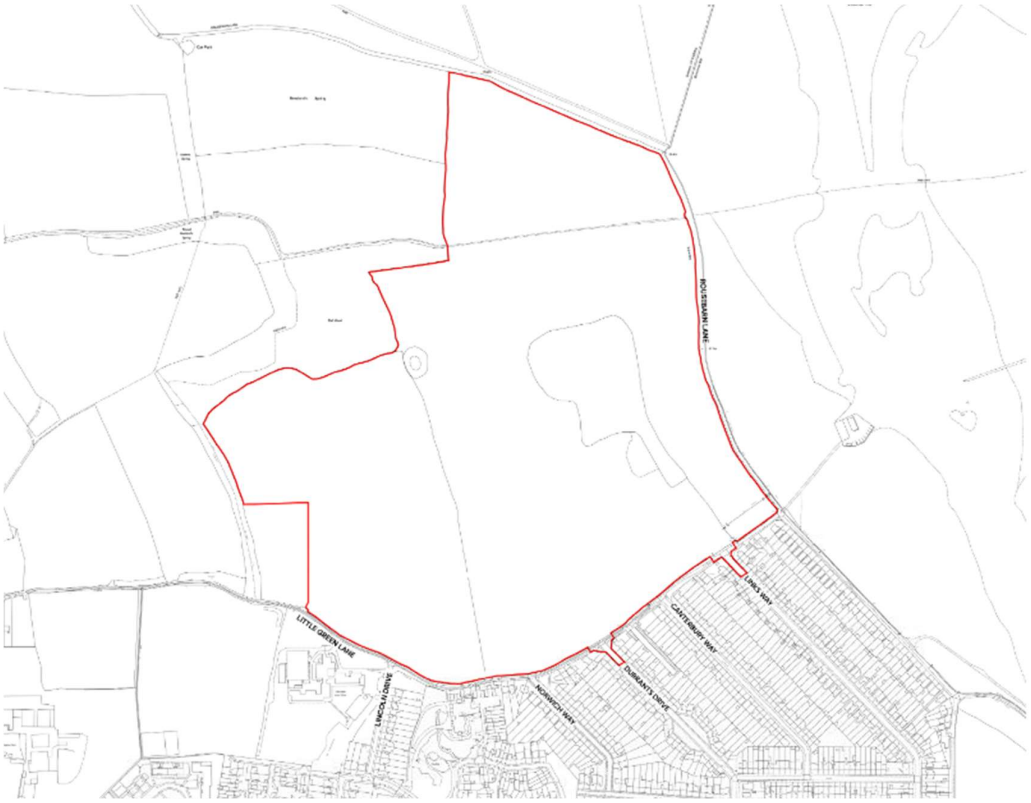
Ancient woodland is an irreplaceable habitat. As such, it should be protected from any form of development that will result in its loss or deterioration.

The Trust **objects** to this planning application on the basis that the feasibility of mitigating deterioration of ancient woodland has not been demonstrated. The applicant should submit additional information to demonstrate that effective mitigation could be provided. Until such time as the application is supported by an evidence-based assessment, it is not possible to determine whether a development of this nature and scale could be delivered in accordance with the National Planning Policy Framework.

Please don’t hesitate to contact us at planningcasework@woodlandtrust.org.uk if it would be helpful to discuss any of the points raised.

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Site Location

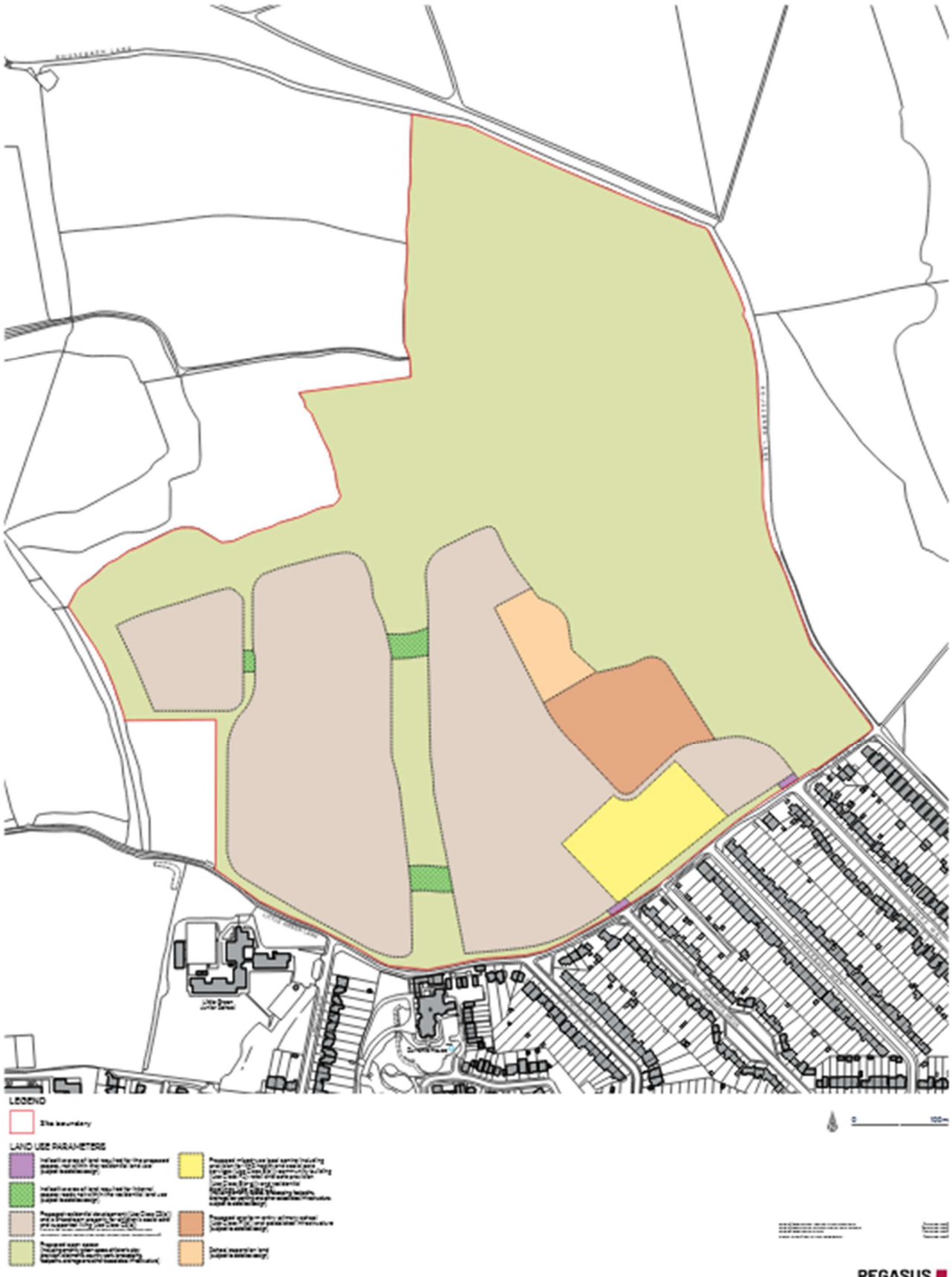




Aerial Image



Land Use Parameters Plan



Illustrative Masterplan

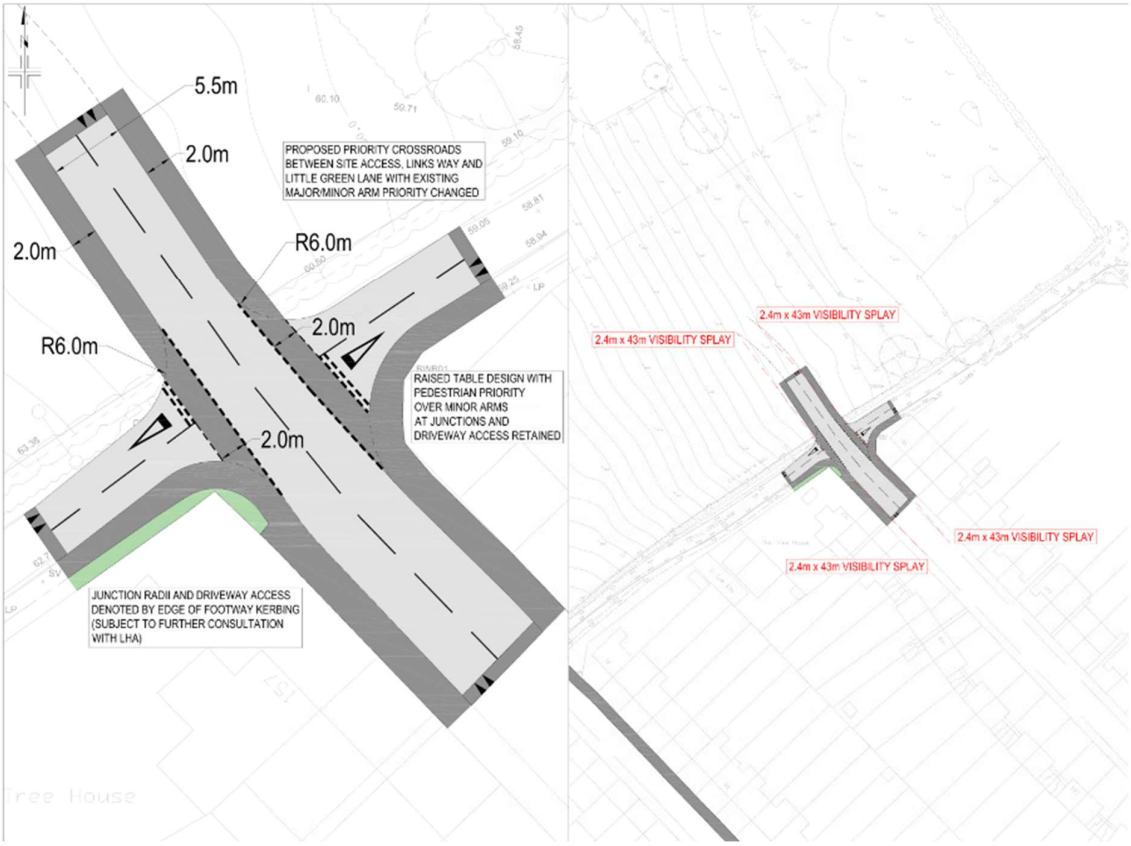


ILLUSTRATIVE MASTERPLAN | Not to scale

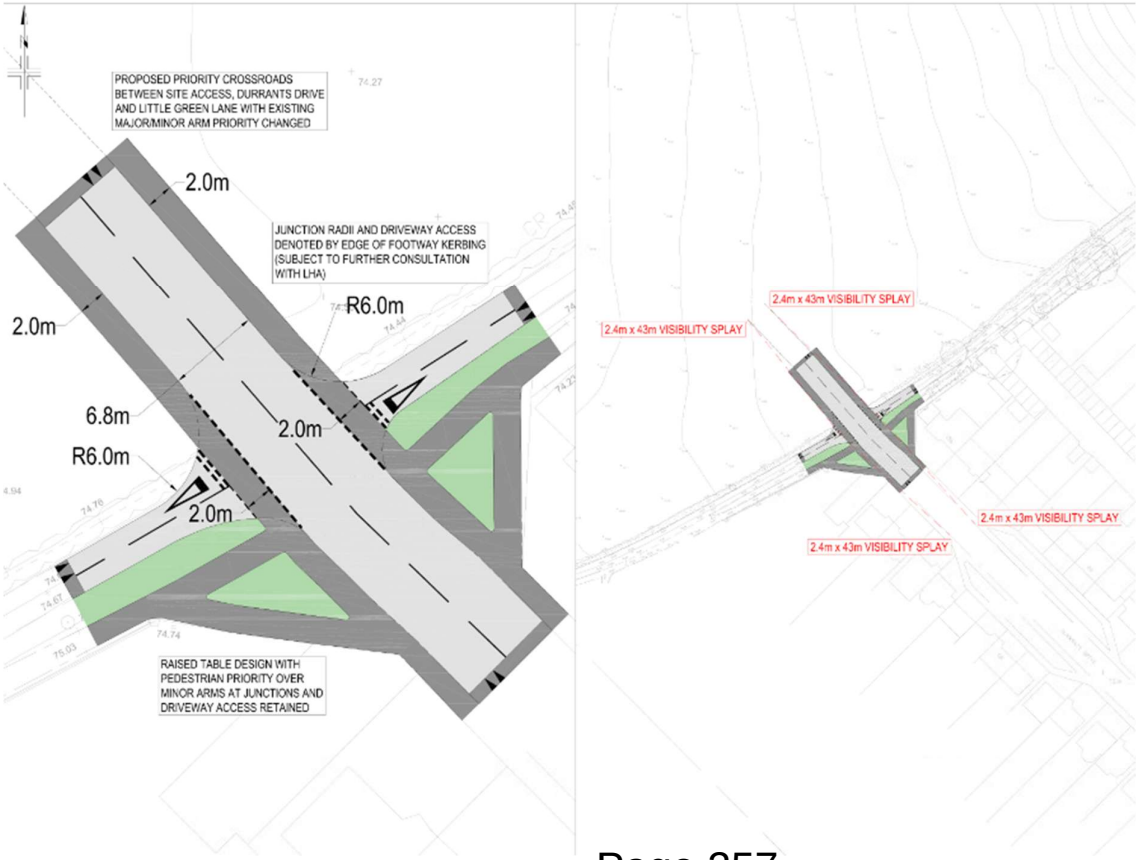
LEGEND

- SITE LOCATION
- PUBLIC OPEN SPACE AND AMENITY SPACE
- HARD LANDSCAPE FEATURE SQUARES/ FOCAL SPACES WITH PEDESTRIAN/CYCLE PRIORITY
- EXISTING TREES
- NEW TREE PLANTING
- WILDFLOWER / LONG GRASS
- COMMUNITY ORCHARD
- AREA FOR PLAY
- SUSTAINABLE DRAINAGE
- TRIM TRAIL ROUTE (2KM)
- PROPOSED NATIVE THICKET PLANTING
- PROPOSED ORNAMENTAL SHRUBS
- PROPOSED HEDGEROW
- SWALE
- MOWPATHS
- PROPOSED SHARED PEDESTRIAN / CYCLE WAY ALONG CANTERBURY ROAD

Proposed Site Access – Links Way



Proposed Site Access – Durrants Drive



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PLANNING COMMITTEE - 17 JULY 2025

25/0332/FUL – Demolition of existing outbuilding and erection of two storey detached building containing one, one bedroom flat and one two-bedroom flat (Class C3), including alterations to the existing car park at THE WESTERN, 205 HIGH STREET, RICKMANSWORTH, HERTS, WD3 1BB

Parish: Batchworth Community Council
Expiry of Statutory Period: 23.06.25
Extension of time: 22.07.2025

Ward: Rickmansworth Town
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted following the completion of a S106 agreement to secure a financial contribution towards affordable housing and amendments to the Traffic Regulation Order

Reason for consideration by the Committee: This application has been called in by Batchworth Community Council due to concerns that the positioning of the building is inappropriate for human habitation for the reasons set out at paragraph 4.1.1.

Application type: Minor Dwellings

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

25/0332/FUL | Demolition of the existing outbuilding and erection of two storey detached building containing one one-bedroom flat and one two bedroom flat (Use Class C3), including the alterations to the existing car park. | The Western 205 High Street Rickmansworth Hertfordshire WD3 1BB

1 Relevant Planning History

1.1 23/0678/RSP: Retrospective: Installation of parcel locker facility with bollards. Application permitted. Application permitted.

1.2 24/0237/FUL: Demolition of existing outbuilding and construction of three storey detached building to create 3no. x 1 bed flats (Use Class C3) with associated parking and landscaping works; boundary treatments including metal railings. Application **refused** for the following reasons:

The proposed development by reason of its scale and design would result in an obtrusive, prominent and incongruous form of development which would fail to preserve or enhance the character and appearance of the streetscene and the Rickmansworth Town Centre Conservation Area. Having regard to paragraph 208 of the NPPF the development would lead to less than substantial harm to the Rickmansworth Town Centre Conservation Area, and there are no public benefits which outweigh the harm to the Conservation Area. The proposal would be contrary to Policies CP1 and CP12 of the Core Strategy (2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), the Rickmansworth Town Centre Character Assessment and the NPPF (2023).

The proposed development would not contribute to the provision of affordable housing, and it has not been demonstrated that such provision would not be viable. The 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).

In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Town Centre Locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

The subsequent appeal was **dismissed**.

2 Description of Application Site

2.1 The application site contains The Western Public House (a detached three storey building), and its associated parking area located on the southern side of the High Street, directly adjacent to the junction with Wensum Way. The site is located within the Rickmansworth Town Centre Conservation Area which is characterised by a mix of residential and commercial properties of varied architectural design.

2.2 The existing public house has a pitched roof with two large historic chimneys and has an external brick finish. To the front of the building at ground floor are two attractive bay windows. The existing building has a garden area located predominately to the side (west) of the building, with this area containing a number of seating areas.

2.3 To the rear (south) of the site, is an existing car parking consisting of 10 spaces, served by its own vehicular access from Wensum Way. Within the car park, is an ancillary outbuilding with hipped roof form which is set back from the main highway. To the east of the outbuilding and outside of the application site is the Marks and Spencer Foodhall, a commercial building with large flat roofed projection to the rear. To the west of the site, on the opposite side of the road is Wensum Court which is three storey sheltered accommodation. The building is located on the opposite side of the High Street are predominately residential in use.

3 Description of Proposed Development

3.1 The applicant is seeking full planning permission for the demolition of the existing single storey outbuilding and erection a of two storey detached building containing one, one bedroom flat and one two bedroom flat (Class C3), including alterations to the existing car park.

3.2 The proposed building would be located to the rear of the existing public house within the existing car park, with the existing single storey outbuilding being demolished to accommodate the proposed development. The proposed detached building would be sited approximately 0.7m from the site frontage with Wensum Way and would adjoin the boundary with the access road to the Marks and Spencer's car park. The building would have a width of approximately 5.1m and a depth of approximately 15.5m. In terms of design, the proposed building would be two storey and would have a pitched roof form with a height of approximately 7.2m. The building would have a brick external finish and tiled roof form.

3.3 The flats would be accessed by two separate doors located in the elevation facing towards the existing pub. The one bedroom flat would be located at ground floor level and the two bedroom flat would be located at first floor level. The plans include the provision of sash style windows to both flank elevations and at first floor level in the front elevation, whilst the detailing includes a ground floor bay window in the elevation fronting Wensum Way. An internal bin store is proposed and would be accessed via doors located within the elevation facing towards the existing pub.

3.4 The development would be accessed via the existing access from Wensum. The applicant has specified that there would be no allocated car parking provision in respect of the new residential development, with the remaining five on site car parking spaces being retained for the use of the existing pub.

3.5 Amended plans have been received during the course of the application as follows:

- Height increased from a ridge height of 6.8m, to a height of 7.2m
- Detailing of internal bin store door amended and size of internal bin store increased.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

The positioning of the property is inappropriate for human habitation due to the air and noise pollution generated by lorries and cars passing in close proximity to the ground floor windows. There is no amenity space and no privacy for occupants of the ground floor.

BCC would like to call this application into committee unless officers are minded to refuse.

4.1.2 TRDC Conservation Officer: [Objection]

The application is for Retention of the existing public house, demolition of the existing outbuilding and erection of two storey detached building containing one one-bedroom flat and one two-bedroom flat (Use Class C3), including the alterations to the existing car park. The Western is in the Rickmansworth Conservation Area, it makes a positive contribution to the Conservation Area by virtue of its derivation, scale, form and appearance. Due to its historic and architectural interest, it is a non-designated heritage asset.

The previous proposal due to its scale, form and appearance was an incongruous addition to both the Conservation Area and the setting of the non-designated heritage asset. This was confirmed at the appeal of the previous application reference 24/0237/FUL (Appeal Ref: APP/P1940/W/24/3355823), which was dismissed by the Planning Inspector. The Marks and Spencer's building and the flatted development, Wensum Court, do not make a positive contribution to the Conservation Area; they contrast with the scale, form and appearance of the historic development within the streetscene.

Key points made in the appeal decision were as follows:

•The positioning perpendicular to the road and between two carparks would not relate to any rows of development along Wensum Way or the surrounding streets. Instead, it would appear as a visually detached feature prominent against the open car parks.

•The height of the building, at three-storeys, would further increase this visual prominence within the surrounding street scenes. This includes from the High Street where it would be seen in relation to the Western and where it would block views toward the rear of Ebury Road.

•Pitched roofs are more typical of the area and the flat roofs of the modern buildings around the appeal site do not positively contribute to the area.

The current proposal is altered from the previous and consists of a two-storey building with a mansard roof, finished in brick, with a ground floor bay window and one chimney. It would contain a 1 bed flat on the ground floor and 1 x 2 bed at first floor.

In relation to the appeal decision, the height has been reduced, and the flat roof has been replaced with a pitched, mansard roof. However, due to the reduced height the roof appears relatively flat and bulky. In addition, the addition of a row of terraces between two car parks would still appear as a visually detached feature that would be prominent and incongruous in the context of the open car parks.

Based on the Inspectors comments, the principle of development in this location is still questionable in principle and the proposal currently would detract from the prominence of the public house, undermining the ability to appreciate its special interest and the positive contribution it makes to the Conservation Area.

However, if officers are minded to agree the principle of development in this location, alterations should be made to reduce the degree of harm to the setting. A row of terraces is not appropriate, and any new building should appear as ancillary to the pub, in the manner of an outbuilding or coach house and less domestic in appearance. The roof height could be increased slightly to have a steeper and more proportionate pitched roof, provided it did not exceed two storeys.

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 should be considered. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 215. The proposal would also have an adverse impact on the significance of the non-designated heritage asset, making paragraph 216 also relevant.

4.1.3 Officer comment: Amended plans have been received during the course of the application, with full details of the amendments set out in the development description above. The Conservation Officer has made the following comments in relation to the amended plans:

- A formal heritage consultation response was provided on 21st May 2025, which highlighted several concerns, including the principle of development and the design/character of the proposal.

- It stated that if officers are minded to agree the principle of development in this location, alterations to design could be made to reduce the degree of harm.

- The current proposal has increased the height of the roof slightly to have steeper pitch and has altered one of the doors to appear as an ancillary door, rather than a main front door.

- These alterations are only minor and would slightly reduce the degree of harm in heritage terms. However, they would not fully overcome the concerns raised previously.

4.1.4 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 condition:

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:

- On-site refuse / recycling store(s) to ensure that they are not stored or any areas of the adjacent highway.

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. Cycle Parking

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and

approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first commencement of the dwellings and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

3. 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.
h. Provision of sufficient on-site parking prior to commencement of construction activities.

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

Highway Informatives

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

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

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. 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.

AN) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be

taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Comments / Analysis: The development proposals consist of two flats on the existing pub site (including retaining the existing pub) at The Western public house, which is located on a corner plot at Wensum Way and High Street. Wensum Way is designated as an unclassified local access road (30mph) whilst High Street is designated as an unclassified local distributor road (20mph). Both roads are classed as P3/M2 (High Street) on HCC's Place & Movement Network.

A Transport Statement (TS) has been submitted as part of the application.

There is an existing bellmouth access into the site from Wensum Way leading to the car park. The existing access is to remain as is with no alterations. There is an existing public footpath fronting the site. There are existing double yellow lines on the highway fronting the site on Wensum Way and High Street.

The application does not include any car parking provision for the 2 proposed dwellings. HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of the highway in the town centre due to the lack of any on-site car parking. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the town centre location, the potential for promoting alternative sustainable forms of travel (including public transport) and the existing parking restrictions in the vicinity of the site – all of which would discourage car use.

The site is in a town centre location. Rickmansworth Railway Station is located approximately 300/350m from the site and therefore within an easy walking distance. The nearest bus stop to the site is located approximately 100m and has a shelter, which is within the normally recommended walking distance of 400m from any new dwellings.
TRDC as planning and parking authority would ultimately need to be satisfied with the proposals in respect to the levels of car parking (or lack thereof).

The TS states that two cycle parking spaces will be provided, which would be supported by HCC as Highway Authority. Details on the design and location of the cycle would need to be provided as outlined in the recommended cycle parking condition.

The layout of the remaining pub car parking area is shown on submitted plan no. 23.3442.102 P7 and is considered to be acceptable by HCC as Highway Authority.

Refuse, Service and Emergency Vehicle Access: Provision would need to be made for an on-site refuse / recycling storage area for the proposed dwellings, which does not appear to have been shown on the plans at present but should be achievable. The collection method would need to confirmed as acceptable by TRDC waste management.

All parts of the proposed dwellings would be within 45 metres from the highway on Wensum Way. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Conclusion: HCC as Highway Authority has considered that the proposal would not have a safety impact or significant impact on operation of the surrounding highway. Therefore, HCC has no objections on highway grounds to the outline application, subject to the inclusion of the above planning condition and informatives.

4.1.5 National Grid: [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets.

We have no objection to this proposal from a planning perspective; however we need you to take the following action.

What you need to do: To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.
Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 37

4.2.2 No of responses received: 4 (two neutral, two objections from same objector)

4.2.3 Site Notice: Expiry: 10 June 2025 Press Notice: Expiry 27.06.2025

4.2.4 Summary of Responses:

- Pleasing to see that the ecology report proposes 2 integrated swift bricks on the new building. Please secure by way of condition.
- Support the comments made in relation to swift bricks.
- The plans do not show the area accurately.
- The building is in a car park between a noisy pub garden and directly on a main road.
- There is no private amenity space, and the windows face the supermarket vehicle delivery entrance-the new windows could not be left open and may face a barrier to protect the building from lorries.
- Where will previous car park users go?
- The amended plans do not overcome previous objections.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 <u>National Planning Policy Framework and National Planning Practice Guidance</u>

In December 2024 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 2024 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.

6.2 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, 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, DM7, DM9, DM12, DM13 and Appendix 5.

The Batchworth Neighbourhood Plan (adopted May 2025). Policies BW C04 and Policy BW DE1 are relevant.

6.3 Other

The Rickmansworth Town Centre Conservation Area Appraisal (1993).

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

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

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

7 Planning Analysis

7.1 Background

7.1.1 In 2024, a planning application was submitted at The Western relating to the demolition of the existing outbuilding and construction of a three storey detached building to create 3no. x 1 bed flats(Use Class C3) with associated parking and landscaping works. The scheme proposed a three storey flat roofed building with a maximum height of 8.7m. It was proposed that the western elevation fronting Wensum Way would have an angled appearance with projecting balconies at first and second floor level. The proposed building would have been finished with charred black cladding.

7.1.2 The application was refused, as it was considered that the development by reason of its scale and design would result in an obtrusive, prominent and incongruous form of development such that it would fail to preserve or enhance the character and appearance of the Rickmansworth Town Centre Conservation Area. In addition, the development was

refused on the failure of the development to contribute to the provision of affordable housing, and in the absence of a S106 agreement to remove the ability of future occupiers to obtain car parking permits. The decision was appealed and whilst the applicant overcame the reasons relating to affordable housing and in relation to car parking during the course of the appeal, the Inspector upheld the concerns relating to the impact on the Conservation Area. In determining the appeal, the Inspector stated the following:

The proposal comprises the demolition of an existing single-storey outbuilding in the Western's car park and its replacement with a three-storey block of flats. This building would sit along the boundary with the supermarket car park. Given its positioning perpendicular to the road and between two carparks, it would not relate to any rows of development along Wensum Way or the surrounding streets. Instead, it would appear as a visually detached feature prominent against the open car parks. The height of the building, at three-storeys, would further increase this visual prominence within the surrounding street scenes. This includes from the High Street where it would be seen in relation to the Western and where it would block views toward the rear of Ebury Road.

As noted above, pitched rooves are more typical of the area and, as raised by both parties, the flat rooves of the modern buildings around the appeal site, do not positively contribute to the area. The proposal would include the use of a flat roof, adding to the bulk of the building, and further increasing its intrusiveness as an incongruous feature. Beyond the form of the building, its design and detailing, including the proposed glazing, is also contemporary in style. Whilst it is not necessary that any new buildings be a pastiche of those within a conservation area, the proposed building's articulation would not suitably reflect or sympathetically sit with the form and appearance of those in the surrounding area.

7.1.3 The current scheme has been submitted following the dismissed appeal, with the following changes between the two schemes:

- Reduction from three flats to two flats, and from three storeys to two storey.
- Amended roof form, from a flat roof form to a pitched roof form
- Alterations to proposed materials from cladding to brick work
- Traditional fenestration detail proposed under the current planning application.
- Removal of balconies.

7.2 Principle of Development

7.2.1 The proposed development would result in the net gain of two dwellings. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward though the planning application process where it will be tested in accordance with relevant national and local policies.

7.2.2 Chapter 11 of the NPPF promotes the efficient use of land and sets out that '*planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding the environment and ensuring safe and healthy living conditions'.* In addition, paragraph 125 of the NPPF emphasises that planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

d) 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 (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

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

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

7.2.4 The application site is located in Rickmansworth which is defined as the Principal Town in the Three Rivers Settlement Hierarchy. Policy PSP1 sets out that development within Rickmansworth will '*provide 15% of the district's housing requirements over the Plan period'.* Furthermore, the supporting text to Policy PSP1 also sets out that there is scope for *'continued infilling within the urban area, primarily on previously developed land, subject to the protection of existing residential and historical character and amenities.* The land proposed for development is currently occupied by a single storey outbuilding and car park, both associated with the existing pub. It is therefore considered that the land is 'previously developed' and the provision of a building in this location would represent an efficient use of land in accordance with paragraph 125 of the NPPF. Consequently, given the location, current use and brownfield nature of the site, it is considered that it is suitable for redevelopment, subject to assessment against all relevant material planning considerations as set out below.

7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social/Affordable Rented Housing	20%	32%	35%	12%

7.3.2 In this case, the applicant is proposing 1 x 1 bedroom flat and 1 x 2 bedroom flat, and therefore the proposed development would not be in accordance with the above housing mix. However, given the town centre location of the development, it is considered that the nature of the units would be appropriate and acceptable. Furthermore, given the scale of the development, it is not considered that this would prejudice the ability of the Council to deliver housing targets/ The proposed development is therefore considered acceptable and in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4 Affordable Housing.

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

7.4.2 The proposed development would result in a net gain of two units, and as such, the development would be liable for a commuted sum payment in respect of affordable housing. The site is within Highest Value Three Rivers market area where the payment would be £1250 per square metre of habitable floor space. It has been calculated that based upon a habitable floor space of approximately 89.3 square metres, that a policy compliant contribution of £111,650 would be required (this would also be subject to indexation).

7.4.3 A Viability Assessment was submitted with the application and sets out that an affordable housing contribution would not be viable. This has been subject to assessment by an independent assessor who found that a contribution of £71,987 would be viable. In response, the applicant raised concerns that the assessment relied on BCIS data for build costs rather than the bespoke build cost plan submitted. In addition, the applicant noted that the BCIS rates for flats do not include a rate for a small scheme of 2 units and therefore the level of detail in their bespoke cost plans were more appropriate.

7.4.4 These points were raised with the independent assessor who re-assessed the scheme in light of the comments. A further response was then received from the assessor who agreed that the BCIS rates for flats do not include a rate for a small scheme, however, the BCIS rates for houses would and therefore this is normally used for small schemes. In addition, given the small-scale nature of the scheme, the upper quartile rate would better represent the potential build costs for this scheme. Therefore, the report has been updated to include the upper build cost rate for new build flats. In addition, the assessor has advised that they have looked at the allowance in the applicants build cost plan for external works and agree that their figure of £59,122 is fair and reasonable. Based on this, the appraisal results in a revised surplus of £27,367 which can be secured as a viable contribution toward affordable housing provision. The applicant has confirmed that they are in agreement to this figure. Therefore, in summary, the proposal is considered to be in accordance with Policy CP4 of the Core Strategy, subject to the completion of a S106 agreement to secure the contribution.

7.5 Impact on the street scene and the Rickmansworth Town Centre Conservation Area.

7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.5.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD 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, building frontage line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges etc.

7.5.3 The NPPF sets out that 'Heritage Assets' range from sites and buildings *of local historic value to those of the highest significance such as World Heritage Sites'…..These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance*'. Paragraph 212 sets out 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' The application site is located within the Rickmansworth Town Centre Conservation Area, with Conservation Areas being considered as designated heritage assets by the NPPF. A non designated heritage asset is a building identified as having a degree of significance because of their heritage interest but do not meet the criteria for being a designated heritage asset. Paragraph 216 of the NPPF states that '*the effect of an application the significance of a non-designated heritage asset should be taken into account in determining the application In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*

7.5.4 Policy DM3 of the Development Management Policies LDD is also relevant and relates to Heritage including development in Conservation Areas.. This advises that new development should preserve or enhance the character and appearance of the Conservation Area. Policy BW C04 of the Batchworth Neighbourhood Plan sets out that 'proposals for new development in Rickmansworth Town Centre should complement the special character of the area, reflected in the height and massing of buildings, as well as the materials used, building styles and roof heights'. Policy BW DE1 is also relevant and seeks high quality design which demonstrates how schemes respond to local character.

7.5.5 The proposed development would be located to the rear of the existing Public House, known as The Western. In determining the appeal for application 24/0237/FUL, the Inspector noted that whilst the building has been extended, *'the siting appearance and form have not been so compromised as to result in the building no longer being of interest as a non-designated heritage asset. Mindful of its age, appearance and siting, I find that the building also contributes to the wider CCA'.*

7.5.6 In terms of siting, the development would be located to the rear of the existing pub, however, it would front an existing road and thus would not constitute a tandem form of development. Appendix 2 of the Development Management Policies LDD also provides further guidance on siting and notes that generally the first-floor element of a two storey building should be set back from the boundary by 1.2m to prevent a terracing effect and to maintain appropriate spacing within the streetscene. In this case, the block plan indicates that the building would be located adjoining the southern boundary of the site which would therefore be contrary to the above guidance. However, in this case, no objection is raised, as the building would sit next to the entrance to the existing Marks and Spencer Car Park and thus a terracing effect would not occur. Given the lack of built form immediately adjacent, it is not considered that the development would not appear unduly cramped in this regard.

7.5.7 It is noted that the application site has been the subject of a previously refused application and subsequent appeal which proposed the provision of a three storey building providing three flats. In dismissing the appeal, the Inspector noted the following:

9. …Given its position perpendicular to the road and between two car parks, it would not relate to any rows of development along Wensum Way or the surrounding streets. Instead it would appear as a visually prominent feature prominent against the open car parks. The height at three storeys would further increase this visual prominence within the surrounding street scenes. This includes the High Street where it would be seen in relation to the Western and were it would block views towards the rear of Ebury Road.

10. As noted above pitched rooves are more typical of the area and, as raised by both parties, the flat rooves of the modern buildings around the appeal site, do not positively contribute to the area. The proposal would include the use of a flat roof, adding to the bulk of the building, and further increasing its intrusiveness as an incongruous feature. Beyond

the form of the building, its design and detailing, including the proposed glazing, is also contemporary in style. Whilst it is not necessary that any new buildings be a pastiche of those within a conservation area, the proposed building's articulation would not suitably reflect or sympathetically sit with the form and appearance of those in the surrounding area……

13. In light of the above, the proposal would result in harm to the CCA and the Western, an NDHA.

7.5.8 It is acknowledged that the proposed building would still be sited in the same location, sitting between two open car parks and therefore would appear as a prominent feature, particularly in comparison to the existing single storey detached building which currently sits to the rear of the site. However, the scale and design of the building is materially different to that previously dismissed on appeal. The applicant has adopted a more traditional design approach, proposing a two -storey building with pitched roof form, rather than the three-storey flat roofed building previously refused. It is noted that the original comments received from the Conservation Officer considered that the roof form still appeared somewhat bulky and flat and suggested that the height could be slightly increased in order minimise this perception. In response, applicant has retained the overall design of the roof form, however, has increased the ridge height by approximately 0.4m. In addition, the Conservation Officer raised concerns that the original plans suggested the provision of a row of terraces due to the provision of three domestic front doors. Consequently, the applicant has amended the design of the bin store doors such that they would appear as more ancillary features. The Conservation Officer was re-consulted and notes the amendments are minor, and that whilst the degree of harm would be slightly reduced, that the amendments would not fully overcome the original concerns raised. However, the Conservation Officer has confirmed that the level of harm would be low level.

7.5.9 In response to the Conservation Officer's concerns, officers acknowledge that the siting of the building would remain unchanged to that proposed at the time of the appeal. However, it is considered that the design and detailing of the building has acted to mitigate the building's prominence and would ensure that it would sit more sympathetically within the Conservation Area In terms of materials, the elevations indicate the use of brickwork which is a more traditional material and would reflect other buildings within the vicinity, rather than the cladding proposed under the previously refused scheme. In addition, the glazing design would include sash windows to the flank elevations with a characterful bay window to the front elevation. In addition, it is considered that the revised design would better respect the character of the existing public house, a non designated heritage asset and would appear as an ancillary addition which would not dominate its setting. A condition would be added to any permission requiring full details of the proposed external materials including physical samples to be submitted prior to above building work. Therefore, whilst the Conservation Officer's concerns are acknowledged, it is considered by Officers that the amendments made since the time of the previous refusal and during the course of the application are such, that the proposed building would not appear as a prominent feature and would be more sympathetic to its surroundings. It is not considered that significant demonstrable harm would occur to justify refusal and would overcome the concerns raised by the Inspector at the time of the appeal.

7.5.10 In summary, it is therefore considered that the reduced height, scale and design of the building has acted to minimise the overall prominence of the building, such that would better reflect the character and appearance of this part of the Conservation Area. It is not considered that it would be an obtrusive addition which would dominate the streetscene and would better reflect the character and appearance of the non- designated heritage asset. It is viewed that the proposed development would preserve the character and appearance of the Conservation Area. Therefore, subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

7.6 Impact on amenity of neighbours

7.6.1 Policy CP12 of the Core Strategy advises that development proposals should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'

7.6.2 The nearest residential neighbours are located at Wensum Court, directly opposite the application site. This is a residential home, and there are a number of large clear glazed windows in the flank elevation facing towards the application site. However, given the separation by the highway, it is not considered that this would be an unduly prominent or overbearing form of development. The proposed block plan indicates a minimum distance of approximately 18.2m between the front elevation of the building and the flank elevation sited in closest proximity to the application site. With regard to overlooking, the plans do indicate glazing would face towards Wensum Court. However, it is not considered that demonstrable harm would occur as a result, given the separation by the highway and also acknowledging that this is a town centre location with there is a degree of overlooking between properties due to the higher density nature of the locality. The minimum distance of 18.2m is considered sufficient taking into consideration the urban location of the site.

7.6.3 It is unclear whether the first and second floors of the existing pub are in residential use at present. However, it is not considered that the proposed building would be unduly overbearing to the existing building given it would have a lower roof level and would be set at a distance from the building. The block plan indicates a distance of approximately 20.5m between the rear wall of The Western and the flank elevation of the proposed building. With regard to overlooking, there are two first floor windows proposed which would face towards the existing pub. However, the plans indicate that these would serve the proposed stairs and a hallway. As such, these can be conditioned to be obscure glazed and top vent opening only to minimise any impact.

7.6.4 There are a number of flank windows at both ground and first floor level which would be located in the southern elevation of the proposed building. However, these windows would face towards the existing car park associated with Marks and Spencer and thus would not cause harm to any residential amenities of nearby neighbours.

7.6.5 In summary, given the site circumstances, it is not considered that the proposed development would result in any unacceptable impact to the residential amenities of neighbouring buildings. The development is therefore considered acceptable in this regard and no objections are raised.

7.7 Quality of accommodation for future occupiers.

7.7.1 Batchworth Community Council have objected to the proposed development as they note that there is no amenity space provision and furthermore, that the occupiers of the ground floor unit would have no privacy. With regard to amenity space provision, Appendix 2 of the Development Management Policies LDD provides guidance:

(d) Flats: One bed- 21 square metres
Additional bedrooms: 10 square metres each (space can be allocated specifically to each flat or communally.

7.7.2 In this case, the development would not benefit from any private or communal amenity spaces. However, it is not considered that this would result in significant harm to justify refusal for the following reasons. Whilst the Council acknowledges the importance of amenity provision, in this case the site is within walking distance to both Rickmansworth

Aquadrome (0.2miles, 5minute walk) and Bury Meadows (0.3miles, 7minute walk). Given the close proximity of these areas and the ease of the pedestrian routes (safe and level access routes with pedestrian crossings), it is considered that there would be ample recreational opportunities within close proximity of the site. Furthermore, it is emphasised that this is a town centre location, and the more constrained nature of the site means that it would be difficult to provide policy compliant amenity space. It is also noted that the shortfall in amenity space did not form a reason for refusal at the time of the previous application.

7.7.3 With regard to privacy, it is acknowledged that the building would sit in close proximity to the adjacent highway and the flank elevation would be located adjoining the access road to the Marks and Spencer's car park. The applicant has confirmed that the windows would be sash style opening windows, to ensure that the windows would not open outwards onto the access road. With regard to privacy, it is acknowledged that the windows at ground floor level in particular would be visible from the access road. However, it is emphasised that this is an urban location where there is a degree of overlooking both between properties and from users of nearby services. Future occupiers would be aware of the siting of the dwelling and how this relates to nearby roads and to the existing car park. It is also emphasised that this also did not form a reason for refusal by the LPA at the time of the previous application and the provision of flank windows was not deemed to be unacceptable by the Planning Inspector.

7.7.4 Policy DM9 of the Development Management Policies LDD is also considered relevant. This advises that that planning permission will not be granted *for 'development which would be subject to unacceptable noise levels or disturbance from existing noise sources, irregular or not*.' Batchworth Community Council have raised concerns in relation to the proximity of the development to roads, and the pub and that future occupiers would experience noise and air pollution. In response, these concerns are acknowledged, however, there are existing residential dwellings located in close proximity to the pub and the LPA is not aware of any noise related complaints. Furthermore, the road on which the building would be located is not considered to be so busy as to generate significant levels of traffic which would result in air pollution. Again, it is emphasised that this town centre location is characterised by existing residential properties and therefore it is not considered reasonable tor refuse the application on this basis.

7.7.5 Consequently, it is considered that given the location of the site, the development would not provide unacceptable living accommodation for future occupiers and as such no objections are raised. The development is considered acceptable and in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.8 <u>Landscaping</u>

7.8.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997'.

7.8.2 No significant trees or areas of landscaping would be adversely affected.

7.8.3 The submitted block plan does indicate the provision of a 1.1m wide footpath which would provide a safe route in and out of the building from the street, and indicates the provision of some planting to the site frontage. To ensure that the development provides this access route and some form of planting to the front, a condition requiring details to be submitted for approval is included.

7.9 <u>Wildlife and Biodiversity</u>

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

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. It is noted that the application is accompanied by a Protected Species Scoping Report. It is noted that this is dated 24th June 2023 and therefore is technically out of date. However, having regard to the nature of the building to be demolished, it is not considered that there would be any significant harm to bats with the report noting that the location of the site and form of the garage, meant that it offered 'negligible' bat roosting potential. These findings are still considered applicable. An informative shall be added reminding the applicant of what to do should bats be found during the course of the development.

7.9.3 Comments received during the course of the application note their support for bird boxes as set out in the Ecological Enhancements section of the ecology report. It is suggested that a condition should be added, requiring the ecological enhancements listed in paragraph 5.3.1 of the ecology report should be added as a condition in accordance with Policy DM6 of the Development Management Policies LDD.

7.10 Mandatory Biodiversity Net gain.

7.10.1 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.

7.10.2 In this case, the applicant considers that the development would be subject to the de minimis exemption. Given that the building would be located on an existing sealed service (a car park), the LPA is in agreement that the de minimis exemption would be applicable.

7.11 Highways, Access and Parking

7.11.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. In this case, there would be no alterations to the existing vehicular access and thus the Highways Officer has raised no objection in this regard.

7.11.2 With regard to car parking, the proposed development would be located on an area of land which forms part of the existing car park associated with the pub. There is currently provision for ten off street car parking spaces on site, and the proposal would result in the loss of five off street car parking spaces to accommodate the building. The Planning Statement specifies that five car parking spaces would be retained for the use of the pub whilst the residential development proposed would be car free.

7.11.3 Appendix 5 of the Development Management Policies LDD sets out that a 1 bedroom dwelling requires 1.75 spaces (1 assigned space), whilst a 2 bedroom dwelling requires 2 spaces (1 assigned space). The proposed development would therefore generate a requirement for 3.75 car parking spaces, or 2 assigned spaces and therefore there would be a shortfall of 3.75 spaces in relation to the proposed development. With regard to Drinking Establishments, Appendix 5 of the Development Management Policies sets out that there should be 1 space per 3square metres of bar area plus 3 spaces per 4 employees.

Whilst floor plans of the Public House have not been provided, based on the above standards, it is unlikely that five car parking spaces would be sufficient for the existing use based on the Appendix 5 requirements. Therefore, it is likely that there would be a shortfall in relation to the existing use. In addition, it is also noted that Appendix 5 of the Development Management Policies LDD sets out that the 'standards for car parking (except for C3 Residential) may adjusted to the zone the proposed development is located in'. However, it does go on to state that 'in areas of high accessibility and good service provision, a reduction in the levels of parking for C3 Residential may be appropriate.

7.11.4 With regard to the shortfall in relation to the residential development, it is not considered that there would be any significant harm for the following reasons. The site is located in Car Parking Zone 1 and therefore is within an area of high accessibility where 0-25% of the indicative demand-based standard may be acceptable for non-residential elements and where a reduction in the levels of parking for C3 Residential would also be appropriate. As already emphasised, the site is within a Town Centre location, with Rickmansworth Railway Station being located approximately 300m/350m from the site and is therefore within easy walking distance. In addition, the nearest bus stop in relation to the site is located approximately 100m away and therefore is considered to be in close proximity. Furthermore, the High Street is within walking distance providing a variety of amenities and services. As such, the proposal for a car free development in this particular location is considered to be acceptable. It is also emphasised that a shortfall in car parking provision did not form a reason for refusal under the previous application which proposed an increased number of 3 flats compared to the 2 flats proposed under the current application. The plans also include provision for cycle parking internally for both flats which would further promote alternative transport modes to a car, and the site is in close proximity to national cycle routes, with signed cycle routes and cycle lanes in the immediate vicinity of the site. It is noted that the Highways Officer has suggested a condition in relation to cycle provision, however, the details have been clarified during the course of the application and therefore, a condition is not deemed necessary. With regard to the shortfall for the existing commercial use, it is not considered that this would result in a significant harm to justify refusal. The existing pub is located within a town centre, and it is likely that many of the users of the pub would arrive on foot, or may utilise one of the existing public car parks within the vicinity. As such, it is not considered that significant harm would occur. During the course of the application, an amended plan has been received which has numbered five car parking bays. A condition shall be added requiring that the existing car parking bays to be retained for use by employees and visitors to the existing pub, known currently as The Western.

7.11.5 It is however noted that the application site is located within an existing CPZ which is currently at capacity with the number of current car parking permits which have been issued in comparison to the number of identified spaces. As such, the CPZ is already saturated in relation to the number of cars which can be accommodated. As such, a Unilateral Undertaking is needed in order to require payment of the requisite moneys to amend the current TRO (Traffic Regulation Order), to prevent future occupiers from obtaining car parking permits. The applicant has agreed to enter into a legal agreement to ensure that the existing car parking pressures experienced within the locality will not be further exacerbated.

7.11.6 In summary, subject to the completion of a unilateral undertaking as outlined above, the development is considered to be acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.12 Sustainability

7.12.1 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 expected carbon emissions.

7.12.2 Policy DM4 of the Development Management Policies LDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability, This may be achieved through a combination of energy efficiency measures, incorporation of on site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.12.3 The submitted information did not indicate the exact saving which would be achieved. However, from 15th June 2022, all new homes were required to produce 31% less than what is current acceptable under present Part L regulations. As such, the development would exceed the requirements of Part L. It is noted that the Energy Statement did refer to the provision of solar panels, however, these were not shown on elevation. Due to the sensitive nature of the site, the applicant has advised that they would not be installing solar panels. However, the applicant has also confirmed that the proposed development would achieve in excess of current Building Regulations due to insulation and installation of triple glazing. Consequently, it is considered that the development is acceptable in this regard.

7.13 Refuse and Recycling

7.13.1 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.

7.13.2 The plans include an internal refuse storage area. In relation to the internal layout, this would be adjacent to a bathroom and hallway area of the ground floor flat. Therefore this would have no adverse impact on residential amenity. It is noted that amended plans were received during the course of the application to increase its size to enable the correct number of bins to be accommodated. With regard to collection, the applicant has specified that this would be operated by a fob- based system and Environmental Protection have confirmed that no objections are raised in this respect. The Highways Officer did suggest a condition in relation to refuse and recycling, however, the details have been clarified during the course of the application and therefore a condition is not deemed necessary.

7.13.3 With regard to refuse storage for the existing Pub, the applicant has advised that this would be located to the rear of the site adjacent to the rear boundary. It is noted that this area is already utilised for storage and thus no objections are raised in this regard.

7.14 Planning Balance

7.14.1 As set out above, officers consider that the amended scheme would not result in any harm to the character and appearance of the Conservation Area or the non-designated heritage asset. In addition, no other harm has been identified which would justify the refusal of the current application.

7.14.2 If members are not in agreement in relation to the heritage related impacts and conclude that there would be harm, then paragraph 215 of the NPPF must also be considered. This states the following:

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.

7.14.3 In this case, the Conservation Officer has identified that the level of less than substantial harm to the Conservation Area would be low level.

7.14.4 In addition, the LPA cannot currently demonstrate a 5 -year housing land supply and therefore the requirements of the NPPF (2024) are required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision taking, that if the policies which are most important for determining the application are out of date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites0, then planning permission should be granted unless i) the application of policies in this framework that protect areas or assets of particular importance provide 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. At the time of the previous refusal, the Inspector noted the following in relation to the issue of housing:

The Government's objective is to significantly boost the supply of housing, and the proposal would provide three new dwellings in a location with good access to services and facilities. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal, and the under provision of housing within the area, these matters would at most attract moderate weight. The moderate weight I attach to these public benefits does not, in the circumstances of this case, outweigh the harm to the designated heritage asset.

7.14.5 Officers consider that whilst the current proposal would represent a modest scheme of two dwellings, moderate weight would still be attached to their provision on a brownfield site in a sustainable location with good access to services and facilities. This would again lead to a small and time limited economic benefit during the construction phase as well as some limited and social benefits of future occupiers. Officers therefore emphasise that members must consider whether these public benefits would outweigh any harm identified.

8 That PERMISSION BE GRANTED following the completion of a S106 agreement to secure a final contribution towards affordable housing and amendments to the Traffic Regulation Order and 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:

23.3442.100 P7, 23.3442.101 P2, 23.3442.102 P8, 23.3442.103 P19, 23.3442.104 P23, 23.3442.105 P10

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 PSP1, CP1, CP2, C3, CP4, C9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM8, DM9 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the

construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan 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;

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including full details of the proposed roof tiles, brickwork (including brick type, brick bond, mortar colour, pointing details and brick detailing), sash windows (including their material, finished colour and method of opening) and rainwater goods (including their colour and material) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

C5 Prior to the first occupation of the development, the ecological enhancements listed in paragraph 5.3.1 of the Protected Species Scoping Report (Ref KE/23/0051/1, 24 June 2023) shall be undertaken and should be retained permanently thereafter.

Reason: In the interests of protected species and wildlife in accordance with 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 Before the first occupation of the building/extension hereby permitted the first floor stairway and hallway window(s) in first floor northern elevation facing The Western; 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 window(s) 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).

C7 Prior to above ground building works, a scheme of soft landscaping which shall include the details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of how car parking spaces and the pedestrian access path will be marked out/identifiable within the car park area.

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

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

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C8 The parking spaces labelled 1- 5 on the proposed block plan 23.3442.100 P7 shall be retained permanently for employees and visitors to the existing pub and shall not be used for any other purpose.

Reason: To ensure satisfactory off street car parking is retained for the existing use in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

8.1 **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 which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must

be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

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

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

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

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

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions and made amendments during the course of the application which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I3 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.

I4 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 below the de minimis threshold, meaning development which:

a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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.

I5 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.

I6 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.

I7 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

I8 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on:

www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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

Background

1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31st July 2015 the High Court held (West Berkshire Council v SSCLG [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.

1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.

1.3 On 24th July 2018 a new version of the National Planning Policy Framework[1] (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *"Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)."* Annex 2 of the NPPF defines *"major development"* as *"for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more."*

1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :

a) "…All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing."

[1] The National Planning Policy Framework was updated in February 2019, July 2021 and December 2023 and retains the policies as stated in Paragraph 1.3 of this document.

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

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

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

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF Paragraph 65 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2023, Three Rivers has received small site affordable housing contributions amounting to over **£3.2 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £3.2 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.255- 1.5million (plus indexation)**[2] of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

[2] The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of April 2024

1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2023, 269 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 6.7% of all such schemes[3].

1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.12. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2023, 288 planning applications for residential development involving a net gain of dwellings were determined[4] by the Council. Of these, 256 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.

1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision-making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

[3] The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (April 2024) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

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

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

2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:
"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception".

2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":
"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy".

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

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

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

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

General House Price Affordability in Three Rivers

2.5 Due to the District's close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016[5], the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth[6]** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

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

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September

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

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

2022 was £400,000[7]. The lowest quartile house price of £400,000 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Three Rivers' position has worsened and the lowest quartile house price has risen by £75,000 from 2016 to 2022, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2022)
1	Elmbridge	£462,000.00
2	St Albans	£430,000.00
3	**Three Rivers**	**£400,000.00**
4	Hertsmere	£396,000.00
5	Windsor and Maidenhead	£395,000.00
6	Epsom and Ewell	£395,000.00
7	Waverley	£385,000.00

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £28,876.00 in 2022[8], 13.26 times worsening to 13.85 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings[9]). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 13 to 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2022 to have a deposit of £284k - £301k or (with a 5% deposit of £20,000) to earn £95,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio[10] for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio[11] was 13.77, the

[7] Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6a* https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

[8] Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6b* https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

[9] Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6c* https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

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

[11] Office for National Statistics (2023) Dataset: House price to residence-based earnings ratio Table 5c https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

fourth[12] worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

Table 3.

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.99 in 2023 (see table 4 below). Three Rivers maintains the fourth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 1.22), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2022)
1	Elmbridge	16.93
2	Mole Valley	16.78
3	Hertsmere	16.36
4	Three Rivers	14.99
5	Epping Forest	13.75

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. In 2022 that had risen to 13.85, showing a worsening ratio over the period from 2016 to 2022 [13].

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

Affordable Housing Requirements in Three Rivers

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

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

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

Affordable Housing Need - To Rent

2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households[14].

2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036[15].

2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036[16].

2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers[17]. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

[14] Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)
[15] Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)
[16] Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)
[17] Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum[18] over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

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

Affordable Housing Provision in Three Rivers

2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.

2.14 Since the start of the plan period from 1 April 2001 to 31st March 2023 (the latest date where the most recent completion figures are available), 5,388 gross dwellings were completed. From this, 1,223 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,207 or 22.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2023. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

2.15 In the latest monitoring period of 2022/23 (financial year), 13 sites[19] delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). 4 of the 13 schemes contributed to affordable housing provision whilst 9 of the 13 schemes did not contribute:

- Four of the 13 sites delivering a net gain in housing in 2022/23 were determined during the 2014/15 and 2016/17 periods (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.

- A further 5 of the 9 sites which did not contribute to affordable housing during the 2022/23 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the

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

[19] Sites with completions in the monitoring year 2022/23

requirement for affordable housing contributions is subject to viability considerations

- Of the four schemes which did contribute, 3 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 1 provided on-site affordable housing units.

In addition to the 13 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required

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

2.16 In 2017/2018 (financial year), there were 67 planning applications determined[20] for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). In 2022/2023 (financial year), there were 34 planning applications of net gain residential schemes determined, of which 29 were small site schemes (89%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, averaging approximately 90% of applications over the past four financial years.

2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2023 (financial years) some 449 net dwellings were completed which equates to approximately 41 net dwellings per annum and to 21.8% over the 2011-2023 period. 21.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been

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

acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

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

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

2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£3.1 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£1.255- 1.5 million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

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

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2023 there were 269 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (6.7%)[21]. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal

[21] See footnote 3.

no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.

2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.

2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.

2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.

2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

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

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

2.26 The Council's stance has been tested on appeal on numerous occasions (39 decisions as at the date of this document) and the Planning Inspectorate have repeatedly

[22] Paragraph 7, Planning Inspectorate Letter, March 2017.

concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019**:
  "The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision."
- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley**
  Decision Date: 1st November 2019:
  "The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.
  A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy."
- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**
  "The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites,

despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance."

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11th October 2019:**
  "The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight."
- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22nd May 2019:**
  "*In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required… There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011… Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions."*

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**
  Decision Date 10th December 2019
  "Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011… Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy."
- **APP/P1940/W/19/3238285**: **Bell Public House, 117 Primrose Hill, Kings Langley Decision Date 9th March 2020**
  "*Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution…even taking the appellant's figures my conclusion remains unaltered."*
- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**
  Decision Date 7th May 2020
  "The Council's evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework… Despite the appellant's evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council's Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy."
- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**
  "The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework's suggested threshold… As a

result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings… I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing"

- **APP/P1940/W/20/3259397 24 Wyatts Road**
  Decision Date 8th February 2021
  "…I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework."
- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green**
  Decision Date 18th February 2021
  "The Council's case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4."
- **APP/P1940/W/20/3244533 2 Canterbury Way**
  Decision Date 4th March 2021
  "Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process… Overall, on the basis of the evidence before me I am not convinced that the Council's application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot… housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing."
- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**
  Decision Date 15th June 2021

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

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10th March 2022**
  "Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council's decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district."
- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**
  Decision Date: 16th March 2022
  "Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a 'major' one for the purposes of paragraph 64 of the Framework."
- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**
  Decision Date: 29th April 2022
  "The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the

SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010."

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**
  Decision Date: 30th August 2022
  "I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing."
- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**
  Decision Date: 23rd September 2022
  "The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position."
- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**
  Decision Date: 27th October 2022
  "The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council's submissions."
- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**
  Decision Date: 10th May 2023
  The Council's evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case
- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**
  Decision Date: 8th August 2023
  As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a

commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.

- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood Decision Date: 20th June 2023**
  In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above
- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth Decision Date: 7th February 2024**
  The Council's Housing Needs Analysis [2023] provides an up-to-date and robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below it's policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance

Conclusion

2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022, February 2023 and April 2024 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore, comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or

less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3229038,,, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530)

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

Sources Used:

1. Core Strategy (October 2011)
   http://www.threerivers.gov.uk/egcl-page/core-strategy

2. Annual Monitoring Report 2022/2023 (December 2023)
   http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report

3. Affordable Housing Supplementary Planning Document (June 2011)
   http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents

4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
   https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base

5. Office of National Statistics Housing Data 2002-22
   https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian

April 2024


M&S
ECOLAB


M&S
FOODHALL
M&S






High St
High St
Glow By Ells
The Western
M&S Simply Food
Wensum Way
Wensum Court
bp pulse


THE WESTERN

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PLANNING COMMITTEE – 17 July 2025

25/0391/RSP – Part-retrospective: Demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations at 44 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EN

Parish: Batchworth Community Council
Ward: Moor Park & Eastbury
Expiry of Statutory Period: 13.05.2025 (Extension of time agreed to 25.07.2025)
Case Officer: Tom Norris

Recommendation: That PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Batchworth Community Council unless Officers are minded to refuse, due to concerns over Conservation Area impact, and trees.

Application type: Householder

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=SSL67BQFFKQ00

1 Relevant Planning History

1.1 24/1623/FUL - Demolition of existing conservatory; construction of single-storey rear extension, first-floor rear extension, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations. - 09.12.2024 – Permitted

1.1.1 24/2021/DIS - Discharge of Condition 4 (Materials) pursuant to planning permission 24/1623/FUL - 11.02.2025 – Determined

1.2 24/1226/FUL - Demolition of existing conservatory; construction of single-storey rear extension, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations – 01.10.2024 – Permitted

1.2.1 24/1680/DIS - Discharge of Condition 4 (Materials) pursuant to planning permission 24/1226/FUL - 11.12.2024 – Determined

1.3 W/1757/66 - Double garage, bedroom over - 05.09.1966 – Permitted & Implemented

1.4 W/294/55 - House and garage - 05.04.1955 – Permitted & Implemented

2 Description of Application Site

2.1 The application site is located on Wolsey Road, Moor Park.

2.2 The application site contains a detached dwelling with a dark tiled hipped roof form. The dwelling contains a central gable feature which is finished in facing brick and the remainder of the dwelling is predominantly light render.

2.3 To the front of the dwelling is a carriage driveway and front garden. To the rear of the dwelling is an amenity garden that is predominantly laid as lawn. The area is generally characterised by large, detached properties set within generous plots.

2.4 The site falls within the Moor Park Conservation Area. It is noted from the planning history of the site that the dwelling was built pre-1958. Furthermore, prior to recent works being undertaken, the dwelling was largely unaltered from its original form except for a first-floor side extension and single storey rear additions. As discussed in further detail in this report, the Moor Park Conservation Area Appraisal highlights the importance of the preservation of pre-1958 dwellings.

2.5 Works are currently being undertaken on site to implement planning permission 24/1623/FUL.

3 Description of Proposed Development

3.1 This application seeks part-retrospective planning permission for 'Demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations'.

3.2 This application follows permitted application 24/1623/FUL for a largely identical proposal. The principal difference between the permission and this current proposal is an infill first floor extension within the space between the two-storey rear projections. There would be a 0.3m height increase to the left-side two-storey rear projection, and two rear rooflights would be repositioned. The central enclosed balcony would be removed because of the infill extension. The proposal otherwise remains as permitted under 24/1623/FUL.

3.3 Amended plans were received during the application. The originally submitted plans proposed to increase the height of the existing two-storey side extension. This also enabled higher roofs to the two-storey rear projections. The plans were amended so that there would be no changes to the roof of the existing side extension, and the heights of the proposed rear projections were lowered. The proposed development is described in full below.

3.4 The existing conservatory has been demolished to the rear of the property and a single-storey rear extension has been constructed in its place with a bricked exterior to appear like the existing ground floor projections. This extension has a total depth of 6.25m, a width of 11.0m, and a flat roof with an overall height of 3.0m. The extension would contain a set of rear bifold doors.

3.5 First-floor extensions would be constructed at the rear of the property. The first-floor extension above the existing garage would have a depth of 2.2m, a width of 4.4m, and would have a hipped roof, with an eaves height of 4.8m and an overall height of 7.8m. The abovementioned infill first-floor rear extension would have a depth of 2.2m, which would not exceed the depth of the existing left-side rear projection. This would have a total width of 6.1m and would have an eaves height of 4.8m and an overall height of 7.8m. These extensions would be finished in materials to match the dwelling and would contain windows and a Juliet balcony at the rear.

3.6 It is proposed that the loft is converted to habitable accommodation. This would involve the insertion of five conservation style rooflights to the rear roof slopes of the dwelling. It is proposed that the roof covering is replaced with new plain brown roof tiles to match the existing.

3.7 It is proposed that the existing render to the dwelling is replaced with new white render. The existing brick features, such as the front gable and chimney, would remain as brick.

3.8 Fenestration alterations are proposed including the insertion of first floor level Juliet balconies, with metal rail balustrading, within the two rear projections. There would be a set of doors inserted at ground floor level. The window openings within the principal front elevation would be enlarged to adjoin the pairs of single casement windows. New windows would be inserted to the dwelling.

3.9 It is proposed that the existing attached garage is converted to habitable accommodation. The existing garage door would remain.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection – to original proposal, amended extension is proportionate, however, concerns remain regarding detailing]

Comments on 23.05.2025

The application is for Demolition of existing conservatory; construction of part single part two storey side and rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render; alterations to fenestration detail; and associated internal alterations.

The property is in the Moor Park Conservation Area. The property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area by virtue of its derivation, scale, form, and appearance.

This follows previous application 24/1226/FUL. The heritage consultation response raised concerns over removal of render, depth of rear extension, window alterations, front entrance, and balconies. It is noted that a later application 24/1623/FUL was also submitted.

In the current proposal, the existing southern side element has a distinctive curved roof form and is subordinate to the main dwelling house both in terms of its height and set back would be replaced. In the proposal although the new side element would be set back, it would be increased in height to almost match the main dwellinghouse and would then be extended far back to the rear and linked to three large rear gable features. Overall, these extensions, would result in excessive bulk in the roof form and detract from the existing attractive built form and would likely to be prominent in views from the south.

The removal of the existing windows at the front which form part of the original character would not be supported in heritage terms as they would result in a loss of the historic character, resulting in heritage harm. Also, the use of rear balconies would not be supported as this would be incongruous with the character of the dwellinghouse.

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 'less than substantial' as per paragraph 215.

Comments on 04.07.2025

This application is for Part-retrospective: Demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations.

The property is in the Moor Park Conservation Area. The property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area by virtue of its derivation, scale, form and appearance.

This application follows previous applications 24/1623/FUL and 25/0391/FUL.

Previous concerns were raised over removal of render and replacement with facing brick, over the depth of the rear extension and alterations to the fenestration.

In the current proposal, the extensions would be set to the rear and would be proportionate to the main house.

Alterations to the window design and use of a Juliet balcony is still proposed. These are still not supported for the same reasons as highlighted in responses applications 24/1226/FUL and 25/0391/FUL.

The render is proposed to be replaced, and replacement materials should be secured via planning condition.

This response has been made in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment'

4.1.2 Batchworth Community Council: [Objection]

BCC objects to this application on the following grounds:

The three rear gables are not subservient to the original building, and the architectural reference of the flared eaves will now be lost.

The increase in ridge height is unacceptable, as this will be visible from the main road and therefore will have a detrimental effect on the character of the street scene in the Moor Park conservation area.

The drawings shown in the application are confusing regarding the ridge heights.

There is no Tree Protection Plan.

BCC would like to call this into committee unless officers are minded to refuse.

4.1.3 Moor Park (1958) Ltd: [Objection]

The Directors of Moor Park (1958) Limited object to the proposals contained in Application 25/0391/FUL.

The Council will be aware of our comments previously submitted with respect to Application 24/1226/FUL for the demolition of the existing conservatory and a single storey rear extension to which we had no objections. They will also be aware of the comments in respect of Application 24/1623/FUL in respect of the demolition of the existing conservatory and construction of a single storey rear extension, first floor rear extension, loft conversion including rear rooflights, conversion of garage to habitable accommodation, to which no objections were raised, but observations were made concerning the impact that the two storey rear extensions may have on the adjoining neighbours. It will also be noted it was set out in the comments relating to application 24/1633/FUL that the proposal does result in an increase in bulk in the building to the rear. This does not impact the building viewed from Wolsey Road and does not appear to impact views of the property from Wolsey Road. The current application however, with the increased roof height and the change in roof profile on the south side of the building being clearly visible from Wolsey Road, will have a

detrimental impact on both the character of this pre-1958 dwelling, which was built about 95 years ago, and on the character of the Moor Park Conservation Area.

The ridge height of the rooms serving the proposed rear extension have also been increased and there is considerable concern that these will now have a far greater impact on the adjoining properties, particularly the conservatory serving No 42. The higher roof height together with the change in roof profile from that previously approved is considered to be detrimental, both to the character of the property, the Conservation Area as a whole and to neighbouring properties.

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 11

4.2.2 Responses received: 1 objection

4.2.3 Site notice posted 04.04.2025, expired 27.04.2025.

4.2.4 Press notice published 28.03.2025, expired 19.04.2025.

4.2.5 Summary of responses

- Overlooking concerns
- Concerns of loss of light
- Concerns over scale of rear projections
- Concerns over street scene impact

4.2.6 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle and for Officers to seek amendments.

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 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

The Three Rivers Local Development Plan

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

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

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

6.2.6 The Batchworth Neighbourhood Plan (Referendum Version) was approved in May 2025 following a residential referendum. Relevant policies include Policies BW CC1, and BW DE1. The Batchworth Neighbourhood Design Code is also relevant, as an appendix to the Plan. Moor Park is defined as Character Area 5.

6.3 Other

6.3.1 Moor Park Conservation Area Appraisal (2006).

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

7 Planning Analysis

7.1 Site Overview

7.1.1 As set out above, in the description of development section, works are underway to implement planning permission 24/1623/FUL. The principal difference between the permission and this current proposal is an infill first floor extension within the space between the two-storey rear projections. This is factored into consideration in the following sections of this report.

7.2 Impact on Character and Appearance

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

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the

visual amenities of the area. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

7.2.3 The site is located within the Moor Park Conservation Area therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.

7.2.4 The Batchworth Neighbourhood Plan (Referendum Version) was approved in May 2025 following a residential referendum. Relevant policies include Policies BW CC1, and BW DE1. The Batchworth Neighbourhood Design Code is also relevant, as an appendix to the Plan. Moor Park is defined as Character Area 5, and the Design Code seeks to retain open frontages, front building lines, building heights, and roof typologies, in accordance with the MPCAA guidance.

7.2.5 Paragraph 3.1 of the Appraisal is relevant to the consideration of this application which states that the Council “will give high priority to retaining buildings which make a positive contribution to the ... Conservation Area” and that, as a guide, the Council will seek the retention (and suitable protection) of buildings erected prior to 1958. Paragraph 2.7 is also of relevance to the consideration of this application, which states that the buildings on the Moor Park Estate that make a "positive contribution" to the Conservation Area will be those "examples of relatively unaltered buildings where their style, detailing and building materials are characteristic of the Conservation Area"

7.2.6 As set out within the Planning History and Site Description sections of this report, the application dwelling is a pre-1958 dwelling for the purposes of the Moor Park Conservation Area Appraisal. Given its relatively unaltered form, it is considered to make a positive contribution to the significance of the Conservation Area.

7.2.7 As considered in granting approval for 24/1623/FUL, the proposed single-storey rear extension would be largely obscured from the street scene but for significantly limited oblique views from Wolsey Road. There would be some limited views from within neighbouring gardens. The first-floor extensions would replicate the design of the existing rear projection and would have a relatively modest depth. It is considered that the proposed rear extensions, as amended, would integrate acceptably with the host dwelling and would preserve the character and appearance of the dwelling and its contribution to the Conservation Area. The single-storey extension would have a depth of between 4.0m and 6.25m which, at its maximum depth, would exceed the Design Criteria depth by 2.25m. Notwithstanding, its scale and flat roof form allows it to appear as a legible addition to the dwelling. The proposed extensions would be built in materials to match the dwelling.

7.2.8 The proposed alterations to the fenestration of the dwelling are considered to preserve the character and appearance of the dwelling. It is noted that the single casement windows within the front elevation are a characterful feature of the dwelling however are proposed to be combined to form wider, three-casement openings. The Conservation Officer stated, when application 24/1226/FUL was granted for the same works, that the alteration to the front windows is regrettable however the proposed openings are well proportioned and would preserve the character of the dwelling. The existing and new window openings across the dwelling would be fitted with new windows. It is considered that the design of the windows would preserve the character and appearance of the dwelling. The proposed replacement window details were agreed under discharge of condition application 24/2021/DIS relating to 24/1623/FUL. A condition will be included on any part-retrospective permission granted for the materials to be in accordance with these details.

7.2.9 The proposed rear rooflights would be of conservation style and would be confined to the rear roofslope, and not visible from the street scene. The proposed rooflights would be acceptable and would comply with the provisions of the Appraisal.

7.2.10 The proposed renewal of the external render is considered to preserve the character and appearance of the dwelling. It is proposed that the roof covering is replaced with new tiles to match, which is considered to preserve the character of the dwelling. Material details for the render, roof tiles, and brickwork were agreed under discharge of condition application 24/2021/DIS relating to 24/1623/FUL. A condition will be included on any part-retrospective permission granted for the materials to be in accordance with these details.

7.2.11 The proposed scheme, as amended, would be acceptable in terms of its impact upon the host dwelling and Conservation Area.

7.2.12 The proposed development would not affect the frontage which would remain as existing in terms of the extent of hardstanding and landscaping. The proposed development would not impact the front building line or overall building height of the dwelling. The proposed extensions, as amended, seek to replicate the roof typology of the existing dwelling. The proposed development would therefore adhere to the Batchworth Neighbourhood Design Code, specifically Character Area 5 for Moor Park.

7.2.13 It is also important 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

7.2.14 The proposed development would not increase the front building line of the existing dwelling and would not impact the flank spacing. The proposed development would result in a plot coverage of approximately 16.5%. The increased plot coverage is due to the footprint of the single-storey rear extension which is deemed to be proportionate in scale to the host dwelling. Overall, while the extension would exceed the appraisal guidance, it would not harmfully erode the spacious character of the Conservation Area.

7.2.15 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policies BW CC1 and BW DE1 of the Batchworth Neighbourhood Plan and Design Code (2025), the Moor Park Conservation Area Appraisal (2006) and the NPPF (2024).

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for extensions to detached dwellings, and that two-storey development should not intrude a 45-degree splay line, drawn at a point on the boundary level with the rear wall of each neighbour.

7.3.2 The proposed single-storey rear extension would have a depth of 6.25m from the existing rear wall, adjacent to the neighbour at no.42. The proposed extension would be set off the boundary with this neighbour by approximately 2.0m and the extension would have a relatively low-profile flat roof of 3.0m in height. In addition, it is noted that this neighbour has a conservatory extension which, as existing, extends some 2.0m beyond the rear wall of the application dwelling. Overall, given the depth, height and proximity to the boundary of

the proposed extension, it would not have an overbearing impact or loss of light to the neighbour at no.42. The proposed extension would be spaced more than 6.0m to the shared boundary with no.46. The above considerations would apply, and it is not considered that an overbearing impact or loss of light would occur. The proposed extension would not impact any other neighbour in this regard. Given that the fenestration to the rear extension would be confined to ground floor level, it would not cause overlooking to any neighbour.

7.3.3 The proposed first floor rear extensions would not intrude the 45-degree splay line with no.46 and would be located a significant distance away from no.42. It is not considered that this feature would result in an overbearing impact or loss of light to any neighbour.

7.3.4 It is otherwise considered that the proposed fenestration alterations and new fenestration, such as rear rooflights and Juliet balconies, would not cause harmful overlooking. While the Juliet balconies would be close to the flank boundaries, they would not provide a materially different view to a window nor would allow any occupant to seek deliberate or harmful views to the detriment of adjoining neighbours. The new first floor flank windows would be obscurely glazed and would not harm the amenities of either neighbour.

7.3.5 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.

7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The application dwelling would retain a driveway large enough to accommodate at least three car parking spaces which would be acceptable to serve the dwelling.

7.4.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 The application site would retain a rear garden of over 600sqm which would exceed the amenity space standards.

7.6 Trees & Landscape

7.6.1 Policy CP12 of the Core Strategy expects development proposals to ‘have regard to the character, amenities and quality of an area’, to ‘conserve and enhance natural and heritage assets’ and to ‘ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.’ Policy DM6 of the Development Management Policies LDD advises that ‘development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.6.2 The application site and adjoining neighbouring site contains trees covered by individual Tree Preservation Orders (TPO) and other trees which are afforded protection by virtue of the Conservation Area status. Tree protection was agreed under application 24/1623/FUL to protect the individual, substantial scale TPOs within the amenity garden. Officers visited the site in June 2025 and are satisfied that the protective fencing is in situ, adhering to the

conditions of the previous approval. It is understood that a small to medium scale tree was removed near the boundary with no.46. While not individually protected, as set out above, it was afforded protection by the Conservation Area status. The Tree Officer visited the site and recommended that a condition be included on any permission granted for a tree to be planted in its place. A condition will be included on any permission granted to secure this.

7.6.3 In summary, subject to conditions for the tree protection measures to be maintained and for replacement planting, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013) and the NPPF (2024).

7.7 Biodiversity

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

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

7.7.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.

7.8 Mandatory Biodiversity Net Gain

7.8.1 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.

7.8.2 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. The LPA agree that Mandatory BNG would not apply in this instance.

8 Recommendation

8.1 That PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The parts of the development, hereby permitted, not begun shall be begun before the expiration of three years from the date of this permission.

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC-01 (Location Plan), 1762/01, 6167-PL010 A, 6167-PL011 A, 6167-PL012 A

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of 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, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies BW CC1 and BW DE1 of the Batchworth Neighbourhood Plan and Design Code (2025), the Moor Park Conservation Area Appraisal (2006) and the NPPF (2024)

C3 The parts of the development, hereby permitted, not begun shall be implemented in accordance with the material details approved under 24/2021/DIS pursuant to application 24/1623/FUL. Any proposed changes to the materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The protective measures, including protective fencing in accordance with BS 5837:2012 standards, detailed on 6167-PL010 A (07.07.2025) shall be maintained on site throughout the entire course of the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To prevent damage 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 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, a replacement Indian Bean tree (Catalpa Speciosa) shall be planted in the rear garden of the property, as shown on drawing 6167-PL010 A (07.07.2025). Any alternative species shall be agreed in writing with the Local Planning Authority prior to planting.

The tree should be securely supported in the ground with stakes or anchoring; protected against animal damage and browsing; and mulched to prevent weed growth and retain moisture in the soil. If the replacement tree dies, it should be replaced with another until a new tree is successfully established.

Reason: In the interest of the visual amenities of the 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).

C6 Before the first occupation of the development hereby permitted, the windows in the first-floor flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the window are installed. The windows shall be permanently retained in that condition thereafter.

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

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 which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

(a) Making a Non-Material Amendment
(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

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

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

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

I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site

and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.

I4 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.


ROBSONS



MARCH 2025







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PLANNING COMMITTEE – 17 July 2025

25/0428/FUL – Demolition of existing bungalow and erection of a replacement two storey self-build dwelling at DENEWOOD, CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE, WD3 4EP

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 14.05.2025
Extension of Time: 25.07.2025

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called to Committee by three members unless Officers are minded to refuse planning permission. Members cited impact on neighbouring privacy and the impact on the character of the area as the reason. The application was also called in by Chorleywood Parish Council unless officers are minded to refuse for the reason set out at 4.1.2.

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=SSWA4OQFFN400

1 Relevant Planning History

1.1 00/00987/FUL - Single storey garage to replace existing car port - 29.09.2000 – Permitted

1.2 W/1930/73 - House in grounds - 30.07.1973 – Permitted and implemented

2 Description of Application Site

2.1 The application site contains a detached dwelling located on Chorleywood Road, Rickmansworth. The existing dwelling is a single-storey bungalow with a hipped roof and facing brick exterior. The dwelling is accessed via a driveway off the neighbouring dwelling's driveway at Sunnyside, who has a vehicle access directly off Chorleywood Road.

2.2 Forward of the application dwelling is a paved area, large enough to accommodate at least two car parking spaces. A brick wall separates the application site from the Chorleywood Road. Positioned on the boundary with the Chorleywood Road is a significant, mature Turkey Oak tree, which is covered by a Tree Preservation Order (TPO400).

2.3 To the rear of the dwelling is an amenity garden of some 450sqm in area. The land levels slope down slightly towards the rear of the site resulting in Chorleywood Road being slightly higher than the site.

2.4 The wider context of Chorleywood Road consists of large, detached dwellings of varied design and finish, with a diverse range of heights (including bungalows and two-storey dwellings), which gives a very mixed feel to the character of the street.

3 Description of Proposed Development

3.1 Full planning permission is sought for the demolition of the existing bungalow and the erection of a replacement two-storey dwelling.

3.2 It is proposed that the existing dwelling is demolished and a new replacement dwelling constructed in its place. The principal part of the proposed dwelling would be set back 17m from the public highway, 11m when factoring in the front projection. The dwelling would have a principal width of 16m, and a maximum width of 19.5m when factoring in the front and side glazed feature. The proposed dwelling would have a principal depth of 11m, and a maximum depth of 20m when factoring in the front and rear projections.

3.3 The proposed dwelling would have gabled roof forms with an eaves height of 5.9m, and an overall ridge height of 8.0m, taken from the front of the dwelling. The proposed dwelling would contain two-storey, front and rear gable projections, and a side glazed feature which reduces to single-storey from the front gable. The proposed dwelling would be sited 1.7m to the northern flank boundary with Sunnyside, and at least 1.5m to the southern flank boundary with a public footpath (Chorleywood 013), at its closest point.

3.4 The proposed dwelling would take on a relatively contemporary appearance, including significant areas of curved glazing to all elevations and the roof. The proposed dwelling would also include a first-floor rear balcony. The submitted detail indicates that the dwelling would have a facing brick exterior and a tiled roof.

3.5 The proposed development would utilise the existing vehicular access to the dwelling, which is via the neighbour, Sunnyside, and their vehicular access off the Chorleywood Road (certificate B on the application form has been signed). The proposed development includes a new sliding gate at the vehicular entrance to the application dwelling, where it adjoins Sunnyside.

3.6 Amended plans were received during the application which lowered the proposed ridge height to the replacement dwelling by 1.0m and the eaves height by 0.5m. The height to the single-storey rear projection and the eaves height to the side projection were also lowered by 0.5m, because of the changes. Amendments were also made to correct the indicative street scene, particularly the roof height of the adjoining neighbour at Sunnyside, which was originally portrayed as higher. Officers are now satisfied that the street scene is an accurate representation.

4 Consultation

4.1 Statutory Consultation

4.1.1 TRDC Tree and Landscape Officer: [No objection]

Recommend: Approval

There is Oak tree (T1) to front of the property which is protected by Tree Preservation Order (TPO400). The submitted plans indicate that the Root Protection Area of the tree would be protected during construction works. However, no indication of the layout of the landscape to the front of the dwelling, following development has been provided. A condition should be applied requiring further detail on the proposals for remedial landscaping to the front garden. This should include details of the landscaping within the RPA of the tree, which should be predominately soft landscape rather than hard surfacing.

4.1.2 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.

The committee had major concerns with regard to the access to the property. The current access to the site is via the next plot by right of a very restricted covenant. The block plan does not make clear the proposed access, but the 3D Plans seem to show access to the front of the property directly onto the A404. Bearing in mind the nature of the road and the positioning directly opposite the emergency exit from the Royal Masonic School, the Committee consider that this new access onto the A404 is unsafe. It is requested that Hertfordshire Highways are consulted on the proposed access to the property. The flank windows to the property need to use obscured glass to avoid a negative impact on the privacy of neighbouring properties. The inclusion of a front projection is likely to cause a echo chamber effect to the right-hand side neighbour as there is already a projecting wall on the property to the other side of this neighbouring property. There are concerns that the

plans are not complete, with very little detail being provided on the block plan, the street scene not accurately reflecting the actual street view and potential errors in the levels shown.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

4.1.3 HCC Footpath Section: [No response received]

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 4.

4.2.2 Responses received: 2 (Objections)

4.2.3 Summary of responses:

- Concerns over height and overbearing appearance.
- Dispute over height shown to neighbouring properties.
- Concerns over scale and massing.
- Concerns over proximity to the boundary.
- Concerns of overdeveloping an infill plot.
- Loss of privacy due to proposed glazing.
- Overbearing impact to neighbours given scale, height, and depth.
- Loss of boundary screening.
- Concerns over road traffic safety during construction.
- Dispute over notice served on neighbouring occupiers.
- Impact upon protected trees.
- Concerns over accuracy of information presented (heights and elevations).

4.2.4 Site notice posted: 04.04.2025, expired: 27.04.2025.

4.2.5 Press notice published: 28.03.2025, expired: 19.04.2025.

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

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

6.1.4 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

The Three Rivers Local Development Plan

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

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

6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5.

6.2.6 The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Relevant policies include Policies 2 and 4.

6.3 Other

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

7 Planning Analysis

7.1 Principle of Demolition

7.1.1 The application dwelling is not situated within a conservation area and is not a Listed or a Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling, and the principle of demolition and construction of a replacement dwelling is acceptable, subject to other material considerations.

7.1.2 The site is located within the Chorleywood Neighbourhood Development Plan area. Policy 4 of the Chorleywood Neighbourhood Plan relates to 'Housing to meet the needs of local people'. This policy states that "in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings".

7.1.3 The proposal would result in a loss of a bungalow and the creation of a 'multi-level dwelling' and would therefore not comply with Policy 4, mentioned above. It is not considered that the principle of constructing an additional storey to the bungalow to make it a multi-level dwelling is unacceptable or would justify refusal of planning permission subject to other material considerations. As referenced in Policy 4, various alterations can be made to

properties without the need to apply for planning permission, via 'permitted development' and as such can transform a bungalow into a 'multi-level dwelling'.

7.1.4 Concerns are not raised that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the proposed dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people.

7.2 Design and impact upon Character & Street Scene

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

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that the first-floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. The Design Criteria at Appendix 2 further states that increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

7.2.3 Policy 2 of the Chorleywood Neighbourhood Plan states that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale, and design. It also states that all developments must demonstrate how they are in keeping with, and where possible enhance, the special characteristics of Chorleywood.

7.2.4 In terms of the individual design, the dwelling would have a relatively modern and contemporary appearance. Given the considerable variance in the street scene of Chorleywood Road in terms of house type, design, size and facing materials, there is not an objection to a dwelling of a more modern and contemporary character. Officers note examples of this include "Casa KCN", which is complete and located next to the site, and other examples such as "Yogi Bhuvan" which is currently under construction. The proposed dwelling would have a gabled roof and front and rear projecting gabled features. The main portion of the dwelling would adhere to the established front and rear building lines of the street, including to the neighbour to the north at Sunnyside. It is noted that the dwelling would contain a two-storey front gable, and glass conservatory, which would project some 5.0m forward of the principal front building line. It is considered that this would be a visually subordinate feature in the context of the dwelling and would still be set back nearly 10m from the front boundary, thus not appearing visually prominent or incongruous within the street scene. This feature is also somewhat mitigated by the slight change in land level from the street and the presence of a front boundary wall which is to be retained.

7.2.5 The submission does not specify the proposed finish materials however the proposed visuals indicate how the dwelling may appear, including a light facing brick exterior and tiled roof, which is considered acceptable. It is considered appropriate to secure final material details via condition.

7.2.6 The proposed replacement dwelling would be two-storey therefore would be more prominent in the street scene, given that the existing dwelling is a bungalow. Officers sought amendments to the scheme, as it was established that the ridge height of Sunnyside was not represented correctly on the original plans. This has been updated, and Officers are satisfied that this is now accurately shown. Amendments were made to the scheme to reduce the proposed ridge height of the new dwelling by 1.0m, and the eaves height by 0.5m. The proposed street scene indicates that the overall height of the dwelling would be

slightly higher than Sunnyside by approximately 0.6m. It is noted that Sunnyside has a ridge height which is somewhat modest in the context of the street scene. It is considered that the proposed ridge height and eaves height, as amended, would respect the neighbouring ridge heights. As amended, it is considered that the proposed replacement dwelling would site comfortable next to Sunnyside and, when factoring in the flank spacing (2.8m total between) it would not appear overly dominant next to Sunnyside. While it may slightly exceed Sunnyside, it would not result in demonstrable harm to the street scene to justify refusal of planning permission, particularly given the variance of the Chorleywood Road.

7.2.7 The proposed dwelling would provide a 1.7m spacing to the flank boundary with Sunnyside and at least 1.5m to the other side, which adjoins a public footpath (Chorleywood 013). Overall, the proposed flank spacing maintained would respect the character and appearance of the area.

7.2.8 Officers note concerns regarding overdevelopment of a former infill plot however note that the plot width is comparable with the surrounding character and the proposed dwelling would provide policy compliant flank spacing and a height comparable to the directly adjoining neighbour. Overall, it is not considered that harm would arise on this basis.

7.2.9 Officers note the concerns of neighbours regarding the proposed indicative street scene elevation drawing, and heights of adjoining neighbours. While concerns regarding the height of this dwelling have been raised, this application must be assessed on its individual merits. For the reasons expressed above, the resultant relationship with Sunnyside and how the dwelling would integrate with the wider street scene is considered acceptable.

7.2.10 It is considered appropriate for permitted development rights to be removed under Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) Order 2015 as part of a condition that would be included to any planning consent to prevent overdevelopment within the plot by ensuring that all further extensions and additions require a grant of express planning permission.

7.2.11 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD, and Policy 2 of the Chorleywood Neighbourhood Plan.

7.3 Impact on Neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.

7.3.2 The proposed dwelling would not intrude the 45-degree splay lines with any adjoining neighbours, including Sunnyside to the north and Cottingham House to the south and beyond the public footpath. In respect of Sunnyside, the proposed dwelling would not intrude the 45-degree splay line at the front, at the rear at first floor level, or at the rear at ground floor level, factoring in the single-storey projection to Sunnyside. It is therefore not considered that the proposed dwelling would result in a loss of sunlight or daylight to the front and rear windows of Sunnyside. The proposed dwelling would be sited at least 9.0m from any part of neighbouring plot at Cottingham House and therefore it is not considered that it would result in any loss of light or overbearing impact.

7.3.3 It is acknowledged that the single-storey rear portion of the proposed dwelling, adjacent to the shared boundary with Sunnyside would project beyond the rear of this neighbour. This

would be limited to a depth of 3.6m and would be spaced 1.7m to the shared boundary. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for single-storey extensions to detached dwellings, which this would comply with in this sense. While it would have a relatively tall overall height of 3.9m, the relative land levels are set down 0.7m on the applicant's side and given the above circumstances it is not considered that this feature of the development would result in a loss of light or overbearing impact.

7.3.4 It is acknowledged that the front gable would extend forward of the principal front building line. As set out above, this would be sited such a distance from the shared boundary with Sunnyside that it would not intrude the 45-degree splay line. Officers note concerns that this would be prominent and overbearing to neighbours. It is acknowledged that it would be visible when stood within the site frontage of Sunnyside, and to a lesser extent when stood within the frontage of Cottingham House. Notwithstanding this, it is not considered that it would result in overbearing harm.

7.3.5 It is acknowledged that the proposed replacement dwelling would be visible to varying degrees within neighbouring plots, however it is not considered that the propose dwelling would result in a demonstrably harmful impact in terms of a loss of light or overbearing impact to any neighbour which would justify the refusal of planning permission.

7.3.6 The proposed dwelling would contain glazing at ground and first-floor level within its front, side, and rear elevations. The proposed dwelling would also contain rooflights. It is acknowledged that the front and rear elevations contain full height, relatively substantial openings. While this is noted, it is not considered that the views afforded from the front and rear facing windows would result in overlooking to any neighbour. There would be approximately 30m to the rear boundary of the site, and some 45m to the dwelling in the plot to the rear at Aum. It is not considered that overlooking would arise from the proposed development to this neighbour.

7.3.7 The proposed development contains a first-floor rear balcony, which is positioned centrally within the context of the rear elevation and includes solid, full height screening to obscure any direct sideward views, particularly towards Sunnyside. Subject to conditions, it is considered that the proposed balcony is acceptable.

7.3.8 It is considered appropriate to condition the first-floor level glazing, within the flank elevation facing towards Cottingham House (from the master bedroom) and within the front gable facing towards Sunnyside, to be obscurely glazed and non-opening below 1.7m from the internal floor level. It is considered acceptable for the glazing serving bedroom 3 to be clear given its position (would overlooking small portion of frontage to Cottingham House and Chorleywood Road). Subject to conditions, this glazing is considered to be acceptable and would not cause overlooking.

7.3.9 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The proposed development proposes to utilise the existing access arrangement which is via a driveway across the frontage of Sunnyside. The applicant and neighbours are reminded that any private rights of access agreement are a civil matter.

7.4.3 The proposed driveway would be large enough to accommodate three car parking spaces which would meet the adopted standards for a dwelling of this size. The proposed development also includes a new sliding gate between the access drive within the frontage of Sunnyside and the private driveway of Denewood.

7.4.4 Given the location of the site, on a busy road, and the nature and scale of the proposed development, it is considered appropriate to include a condition for a Construction Management Plan. It is also considered appropriate to include a condition requiring details of quantity and method of how spoil is to be removed from the site. It is noted that Denewood has a right of access over the driveway frontage to Sunnyside. The frontage to Sunnyside is largely open, with no fencing or hedging distinguishing the track. It is considered appropriate to include the requirement for details within the CMP to show how this access will be managed (i.e. temporary fencing or hoardings) during the whole course of development, so as to minimise any adverse impact on Sunnyside.

7.4.5 The proposed development, subject to conditions, is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Trees & Landscape

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.5.2 The application site contains a significant, mature Turkey Oak tree which is positioned on the front boundary of the site, which is a covered by a Tree Preservation Order (TPO400). It is noted that there is also a TPO tree adjacent to the vehicular access to Sunnyside, another mature Turkey Oak. The application is accompanied by an Arboricultural Impact Assessment, Arbol Euro Consulting, dated 28/03/2025, which includes a tree survey and tree protection plan.

7.5.3 The Landscape Officer was consulted on the application and commented that the submitted plans indicate that the root protection area of the tree would be protected during construction works. Notwithstanding, the plan does not specify any protection to the TPO tree adjacent to the access to Sunnyside off the Chorleywood Road. While there would not be any direct impact, there is scope for this tree to be impacted by construction traffic. A condition will be included on any permission granted for the submission of a tree protection plan which factors in the TPO, adjacent to the entrance to Sunnyside.

7.5.4 The Landscape Officer noted that no indication of the layout of the landscape to the front of the dwelling has been provided and therefore a condition should also be applied requiring further detail on the proposals for landscaping to the front garden. The Landscape Officer stated that this should include details of the landscaping within the RPA of the tree, which should be predominately soft landscape rather than hard surfacing. A condition will be included on any permission granted for a hard and soft landscaping scheme.

7.5.5 In summary, subject to conditions, the proposed development is acceptable in this regard, in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

7.6 Amenity Space

7.6.1 Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:

- 4-bed dwelling - 105 square metres

7.6.2 The proposed dwelling would retain a rear amenity garden of over 420sqm and therefore the proposed development is acceptable in this regard.

7.7 Energy & Sustainability

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

7.7.2 The application is not accompanied by an Energy Statement. A condition will be included on any permission granted which will be required to demonstrate that at least a 5% reduction in CO2 emissions below the baseline emission rate will be achieved, based on Part L of the Building Regulations 2013 edition.

7.8 CIL

7.8.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 (plus indexation) per sq. metre of residential development.

7.9 Refuse & Recycling

7.9.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.9.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable. The site frontage would accommodate sufficient area for bin storage which is acceptable.

7.10 Biodiversity

7.10.1 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.

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

applications where biodiversity may be affected prior to the determination of a planning application.

7.10.3 The application is accompanied by an Ecological Appraisal. The appraisal concludes that no evidence of protected species was found on or adjacent to the site and no protected species are to be affected by proposals. The report recommends that a precautionary approach is taken to construction and that all works should cease immediate if any protected species are encountered.

7.11 Mandatory Biodiversity Net Gain

7.11.1 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.

7.11.2 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 self-build development. The LPA agree that BNG would not apply in this instance.

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: DW_001 REV 02, DW_005 REV 02, DW_010 REV 00, DW_015 REV 00, DW_020 REV 01, DW_021 REV 02, DW_025 REV 03, DW_026 REV 03, DW_027 REV 02, DW_029 REV 01

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (adopted 2020), and the NPPF (2024).

C3 Prior to the commencement of works above ground level, samples and details of the proposed materials and finishes, including details of bricks, roof tiles, windows, conservatory glazing, balustrading, and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (2020), and the NPPF (2024).

C4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

i. parking of vehicles of site operatives and visitors
ii. construction of access arrangements including the routing of vehicles
iii. loading and unloading of plant and materials
iv. storage of site facilities, plant and materials used in constructing the development

v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
vi. wheel washing facilities
vii. measures to control the emission of dust and dirt during construction
viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
ix. Details of how spoil will be removed from the site, and where it would be removed to
x. Confirmation that all spoil arising from any excavation of the site and foundations shall be removed from the site in accordance with the details above and will not be spread or redistributed across the application site.

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

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience, and to protect neighbouring amenity and trees on and adjacent to the site, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C5 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

C6 Notwithstanding what is shown on the tree protection plan, a new tree protection plan shall be submitted to and approved in writing by the Local Planning Authority, also showing details of how all trees, including the tree adjacent to the entrance to Sunnyside will be protected throughout the construction phase.

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

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

C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials, and method of drainage around the areas of the site affected by the development.

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

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

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

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C8 Prior to the commencement of development, hereby permitted, an energy statement, demonstrating that at least a 5% reduction in CO2 emissions below the baseline emission rate will be achieved, based on Part L of the Building Regulations 2013 edition, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved energy statement.

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

C9 Prior to the first occupation of the development hereby permitted, the window within the southern flank elevation at first floor level, serving the master bedroom and facing Cottingham House, shall be fitted with purpose made obscured glazing and any part of any such window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in this condition.

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).

C10 Prior to the first occupation of the development hereby permitted, a solid privacy screen shall be erected along the total depth of the north flank of the rear balcony, screening views towards Sunnyside as shown on drawing number DW_026. Once erected, the solid privacy screen shall be permanently retained therefore in terms of its design, siting and height.

Reason: To safeguard the amenities of the occupiers of Sunnyside 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).

C11 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 Class of Schedule 2 of the Order shall take place.

Part 1

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

Class B - additions etc. to the roof

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

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

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 which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

(a) Making a Non-Material Amendment
(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any

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

I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.

I4 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.

Self and Custom Build Development, meaning development which:

a) consists of no more than 9 dwellings;
b) is carried out on a site which has an area no larger than 0.5 hectares; and
c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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 17 July 2025

25/0564/FUL – Two storey side extension; part-single part-two storey rear extension and bay window infill, at 35 Manor House Gardens, Abbots Langley, Hertfordshire, WD5 0DH.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 30.05.2025
Extension of time: 24.07.25

Ward: Abbots Langley and Bedmond
Case Officer: Alannah Stringer

Development type: Householder

Recommendation: That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: The agent for the application is a Three Rivers District Council Councillor.

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=STTMDIQFFWW00

1 Relevant planning history

1.1 8/321/75 - Single storey rear extension– Permitted 18.06.1975.

2 Site Description

2.1 The application site contains a two-storey semi-detached dwelling located on the northern side of Manor House Gardens, Abbots Langley. Manor House Gardens is a residential cul-de-sac characterised by semi-detached dwellings of similar architectural styles and designs, some of which have been extended or altered.

2.2 The host dwelling is set within a large, splayed plot. The plot generally slopes down from front to rear. The northeast boundary of the site splays towards the host dwelling from the highway to the front elevation and then splays out from the front elevation towards the rear boundary of the site. The host dwelling is finished in cream render and mixed red brickwork to the front elevation, with the remainder of the dwelling finished in mixed red brickwork. The dwelling has a dark tiled pitched roof form, and there is an existing staggered single storey rear extension to the rear. There are solar panels to the front and rear roof slopes.

2.3 To the side of the host dwelling (and toward the rear of the building) is a detached brick outbuilding which abuts the common boundary to the northeastern neighbour.

2.4 To the rear there is an existing raised patio area which extends approximately 3.5m from the rearmost elevation, which steps down to an area of lawn and soft landscaping. The rear garden slopes steeply downwards towards the rear boundary of the site, which abuts an area of public open space. Within the host site are several mature trees and a number of protected trees. Of these, T490 of TPO760 is located adjacent to the existing patio and is referenced as G1 within the submitted tree survey. All other TPO trees are set away from the proposed works.

2.5 There is an existing outbuilding set on a raised brick platform set partway down the rear garden.

2.6 To the front of the host dwelling is a front porch with a hipped roof. The front driveway slopes steeply down from the highway to the front of the dwelling. The front driveway is predominantly hardstanding, with parking provision for 2 vehicles.

2.7 The attached neighbour to the southwest has extended to the rear at a single storey, and the land levels to the front and rear are similar to those of the application site.

2.8 The neighbour to the northeast has previously extended to the side and rear at ground and first floor level and the extensions are constructed up to the shared boundary. This neighbour is set back from the front building line of the host dwelling and is set at an angle.

2.9 Several dwellings within the vicinity of the host site have implemented two storey side extensions which are largely subordinate and are set back from the front elevation at the first-floor level.

3 Description of proposed development

3.1 This application seeks full planning permission for a two storey side extension; part-single part-two storey rear extension and bay window infill

3.2 Amended plans were received during this application to correct discrepancies found across the submitted plans and to clarify the boundary as indicated by the red line on the plans. The amendments also made the following changes:

- Set the proposed two storey side extension back from the front elevation and set down from the ridge line

- Reduce the depth of the first floor rear extension adjacent to the adjoining neighbour.

- Clarify the relationship between the plot boundaries and the proposed development

3.3 The proposed two storey side extension would be set approximately 1m from the northeast boundary of site to the side of the existing dwelling; the side elevation of the proposed two storey side extension would be parallel to the adjacent boundary. The proposed two storey side extension would measure at approximately 6.2m in height and maximum width of 2.4m. The proposed two storey side extension adjoins the proposed part two storey-part single storey rear extension and would have a total depth of approximately 11.2m; extending beyond the original rear elevation by approximately 4.2m.The proposed side extension would be set down from the ridge of the host dwelling by approximately 0.5m and set back from the front elevation of the host dwelling by approximately 0.15m.

3.4 The existing single storey outbuilding would be replaced, and this would interlock with the proposed two storey side extension. The proposed replacement outbuilding would measure approximately 5m in depth, 3.3m in width and 2.2m in height as measured from the highest natural land level. To the rear elevation of the proposed outbuilding, the land level slopes steeply down, and the proposed outbuilding would measure at approximately 3.6m in height at this point. A UPVC door would be set to the front elevation of the replacement outbuilding/store; a UPVC door would also be set to the side elevation of the replacement outbuilding, fronting on to the raised patio.

3.5 The proposed part-single, part-two storey rear extension would infill the existing staggered single storey rear extension adjacent to the southwest boundary and would not extend beyond the existing rear elevation of said extension. The first floor of the proposed rear extension would be staggered; adjacent to the northeast boundary the proposed first floor element would measure at approximately 1.5m depth; to the southwest elevation the proposed first floor element would measure at approximately 4.2m depth (approximately 3m beyond the shallower element and set approximately 3m from the common boundary with the attached neighbour.

3.6 The proposed two storey side extension would have a roof form to mirror that of the main roof form of the host dwelling; adjoining the side extension the proposed rear elevation would have interlocking hipped roof forms.

3.7 To the northeast side elevation of the proposed development would be two single windows to the first floor which would be obscure glazed, two single windows to the ground floor and a single access door. To this side elevation of the rear element would be a long rectangular window set approximately 1.7m above the external ground level. To the rear elevation at the first floor of the

proposed development would be a Juliet balcony with an external balustrade and glazed patio doors; a two-casement window and a three-casement window.

3.8 To the ground floor of the proposed rear elevation would be a two-casement window and aluminium bi-folding doors. A rooflight is proposed to the roof slope of the single storey rear extension. No windows would be within the southwest elevation of the proposed development. To the front elevation of the proposed two storey side extension, a single window is proposed at first floor and ground floor.

3.9 The proposed bay window infill would fully enclose the existing bay window with brickwork to match the existing.

3.10 The application also includes proposed alterations to the existing raised patio. The raised patio would extend from the rearmost elevation towards the rear boundary by approximately 4.5. The proposed raised patio would have a level surface extending from the floor level of the ground floor extension and would then step down to the natural ground level of the sloping rear garden. A reinforced glass balustrade would be installed to the edge of the patio and along the stairs.

4 Consultee responses

4.1 **Statutory consultation:**

4.2 An initial consultation took place on 8th April 2025 for 21 days. Due to amended plans neighbours and consultees were reconsulted on 29th May 2025 for 21 days.

4.3 A further consultation was requested on 7 July 2025, to ensure neighbours and consultees have the opportunity to review the newest set of amended plans which clarify that the existing fencing adjacent to the proposed patio alterations will be extended along the full length of the patio.

4.4 National Grid - No response to consultation 1 or 2 received.

4.5 Landscape Officer –

We'd be happy to recommend approval subject to the proposed tree protection methods. It appears that TPO tree T485 has been removed historically and not replaced, so we'd like to see a replacement tree for this tree in the landscaping.

4.6 Abbots Langley Parish Council – Consultation 1

Members have no objections to the proposal but would like consideration given to lowering the roofline of the extension to avoid a terracing effect.

4.7 Abbots Langley Parish Council – Consultation 2

Members note the changes to the roofline and raise no objection to the amended plans. They also hope that the concerns raised by neighbours have been addressed in the amended plans.

5 Neighbour consultation

5.1 Site notice: Not required.

5.2 Press notice: Not required.

5.3 No. consulted: 9

5.4 Consultation 1 - No. of responses: 1 objection received. Summary of response:

Objection to siting of two-storey side extension to common boundary, request for the side extension to be set back 1m from common boundary.

Massing of extension and development not in keeping with neighbouring properties.

5.5 Consultation 2 – No responses received.

6 Reason for Delay

6.1 Submission of amended plans and re-consultation.

7 Legislation and Relevant Local and National Planning Polices

7.1 Legislation

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

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

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

7.1.4 The Environment Act 2021.

7.2 National Planning Policy Framework and National Planning Practice Guidance

7.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

7.3 Three Rivers Local Development Plan

7.3.1 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.

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

8 Analysis

8.1 Impact on the character and appearance of the street scene

8.1.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’. The NPPF encourages the effective use of land and at the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

8.2 With specific regard to the proposed development the Design Criteria of Appendix 2 of the DMP LDD states that in terms of size and volume, two storey rear extensions will be assessed on their individual merits according to the characteristics of the particular property. In addition, Appendix 2 sets out that generally, single storey rear extensions to semi-detached dwellings should generally not exceed 3.6m in depth; single storey side extensions will be assessed individually.

8.2.1 The proposed part single, part two-storey rear extension by virtue of its siting to the rear of the host dwelling and proposed side extension would not be visible from the street scene. Regarding the character of the host dwelling, it is acknowledged that the proposed development would result in the interlocking of hipped and gabled roof forms, however, it is considered that the staggering of the hipped roofs to the rear soften the massing of the proposed rear extensions. In addition, the proposed development is not considered to be incongruous with the unique extensions implemented at neighbouring properties due to various constraints.

8.2.2 Whilst the depth of the proposed infill of the ground floor rear extension would exceed the guidance set out in appendix 2, the proposed extension would not exceed the depth of the rearmost elevation of the existing projection. In addition, whilst the proposed extension would be set to the common boundary of the adjoining neighbour, this neighbour has an existing rear extension of a similar scale and depth such that this would not appear overtly prominent. Furthermore, the scope of the rear garden is such that this would not appear an excessive addition.

8.2.3 It is acknowledged that the proposed first floor rear extension would have a maximum depth of approximately 4.2m and would be flush to the rear elevation of the ground floor rear extension. Notwithstanding this, this element would have a hipped roof form which would be set down from the ridge of the main roof form and hip inwards away from the boundaries. The proposed extension would also be set away from the southwest boundary of the site by approximately 3.2m and set off the northeast boundary by a minimum of 1.3m at the tightest point, and a maximum of 2m from this shared boundary. As such, whilst the proposed part-single, part-two storey rear extension would exceed the guidance set out in Appendix 2 of the DMP LDD, it is considered that this would not be a disproportionate or overtly prominent form of development.

8.2.4 The proposed two storey side extension would be readily visible from the street scene, however, given the set down from the ridge and the prevalence of two storey side extensions within the vicinity of the site, it is not considered that the proposed development would result in harm to the street scene. In addition, the side extension would be set away from the boundary by 1m, and the neighbour to this side is set at splayed angle, fronting partially towards the host dwelling. Whilst this is below the 1.2m spacing guidance set out in Appendix 2, the orientation of the host dwelling in relation to the non-attached neighbour is such that this would not result in a terracing effect. Regarding character, the proposed side extension is set back from the front porch, and set down from the ridge, resulting in a largely subordinate form of development.

8.2.5 Whilst visible from the street scene, the replacement outbuilding element would be finished in materials to match the existing, replace the form of existing structure and would be of a similar scale.

8.2.6 The proposed raised patio would alter the existing structure however would not be visible from the street scene. As such, the proposal is considered acceptable in this regard.

8.2.7 The proposed infill to the bay window is not considered to be incongruous to the street scene, out of character, nor be an overly prominent form of development.

8.2.8 In summary, the proposed development would not result in adverse harm to the character of appearance of the street scene or host dwelling. The overall development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

8.3 <u>Impact on Neighbours</u>

8.3.1 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’.

8.3.2 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.

8.3.3 The Design Criteria at Appendix 2 of the DMP LDD states that two storey rear extensions should not intrude into a 45degree splay line drawn across the rear garden of the site from a point on the shared boundary level with the neighbouring property. This principle is, however, dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

8.3.4 When taken from the proposed first floor plan and measured from a point on shared boundary level the southwest (adjoining) neighbours) rear wall, the proposed first floor rear extensions would intrude the 45degree splay line by approximately 1m. Whilst this extension would intrude the 45 degree splay line, the proposed development is not considered to result in demonstrable harm to the southwest neighbour by virtue of overbearing impact or loss of light; adjacent to the boundary the proposed part single part two storey rear extension would have a limited depth of approximately 1.2m and the impact of this to the neighbour's ground floor is mitigated by the neighbour's single storey rear extension.

8.3.5 Neighbouring objections are fully acknowledged, and amended plans were received which clarified the relationship between the proposed extensions and the adjacent boundaries and reduced the depth of the first-floor element adjacent to the adjoining neighbour. The amended plans are considered to overcome Officer concerns as whilst visible this would be a very limited depth wall on the boundary which is not considered to cause demonstrable harm. Whilst the northeastern element extends approximately 4.2m beyond the original rear elevation of the host dwelling, this would be set away from the common boundary to this neighbour by approximately 3.4m. Furthermore, the proposed roof forms are hipped, which would reduce the perception of bulk or massing adjacent to this boundary. In addition, the proposed development to the rear, by virtue of the orientation of the buildings is not considered to result in a loss of light.

8.3.6 The northeastern neighbour (non-adjoining) extends beyond the rear of the proposed development and as such, the proposed development would not intrude the 45degree splay line. In addition, the proposed part-single, part-two storey rear extension would be set a minimum of 1.3m from the boundary at the tightest point, and a maximum of 2m from this shared boundary. This neighbour has extended part-single, part-storey to the side and rear, which extends beyond the rear of the host dwelling and is set to the shared boundary. As such, it is not considered that the proposed development, given the existing built form and relationship/orientation of the dwellings, would result in harm to this neighbour.

8.3.7 The proposed two storey side extension would extend beyond the front elevation of the non-adjoining neighbour; however, the orientation of the host dwelling and neighbouring dwelling are such that it is not considered that the proposed development would result in loss of light. In addition, whilst two windows are proposed to the front elevation of the proposed two storey side extension, these windows front onto the driveway and highway, and the extension would be forward of the windows of the habitable rooms of this neighbour, as such there would be no reduction to neighbouring privacy.

8.3.8 The proposed two storey side extension is set off the boundary to the north east and significant spacing is retained between the frontage of the northeast neighbour and the host dwelling such that the proposed two storey side extension is not considered an overly prominent or unneighbourly form of development.

8.3.9 The proposed Juliet balcony and windows within the first floor rear elevation are not considered to result in harm to neighbouring amenity; whilst it is acknowledged that the proposed development would result in an increase in glazing to the first floor of the rear elevation, it is considered that long views are readily available from the first floor given the sloping land levels to the rear, such that the resultant outlook would be largely similar to the existing outlook experienced by the host dwelling, and would not result in further overlooking. .

8.3.10 The proposed windows within the side elevation of the proposed two storey side extension at the first floor level would be obscured glazed, and subject to a condition to ensure their implementation, it is not considered that the proposed development would result in overlooking in this regard. Whilst windows are proposed at a ground floor level and there is no intervening boundary treatment to the front of the dwelling, the proposed windows would be located in a similar position to those which are within the existing side elevation such that the resultant circumstances would not be dissimilar to that which is currently experienced by this neighbour.

8.3.11 Notwithstanding the above, it is considered appropriate to attach a condition to restrict the further addition of windows to the flank elevations or roof slopes of the extension to ensure the privacy and amenity of neighbours is safeguarded in future.

8.3.12 The existing outbuilding sited to the side of the host dwelling extends beyond the rearmost elevation of the host dwelling by approximately 2.2m and 1m beyond the rear elevation of the adjacent neighbour. The proposed replacement outbuilding/store would extend approximately 4.3m beyond the rearmost elevation, and approximately 3m beyond the rear elevation of the northeast neighbour. Whilst the downward slope of the land would result in the perception of the height of the flank wall being exacerbated, the replacement outbuilding would only extend an additional 2m beyond the rear elevation of the northeast neighbour (comparative to the existing situation). Furthermore, the siting and scale of the replacement are such that it is not considered the development would result in such harm to neighbouring amenity via prominence or loss of light, such that would justify refusal of the application. .

8.3.13 The proposed raised patio is not considered to result in harm to either neighbouring dwelling. The proposed outbuilding/store would obscure any views towards the northeastern neighbour from users of the patio. The proposed raised patio would result in the levelling of the existing raised patio so that it extends over a single level and would measure approximately 0.2m above the lowest level of the existing raised patio, and 0.6m below the highest level of the stepped raised patio. Given the overall reduction in height across the width of the patio, it is not considered that the perception of overlooking would be altered from the neighbouring perspective. In addition, the increase in height and depth directly adjacent to the boundary with No. 33 is modest, and fencing of a height of 1.8m would be maintained to this boundary along the full depth of the patio which would act as screening to prevent overlooking. As such, subject to a condition ensuring the installation and subsequent permanent retention of 1.8m fencing to this boundary, the proposal is considered acceptable in this regard.

8.3.14 Given the scale and type of development, it is not considered that the proposed bay window infill would result in harm to neighbouring amenity.

8.3.15 In summary, subject to conditions, 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.

8.4 Rear Amenity

8.5 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.

8.5.1 As a result of the proposed development the rear amenity retained would measure at approximately 840sqm, which is considered sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.

8.6 Trees and Landscaping

8.6.1 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.

8.6.2 The application site is not located within a Conservation Area. The site contains a number of TPO trees, the majority of which are set away from the location of the proposed works. The Tree Impact Assessment (TRDC 001) and Tree Survey and Protection Plan (2423-SK-101 REV A) indicate that no significant trees are to be removed as part of the implementation of the scheme, however, the removal of the existing raised patio/terrace and the implementation of the rear extension would require sensitive working practices. The Tree Impact Assessment (TRDC 001) recommends the following protection and mitigation measures:

- Precautionary investigation techniques including hand dug trial pits for the micro pile locations proposed for the rear extension's foundations.

- Ground protection within or close to the Root Protection Zones of some retained trees adjacent to the rear patio as shown on the Tree Protection Plan.

- Tree protection fencing and barriers to all protected trees.

8.6.3 On consultation, the Tree and Landscape Officer offered no object to the application subject to the proposed tree protection methods. As such, to ensure the protection of the relevant TPO trees from construction works and activities, it is considered reasonable to attach a condition to ensure that the measures set out in the Tree Impact Assessment (TRDC 001) and Tree Survey and Protection Plan (2423-SK-101 REV A) are implemented prior to the storage of materials on site and commencement of works.

8.6.4 Whilst the Tree and Landscape Officer has stated that a TPO Tree (T485 – Rowan) has historically been removed and not replaced, and therefore a replacement for this is requested, it is not considered reasonable within the scope of this application to attach a condition ensuring its replacement. The applicant has provided details within the application which attest that the tree was removed historically prior to their ownership of the site/ occupation of the residential property. As the protected tree was removed prior to the submission of this application, it is not considered by the Officer to be reasonable, nor meet the 6 Tests, for attaching a condition to a permission.

8.6.5 In summary, subject to conditions, the proposal is considered acceptable in this regard.

8.7 Highways, access and parking

8.7.1 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.

8.7.2 The existing dwelling contains three bedrooms. In terms of parking, the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD states that a three-bedroom dwelling should have 2.25 spaces (2 assigned) and a four or more-bedroom dwelling should provide onsite parking provision for three vehicles.

8.7.3 The proposed block plan (2423-SK-101 REV D) indicates that the proposed development would not alter the existing parking arrangements, and the site would retain 2 off street parking spaces. The proposed development would result in a shortfall of 1 parking space.

8.7.4 The site is located within walking distance of public transport and there are a number of additional on street parking spaces available for public use. As such, it is not considered that the shortfall in parking would result in demonstrable harm which would justify the refusal of the application. The proposal is therefore acceptable in this regard.

8.8 Wildlife Considerations

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

8.8.2 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.

8.8.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. 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.

8.9 Mandatory Biodiversity Net Gain

8.9.1 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.

8.9.2 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 is for householder development.

9 Recommendation

9.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions:

Time

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.

Plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2423-SK-101 REV A, 2423-SK-101 REV D, 2423-SK-100 REV K, TRDC 001 (Tree Impact 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), Policies DM1, DM6, DM13, Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

Materials

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).

Tree Protection Measures

C4 The tree protection measures as detailed on drawing number 2423-SK-101 REV A and identified within the Tree Impact Assessment (TRDC 001) including fencing and ground protection, 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. 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.

The method of excavation and construction methods as identified within the Tree Impact Assessment (TRDC 001) and detailed on drawing number 2423-SK-101 REV A shall be undertaken only in full accordance with the approve scheme and the development shall only be implemented in accordance with the approved plans.

Reason: This condition is to ensure that 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).

Obscure Windows

C5 Before the first occupation of the extension(s) hereby permitted, the window(s) in the first-floor flank elevation(s); 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 window(s) 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).

No Additional Window(s)

C6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension hereby approved.

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

Fencing/ Boundary Treatment)

C7 Prior to the first use of the rear patio adjacent to No. 33 Manor House Gardens, the existing fencing to the common boundary shared with 33 Manor House gardens shall be extended along the full length of the proposed patio in accordance with the approved details as shown on plan 2423-SK-100 REV K and shall be permanently maintained thereafter.

The boundary treatment, if removed, shall be replaced by another imperforate fence of similar type and height for so long as the development remains in existence.

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

8.2 Informatives:

Standard Advice

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 which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

{\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

Construction Hours

I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Amendments

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The 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.

Householder BNG

I4 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 – 17 July 2025

25/0666/FUL - Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at BULLSLAND HALL, BULLSLAND LANE, CHORLEYWOOD, WD3 5BQ.

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 23.06.2025
Extension of time: TBC

Ward: Chorleywood South and Maple Cross.
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: Three Rivers District Council are the freeholder of the land.

1 Relevant Planning History

1.1 05/1730/FUL - District Council Application: Single storey side extension - Permitted

2 Description of Application Site

2.1 The application site is located on the northern side of Bullsland Lane, Chorleywood. The site contains a single storey detached building with an area of hardsurfacing and an area of lawn to the front with a notice board, bin and bench.

2.2 The land and building are owned by TRDC but are leased to Chorleywood Parish Council for a number of years. The building is currently used as a local community hall and meeting place (Use Class F.2b).

2.3 To the south west of the application site is a path which connects Bullsland Lane and Bullsland Gardens. Within Bullsland Gardens there are bungalows for the over 55s as well as two storey residential dwellings.

3 Description of Proposed Development

3.1 This application seeks planning permission for a change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use).

3.2 The intended occupier is a childminder, they wish to relocate their business from their current home to Bullsland Hall.

3.3 It is pertinent to note that the change of use is not proposed to be restricted to this specific individual, but to a use as a ‘Creche, day nursery or day centre’ by any operator. However, the intended operational plan of this individual is summarised below.

3.4 It is intended that initially there would just be one adult offering childcare for a maximum of 6 children (in line with the individual’s current Ofsted registration). If demand increases then they would look to take on additional adults. The maximum number of children cared for at any one time will be 18, depending on ages and space, with a maximum of 3 adults (less children of a younger age owing to ratio requirements adults: children). The applicant has advised that generally there would be 12 children. The building currently has a main room to the front (30sqm in area) with a store in addition to a kitchen and toilet facilities. All parts would be subject to the change of use.

3.5 Whilst a fence is referenced in the submission it does not form part of the development description.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: No response received.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No of responses received: 4 objections

4.2.3 Site Notice: Not required. Press notice: Not required.

4.2.4 Summary of Responses:

- Parking/traffic impacts
- Impact on elderly neighbours from noise
- Waste generation
- General noise impacts
- Not an appropriate location
- Already a nursery on Heronsgate Road
- Poor outside space

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2024 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.

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, 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 DM4, DM6, DM10, DM12, DM13 and Appendix 5.

The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

6.3 Other

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people wanted and are able to live and work.

7.1.2 There are two main factors to consider in relation to the principle of the proposed development. Namely the loss of the existing use and then the acceptability of the proposed use. These are taken in turn below.

7.1.3 Policy DM12 of the Development Management Policies LDD sets out expectations for community, leisure and cultural facilities. The supporting text to Policy DM12 sets out that community, leisure and cultural facilities will include ‘schools’, and Officers consider that a nursery/preschool would also fall under this category. However the loss of the current use still needs to be assessed.

7.1.4 Policy DM12 sets out:

a) Protection

Proposals for the redevelopment or change of use of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:

i) The existing facility can be satisfactorily relocated within the development; or

ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or

iii) The premises or site cannot readily be used for, or converted to, any other community facility and:

iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

b) Where a use is no longer economically viable, the Council will require supporting information setting out reasons as to why the use is no longer viable and cannot be made viable in the foreseeable future. This may include details of previous use, accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time and that no suitable user has been/or is likely to be found.

7.1.5 The applicant has advised that there are no current regular weekly hirers of Bullsland Hall. This is mainly due to the limited internal space. Active promotion of availability and advertising has been undertaken however underutilisation has been a consistent problem since the Covid pandemic/Since April 2022. TRDC for polling days and an occasional local religious group have been the only users. The Chorleywood Community Shed (run by the Parish Council) will move to the allotment site in due course and can be accommodated at the War Memorial Hall or Common Road for their current weekly meeting. Given the under use of the existing building, that any existing use can be accommodated elsewhere and that the proposed use would still fall within a 'community use' for the purposes of Policy DM12 it is not considered that the loss of the existing use would prejudice the local community from the loss of a community facility.

7.1.6 In addition, the supporting text to Policy DM12 states that the Council 'will *support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities.* Policy DM12 also states that *'where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport'*. In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible.

7.1.7 Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 98:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;

7.1.8 The proposed use would align with the purposes of Policy DM12 and the NPPF. As such the principle of the use in a policy context would be acceptable however this is subject to all other material considerations as set out in the sections below.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness, avoid inappropriate development in the built environment and make efficient use of land and Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure development has regard to local context and makes efficient use of land whilst responding the local distinctiveness. The NPPF at paragraph 130 of the NPPF outlines that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

7.2.2 The proposed change of use would not, in itself, result in any physical alterations to the external appearance of the building. However as set out above the NPPF states that development should not only visually add to the quality of the area but should also function well within it. The proposed change of use would not have many physical indications of its use in terms of increased built form or signage, with the exception of the fencing, rather the use would be visible by virtue of the increased activities that would result, particularly, within the site frontage. The presence of children playing within a property frontage within the residential setting would not necessarily be incongruous. However the proposed development could allow for up to 18 children which exceeds the average amount of children in one family household. The amount of children together with supervising adults and associated play equipment, at this level, is considered to be out of character for the locality given the siting of the activity in the site frontage..

7.2.3 As such it is not the internal use of the building per se that results in harm but the secondary impacts of activities that would occur in the outdoor space. Overall, the proposed development, by virtue of the proposed activity within the site frontage would appear incongruous within the locality, would be contrary to Polices CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2024).

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 of disposition of privacy, prospect, amenity and garden space’.

7.3.2 Policy DM9 of the DMP LDD outlines the development should not result in adverse impact on the indoor or outdoor acoustic environment of existing development.

7.3.3 The proposed development would not result in any physical interventions to the external appearance of the existing building itself. As such the proposed development would not give rise to any physical overbearing impact or loss of light to neighbouring amenity.

7.3.4 The key test in this case would be whether the proposed development results in an increase in activity over and above what could be reasonably expected from the existing use, and if so whether that activity would be demonstrably harmful.

7.3.5 The internal noise levels are unlikely to be amplified, as a result of the proposed use, to such a degree that harm would occur to neighbours. Nevertheless the proposal also includes the use of space within the site frontage for outdoor play.

7.3.6 It is noted that the building, as existing, is under utilised in terms of the amount of events which could occur. However the nature of most community uses of the space would be such that people may gather in the frontage of the building before and after a class/group but would quickly disperse. Thus the increased noise/disturbance would be relatively contained

to these moments. The current proposal would include outdoor play space for up to 18 children. Whilst it is acknowledged that the use would be weather permitting and number of children may reduce during the school day ultimately there could be potential for a number of children to the playing outside for the opening hours of the child minding business. The site is located immediately adjacent to residential dwellings, including bungalows for older persons, who may be particularly sensitive to noise impacts. The opportunity for the amount of and continuity of noise and activity arising from the proposed use is considered to be unneighbourly and would result in detrimental impacts to the amenity of the surrounding residential properties, particularly the neighbour properties either side of the building.

7.3.7 The Public Sector Equality Duty is a material planning consideration. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant characteristic and those who do not share it. Subsection (3) of s.149 specifies in further detail what "having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it" involves. The "relevant protected characteristics" are listed in s.149(7) and include age, disability, and race.

7.3.8 Officers note the requirements of the Equalities Act in respect of the impacts on the adjacent older person's bungalows and has had regard to this in reaching the conclusions as set above in respect to neighbouring amenity.

7.3.9 The applicant has suggested that they could control the noise levels by taking children inside if they get too loud, or restrict the number of children playing. Additionally they will attend externally organised activities and visit the local play area. However it is not considered that such measures could be secure by planning condition as they would not meet the tests as set out at paragraph 58 of the NPPF and may impact the quality of childcare provided.

7.3.10 The majority of movement would be contained to within the building however when considering the potential noise and disturbance from the proposed outdoor play space to the front it is considered that this would be over and above the usual activity the existing building or a single residential unit. In turn, in the absence of supporting evidence, it is considered that the resultant disturbance would lead to unacceptable harm to neighbouring amenity. Namely, but not limited to, the two adjacent properties at No12 and No.8 Bullsland Lane. The proposal would overall be contrary to Policy CP12 of the Core Strategy and Polices DM1 and DM9 of the DMPLDD.

7.4 Wildlife and Biodiversity

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

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 Owing to the nature of the proposed development it is not considered that any adverse impacts would result in this respect.

7.5 Trees and Landscaping

7.5.1 No trees would be affected as a result of the proposed development.

7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.6.2 Appendix 5 sets out that the existing use would have a requirement for 7.2 parking spaces.

7.6.3 The proposed use would have a requirement for 4.5 parking space. Thus would require less parking than the existing use.

7.6.4 The concerns regarding the availability of parking are noted. There are currently 6 parking spaces on site, which would meet the requirements of Appendix 5. The existing building has been under utilised in recent times and as such the maximum potential number of visitors has not been experienced. In any event it is considered that the parking management and travel plan could be required by condition to minimise impacts during peak pick up and drop off times.

7.7 Refuse and Recycling

7.7.1 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

7.7.2 The proposed use is not considered to result in the generation of significant additional waste in comparison with the maximum capacity of the existing use. As such the current arrangement would be appropriate.

7.8 Biodiversity Net Gain

7.8.1 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.

7.8.2 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 de minimis exemption applies. Officers agree that the proposal would impact less than 25sqm of onsite habitats.

7.9 Planning balance

7.9.1 As concluded above it is considered the proposed fencing together with the use of the outdoor area to the front would be incongruous and would result in harm to neighbouring amenity.

7.9.2 No evidenced case has been put forward in relation to the need for the proposed use. However there is an acceptance of an acute need locally for child care spaces. The child

minding business already operates from the individual's home. Whilst moving to the application site could allow the business to grow, the contribution to the local need for childcare spaces this would make would be limited. Furthermore if there were no use of the outdoor space proposed or fencing the principle of the internal change of use of the building would be acceptable.

7.9.3 Overall the limited benefits of some additional childcare spaces are not considered to outweigh the harm to neighbouring amenity or the character of the streetscene by virtue of the outdoor play space.

8 Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1 The proposed change of use by virtue of the increased levels of activity within and around the site frontage from the outdoor play space would result in detrimental harm to neighbouring amenity by way of undue levels of noise and disturbance. The resultant level of activity would also appear as an incongruous feature within the open residential setting of the steetscene to the detriment of the character of the streetscene. Overall the proposal would be contrary to Polices CP10 and CP12 of the Core Strategy (adopted October 2011) and Polices DM1, DM9, DM13 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

8.2 **Informative**:

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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.


Old Shire Ln
Luna Cucina Italiana
Italian
Commercial Kitchen Software
Heronsgate Rd
Bullsland Gardens
Bullsland Hall
Heronsgate Rd
Bullsland Gardens
Bullsland Ln
Heronsgate Rd
Bullsland Ln
Old Shire Ln


BULLSLAND HALL



PLANNING COMMITTEE – 17 July 2025

25/0667/FUL – First floor side extension at 2 Arundel Road, Abbots Langley, Hertfordshire, WD5 0TP

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 25.06.25
Extension of Time: 20.07.25

Ward: Leavesden
Case Officer: Clara Loveland

Recommendation: That planning permission be granted.

Reason for consideration by the Committee: Acting agent is a Ward Councillor.

Application type: Householder

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=SUP0R9QFG4800

1 Relevant Planning History

1.1 25/0668/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including rear dormer and front rooflights. Approved.

1.2 24/0980/CLED - Certificate of Lawfulness Existing Development: Use of grassed area of land as residential land. Refused. Appeal lodged and in progress. LPA reference 24/0030/REF. PINS reference APP/P1940/X/24/3350733.

1.3 20/2306/FUL - First floor side and single storey rear extension, conversion of garage and single storey side extension to form a garage and extension of residential curtilage (change of use of amenity land to land forming part of residential planning unit) via re-positioning of fencing. Refused for the following reasons:

R1 The proposed front element of the first floor side extension by virtue of its siting and relationship with the neighbouring dwelling, No.4 Arundel Road would result in terracing impact. The rear element of the first floor side extension would appear contrived by virtue of its poor design, comprising a splayed wall and flat roof form which integrates poorly with the existing dwelling and would be out of character with the wider area. The proposed garage would also appear prominent, contrived and out of character with the streetscene. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed boundary fence, by reason of its height, length and proximity to the footway would appear as a prominent, overbearing and urbanising feature which would create a sense of enclosure, erode the open character of the area and fail to respect the character and appearance of this part of the street scene and the wider area. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

2 Description of Application Site

2.1 As shown within the red line on the submitted location plan 2438-SK-101 REV B, the site known as 2 Arundel Road comprises an irregularly shaped plot on the western side of Arundel Road. The site contains a detached dwelling with an attached garage and a garden which wraps around the side to the rear. The garden is enclosed by closed-boarded fencing.

The site frontage includes a driveway for 2 vehicles. Along the northern flank of the dwelling, there is a vehicle crossover with a dropped kerb and access. Adjacent to this is a strip of grass that follows the curve alongside the highway edge.

2.2 The application dwelling has a gable roof with a front gable feature and a garage to the side. To the rear, there is a conservatory.

2.3 The land outside of the red line shown on the Location Plan which surrounds the application sites consists of a mixture of residential housing. To the northwest is Leavesden Country Park. The site known as 2 Arundel Road is located at the end of a row of other similar styled dwellings. To the rear of the site is an access footpath leading into the Country Park.

3 Description of Proposed Development

3.1 This application seeks planning permission for a first-floor side extension. During the application, amendments were provided to reduce the width of the extension by 0.2m from 3m to 2.8m to provide greater spacing to the boundary.

3.2 The proposed first floor side extension would be located above the existing garage, set in 0.2m from the flank wall of the garage. It would have a maximum width of 2.8m and maximum depth of 6.3m. It would have a stepped rear wall, increasing in depth away from the boundary with No. 4. It would have a gabled roof formation with a height of 6.8m, set down from the existing ridge line by 0.6m.

3.3 The extension would be finished in materials to match the existing dwelling.

3.4 The application follows a previous refusal (20/2306/FUL) which included a first floor side extension. The current application has omitted the previously proposed splayed rear wall and has provided additional flank to boundary spacing. Whereas application 20/2306/FUL included various elements, the current application is for a first floor side extension only.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: No objection.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 No. consulted: 23.

4.2.2 No responses: 0

4.2.3 Site Notice: Not required.

4.2.4 Press notice: Not required.

5 Reason for Delay

5.1 Committee Cycle.

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 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

The Three Rivers Local Development Plan

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

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

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

Other

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

7 Planning Analysis

7.1 Design and Impact on Character and Appearance of the host dwelling and wider streetscene

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. 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. In relation to side extensions, Appendix 2 advises that first floor side extensions shall generally be a minimum of 1.2m from the flank boundary.

7.1.3 In this case, the first floor side extension would be above an existing garage and set in from the boundary line by 1.2m. This would comply with the guidance within Appendix 2 which indicates that 1.2m from the boundary would generally be an acceptable separation distance. Furthermore, the side extension would be flush with the front wall and would not extend the full flank depth of the dwelling. It would also be noticeably set down from the ridge line, adding some appearance of subordination to the development. In terms of design, the side extension would have a roof formation that would be in keeping with the character of the existing dwelling. The development would also be finished in materials to match the existing dwelling, which would help to reduce its overall prominence and appearance.

7.1.4 In this case, the neighbour, No.4, is set up to the boundary such that no spacing is provided on its side, however, the application dwelling is noticeably separated from the neighbouring dwelling, No.4, by their staggered positioning with No. 4 being set considerably forward and the sky gap above the garage at the application site. The proposed side extension, although being set 1.2m from the boundary, would sit close to this neighbour's flank wall and would reduce the sky gap between the dwellings. Although this would be the case, given the staggered building line whereby the application dwelling is set back from No.4, the closure of the sky gap would only be readily visible immediately fronting the application site, and in this position, the boundary spacing of 1.2m would be noticeable. Given that the extension would be flush with the front elevation, it would not be noticeable from the north/north-east. Given the stagger in the buildings, with No.4 sitting forward of No.2, it would also not be noticeable from the south/south-west. Added to this, there have been signs of alterations whereby some dwellings have extended above garages, reducing the spacing between sites, such as the extension implemented at No.23 and as approved at No.14 (23/1106/FUL). Despite closing the gap between the dwellings, any views of this would be limited and when accounting for the development across the wider street, and that it would comply with the 1.2m guidance set out in Appendix 2, the extension above the garage would not be wholly out of character. For the reasons provided, there would also not be a noticeable level of terracing between the dwellings.

7.1.5 It is noteworthy that a first-floor side extension (amongst other elements of proposed development) of a similar extent was proposed and refused within planning application 20/2306/FUL. The key differences between the refused scheme and the planning proposal forming this application (in so far as they relate to the first floor side extension) are: a) the increase in the separation distance from 0.9m to 1.2m and b) amendments to the design of the extension, reducing in depth and altering from a contrived slayed rear wall as refused to a stepped rear wall as proposed. For the reasons provided above, the first-floor side extension proposed within this application is consider to be acceptable and the previous reason for refusal of this element has been overcome.

7.1.6 In summary, the proposed development would not result in harm to the character and appearance of the existing dwelling and wider street scene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.2 Impact on the amenities 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 first floor side extension would have no adverse impact to any neighbours to the north-east of the as the development would be screened by the existing dwelling. Regarding No.4, the extension would bring the built form closed to this neighbour. Despite this, the extension would remain set off the boundary by 1.2m and this distance would increase towards the rear where the rear part of the extension steps away from the boundary. The extension would also be set down from the existing ridge line, subservient to the existing dwelling. When considering these factors, the proposed extension would not be overbearing or an intrusive form of development as experienced by this neighbour. Turning to loss of light and overshadowing, this neighbour is set forward of the host dwelling, however, is located south of the proposed extension. This would therefore limit any overshadowing. For these reasons, it is considered that the proposed side extension does not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would it be overbearing.

7.2.4 Turning to privacy, the extension would have a front-facing window which would have an outlook over the site frontage and would not give rise to any unacceptable overlooking. The proposed roof light to the rear would be of a limited size and positioned within the rear roof slope such that it would be of a height and position that would not give rise to any overlooking to any neighbour. Any outlook would therefore be at an oblique and obstructed angle.

7.2.5 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Rear Garden Amenity Space Provision

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

7.3.2 The proposal would retain a sufficient level of amenity space to serve the proposed number of bedrooms.

7.4 Trees and Landscaping

7.4.1 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.

7.4.2 The application site is covered by an area TPO (285). However, the proposed development would be located above an area of existing built form. When accounting for this, it is considered that no harm would arise to any protected trees.

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 and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

7.5.2 The proposal would maintain sufficient parking space for the proposed number of bedrooms.

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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies 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.

7.7 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.

7.7.2 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 a householder planning application.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

Time

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.

In accordance with plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2438-SK101 REV B.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of

neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

Materials

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).

8.2 Informatives

I1

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and accompanied by a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

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

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

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

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

I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

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.

I3 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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25/0667-FUL 2 Arundel Rd – Committee Photos







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PLANNING COMMITTEE - Thursday 17 July 2025

25/0694/RSP – Retrospective: Construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley, Hertfordshire, WD5 0EG

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 12.06.25.
Extension Of Time: 20.07.25.

Ward: Abbots Langley and Bedmond
Case Officer: Clara Loveland

Development type: Householder.

Recommendation: That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Abbots Langley Parish Council called in if officers are minded to approve due to concerns with the development being overbearing, resulting in a loss of light and privacy.

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=SUUKP5QFG6700

1 Relevant planning and enforcement history

1.1 23/1496/CLED - Certificate of Lawfulness Existing Use: Stationing of Caravan/Mobile Home in rear garden for ancillary residential use. Refused for the following reason:

This application seeks a Certificate declaring that the structure, sited in the rear amenity garden within the land edged in red on the accompanying Location Plan, is a caravan and does not constitute development as per Section 55 (1) of the Town and Country Planning Act 1990 ('the Act'). Having regard to the evidence submitted, it has not been satisfactorily demonstrated that the structure in this case would be moveable once constructed and thus it is not a caravan. The LPA consider that the structure is a building and building operations, as set out in Section 55(1) of the Act, have occurred. The development is not covered by any Permitted Development rights.

The Lawful Development Certificate for Existing Development pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended) is therefore refused. It therefore follows that planning permission for the development is required.

Appeal dismissed (PINS ref: APP/P1940/X/24/3336810).

Officer Note: The Appeal decision was based strictly on the facts and on relevant planning law, i.e. that the siting of a caravan/mobile home for incidental or ancillary use in the curtilage of the dwellinghouse did not comprise a material change of use of the land or buildings or operational development. The Inspector's decision confirmed that the council's refusal of 23/1496/CLED was well-founded and that the works resulted in the erection of a building / constituted building operations for which planning permission is required and none had been applied for.

1.2 23/0075/COMP - Unauthorised outbuilding not for incidental purposes (annex use). Pending consideration, subject to the determination of this application.

1.3 19/1640/FUL - Single storey side and rear extension and alterations to roof of existing projection - 11.11.2019 – Permitted.

1.4 02/00227/FUL - Loft conversion with rear dormer - 26.04.2002 – Permitted.

1.5 01/01712/CLPD - Certificate of Lawfulness Proposed Use: Loft conversion with rear dormer windows - 06.02.2002 – Refused.

2 Site Description

2.1 The application site is located on Marlin Square, Abbots Langley and contains a two-storey, mid-terraced dwelling with a yellow facing brick exterior with red brick detailing and a grey slate roof.

2.2 To the rear of the dwelling is an amenity area predominantly laid with paving which measures some 100sqm in area (including the area of the outbuilding contained within the rear garden) and is enclosed by close boarded fencing. Beyond the site and to the rear of the outbuilding, there is a Public Footpath (32) connecting Langley Road to Creasy Close and Tibbs Hill Road.

2.3 Within the rear amenity area is a flat roofed outbuilding which is the subject of this application and is sited on a slightly higher land level than the main paved garden.

3 Description of proposed development

3.1 This application seeks retrospective planning permission for the construction of an outbuilding in the rear garden for ancillary residential use, i.e. an annex

3.2 The outbuilding is located to the rear of the application site and has a width of 5.18m, a depth of 5.38m and a height of 2.60m (as measured by the Officer on site) (referenced as 2.7m on the submitted details). The outbuilding contains a set of doors within the front elevation facing towards the main dwelling. The outbuilding is used as living accommodation by the applicant's father and contains a complete set of living facilities including open plan living area, bed, kitchen, and bathroom facilities.

3.3 As observed on the Officer site visit, the outbuilding is raised off the ground by approximately 0.1-0.2m from the adjacent ground by metal piles/poles which go into the ground.

3.4 During the application, an Officer visited the site on 26 June 2025 to measure the outbuilding. The appointed agent also provided a front elevation plan indicating the dimensions of the outbuilding in relation to the fence lines and to the front landscaping (wooden sleepers and front steps).

4 Consultee responses

4.1 Statutory consultation:

4.1.1 Abbots Langley Parish Council – Objection and called into the Planning Committee.

"Whilst members acknowledge that the dwelling benefits from permitted development rights, these come with specific limitations, especially with regard to hight, proximity to boundary and use. As we cannot gauge from the photos the actual height of the building, we will have to rely on the officers' investigations to conclude that the structure does not exceed 2.5m in height or occupy over 50% of the free external space that Permitted Development would allow. We understand that the application has been tested through the Permitted Development route and thru appeal and was disallowed, hence it is now encompassed within a formal planning application.

We are mindful that the current use is residential, a use not accepted within the Residential Permitted Development allowance. We note the concerns raised by neighbouring residents regarding the height, overbearing nature, light pollution and loss of privacy regarding the distance of the habitable windows to their own rear windows.

Whilst the Parish Council is mindful of the current housing crisis and the difficulty experienced in finding good quality, secure accommodation for both the younger generation looking for suitable accommodation and the older generation downsizing, we can appreciate that this style of solution is a common resolution within the district.

However, we do feel that in this instance the scale of the rear garden is a material consideration within this application and the fact that the neighbouring houses have easements to allow the host

dwelling access thru their private gardens would be a further material consideration in the loss of privacy these houses currently enjoy.

Due to the items listed above, we feel that we cannot support this application, however given the current situation and the fact that building houses an elderly resident, we would seek further information from the planning officer if permission could be granted on a temporary basis with the permission to lapse once the accommodation is vacated by the current resident? We only request this information as we are mindful that the application is retrospective and currently houses an elderly relative.

We do not feel that the president should be set for accommodation within rear garden of this scale and our concern would be that this application was granted approval for continued use.

Should the planning officer be looking to above the scheme we would request that it is brought to committee where all parties can make representation.

We have further concerns regarding the current building and its compliance with the Building Safety Act and would request that if the officer is of a mind to approve, that full compliant sign off to the above Act is set as a condition prior to continued habitation, as we have concerns regarding the Fire Strategy regarding proximity to neighbouring building, surface spread of flame, fire evacuation and access for fire crews to name a few."

Officer Comment: This application can only assess material planning considerations. Concerns raised relating to Building Safety and Fire Strategy are not assessed as part of this application and subject to other legislation.

4.1.2 National Grid – No comment received.

5 Neighbour consultation

5.1 Site notice: Posted: 23.04.25. Expired: 15.05.24.

5.2 Press notice: Published 02.05.25. Expired 24.05.25.

5.3 7 neighbours consulted and 3 objections received.

Summary of comments:

- Overbearing and intrusive due to proximity to boundary.
- Disruptive to the peaceful enjoyment of surrounding gardens.
- Overdevelopment.
- Inappropriate residential use in a rear garden.
- Fire safety concerns related to materials used.
- Light pollution.
- Risk of setting dangerous precedent for backdoor dwellings.
- Misuse and intensification of existing right of way. The increase in the number of individuals who use the right of way alters its purpose. Safety concerns related to safeguarding for children play space.
- Ignored an enforcement notice.

5.4 The applicant has provided a response to the comments raised:

- Factually in accurate statements made.

- No enforcement notice issued.
- The structure is an ancillary accommodation not a separate house.
- Father of applicant relies on applicant (daughter) due to increasing personal care.
- The application must be determined for its actual use.
- Building regulations, drainage pressure and precedent are not relevant to this application.
- The size of the structure would be permitted development.
- Limited noise and illumination.

5.5 **Officer Comment**: This application can only assess material planning considerations. Concerns raised relating to Building Safety, Fire Strategy, light pollution, safeguarding and the right of way are not assessed as part of this application. It should be noted that no Enforcement Notice has been issued for the development.

6 Reason for Delay

6.1 Committee cycle and submission of amended plans.

7 Legislation and Relevant Local and National Planning Polices

7.1 Legislation

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

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

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

7.1.4 The Environment Act 2021.

7.2 National Planning Policy Framework and National Planning Practice Guidance

7.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

7.3 Three Rivers Local Development Plan

7.3.1 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.

7.3.2 The Development Management Policies Local Development Document (LDD) 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, DM9, DM13, Appendix 2, and Appendix 5.

7.4 Other

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

8 Analysis

8.1 Overview

8.1.1 This application has come forward because of an enforcement investigation (23/0075/COMP) which follows reports concerning an alleged breach of planning control.

8.1.2 From the outset, Officers considered that the outbuilding was operational development, and by virtue of its height in relation to adjacent boundaries and its use (i.e. containing primary living accommodation) failed to fall within the requirements of Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended). As such, it was the view of officers that the works comprised a building and were not permitted development and therefore express planning permission was required from the Local Planning Authority (LPA).

8.1.3 Notwithstanding officers' views, the applicant submitted an application for a Certificate of Lawfulness for an Existing Use (23/1496/CLED), as it was believed that the outbuilding was in fact a structure which fell within the definition of a caravan and thus did not comprise operational development nor resulted in a material change of use of land, on the basis that it was providing ancillary living accommodation for the applicant's father.

8.1.4 The Certificate of Lawfulness application was refused by the LPA on the grounds that the outbuilding comprised development requiring planning permission. An appeal was lodged against the refusal and the scheme was subsequently dismissed at appeal (APP/P1940/X/24/3336810) and confirmed that the outbuilding was a building requiring planning permission. This appeal is contained within Appendix 1.

8.1.5 The building size has not altered since the time of the certificate or appeal.

8.1.6 In terms of use, it is understood that there is currently one occupant of the building and this is corroborated from the information submitted as part of the application.

8.1.7 Unlike the appeal, the planning merits of the outbuilding are considered and set out within this report below.

8.2 Impact on the character and appearance of the street scene

8.2.1 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'. The NPPF encourages the effective use of land and at the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

8.2.3 **Size:** In terms of size, it is recognised that that outbuilding in situ is large and covers a large proportion of the rear garden, spanning the full width of the garden. It is also of a noticeable height, some 0.6-0.7m above the boundary fence lines. Due to this, whilst it is not readily visible from the wider street of Marlin Square, there are views of it from neighbouring dwellings and their associated gardens and from the public footpath behind. It is also noteworthy that there are also some views of the outbuilding from the bowls club behind the site however, these are limited when considering the large bowls clubhouse/building which is sited close along the boundary with the footpath obscuring

and limiting any views. Although visible from these locations, the outbuilding is set within a context where there is a proliferation of mixed developments, including extensions and other outbuildings / structures that vary in size, extent and positioning. In this context, the outbuilding is not out of character. Given the remaining space available within the garden, its single-storey nature and flat roof form, the outbuilding does not result in overdevelopment of the plot or appear so excessively prominent that it adversely affects the character of the area. Notwithstanding these reasons, to prevent any further development of the garden, a condition is recommended that removes Class E permitted development rights which would take effect from the date of the decision.

8.2.4 It is also useful to note that an outbuilding of a similar scale could be erected under "permitted development" via Schedule 2, Part 1, Class E of the GPDO which enables outbuildings of up to 2.5m in height (when positioned within 2m of a boundary), subject to other conditions and limitations.

8.2.5 It is important to note that the appointed agent has provided a front elevation plan during this application to indicate the outbuilding in relation to front landscaping works such as the 2 steps and a wooden sleeper which are located to the front of the outbuilding. These features are considered to be landscaping works and would not require planning permission.

8.2.6 **Use**: When turning to the building's use, which provides independent living for the applicant's relative, this use would not be possible under "permitted development" under Class E.4. Therefore, it is the use which provides the key requirement for planning permission in this case. Due to the physical limitations of the building and its internal facilities, it does not accommodate a significant increase in the number of persons using or residing in it. This would resultantly limit any activity associated with its use. Given the proximity of the building to nearby neighbours (terraced properties), it is inevitable that neighbours would be aware of the general activity resulting from the occupation of the building. This is also evident through the comments received as part of this application. However, in this context, the use of the building is not considered to be significantly greater than what could reasonably be expected for a family home carrying out typical activities. Movements to and from the outbuilding are also intrinsically linked to the dwelling, as access is required through the dwelling, rather than a separate access.

8.2.7 Some comments have raised that the use of the building for independent living has resulted in increased activity/misuse of the shared access. However, the siting of the outbuilding prevents any access to the public footpath and is wholly contained within the application site. . Furthermore, there is not anything significantly out of the ordinary in the nature or type of movements to and from the site or any substantive evidence to suggest that a building of this size and occupation results in any significantly greater disturbance than might arise from a domestic family residence. For these reasons, it is considered that the noise and general disturbance experienced by nearby residential areas is not significantly greater than a typical family home. Additionally, when considering that the use provides independent living accommodation for a relative of the applicant, this would cater for a range of housing needs in accordance with the requirements of Policy CP3 by enabling other houses to be available and provides an alternative means of residential accommodation. Notwithstanding this, given that the use facilitates independent living, it would be reasonable and necessary to secure its use be maintained as ancillary (and not sold or let off).

8.2.8 In summary, subject to the conditions recommended, the proposed development does not result in harm to the character and appearance of the existing dwelling, site and wider street scene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.3 <u>Impact on amenities of neighbours</u>

8.3.1 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'.

8.3.2 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.

8.3.3 Policy DM9 refers to contamination and pollution control. DM9(d) stated that planning permission will not be granted for development which:

i) Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development

ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or

iii) Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.

8.3.4 **Size**: In any instance, the building is contained within the rear of the application site. Although it is recognised that it is noticeable from the immediate neighbours due to the linear terrace property formation, it is set some 7m away from the rear of the nearest neighbours at no.18 and 22. When considering the orientation of the sun, any loss of light or overshadowing would be limited and negligible when considering that the existing terrace set shade the rear gardens that are north/north-western facing gardens.

8.3.5 **Use**: Turning to its use, as highlighted above, when considering the limited occupation and their functional link to the occupants of the main dwelling, the use is not considered to be significantly greater than what could reasonably be expected of several adults or a family carrying out their typical activities. Due to this, it is considered that the use does not harm the living conditions of neighbouring occupiers.

8.3.6 **Privacy**: When considering privacy, it is noted that the building, which is for independent living, has front windows/doors however, these face into the garden towards the host dwelling and are largely obscured by the existing boundary treatment and as such is not considered to amount to any harmful loss of privacy to this neighbour. It is important to note that under permitted development an ancillary building for another use could potentially result in the same extent of glazing.

8.3.7 In summary, it is not considered the proposal harms the amenities of neighbours and complies with Policy C12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 and Appendix 2 of the Development Management Policies document (adopted July 2013).

8.4 Trees and Landscaping

8.4.1 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.

8.4.2 No trees have been impacted by the development.

8.5 Highways, access and parking

8.5.1 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.

8.5.2 In terms of parking, the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD states that a four or more bedroom dwelling should provide onsite parking provision for three vehicles. The number of total bedrooms across the site is unclear and the current site does not provide for any off-street parking. The outbuilding has provided for an additional bedroom space for the occupant. In the instance that an additional shortfall arises from the proposal, there is no evidence to suggest that this has placed unacceptable pressure on surrounding roads.

8.6 Wildlife Considerations

8.6.1 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.

8.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected 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.

8.7 Mandatory Biodiversity Net Gain

8.7.1 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.

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

9 Recommendation

9.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions:

Annexe Use

C1 The detached outbuilding, hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling, sold or let off at any time and will remain functionally linked to the dwelling on the site.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Permitted Development

C2 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) from the date of the decision, no development within the following Class of Schedule 2 of the Order shall take place on the application site:

Part 1

Class E - provision of any building or enclosure

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

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

8.2 Informatives:

Standard Advice

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 which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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{\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

Positive and Proactive - Amendments

I2 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.

Biodiversity Net Gain

I3 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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25/0694/RSP 20 Marlin Square – Committee Photos







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PLANNING COMMITTEE – THURSDAY 17TH JULY 2025

25/0901/ADV – Advertisement Consent: Installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth, Hertfordshire, WD3 1AQ

Parish: Batchworth Community Council
Expiry of Statutory Period: 22.07.2024
(Extension of Time: TBC)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That ADVERTISEMENT CONSENT IS GRANTED subject to conditions as set out at section 8 below.

Reason for consideration by the Committee: Called-in by Batchworth Community Council due to concerns with impact towards Conservation Area.

Application type: Advertisement

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=SWUSVVQFGM500

1 Relevant Planning History

1.1 24/0829/FUL – Change of use from Class E to Mixed Use for restaurant and takeaway (Class E and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works – Permitted April 2025.

1.2 24/0832/ADV – Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. externally illuminated yellow vinyl "Golden Arch" applied externally to glazing, 1 no. projection sign, 6 no. parking signs and 1no. railing sign – Permitted April 2025.

2 Description of Application Site

2.1 The application site contains a two-storey flat roofed commercial unit located on the northern side of the High Street, Rickmansworth. The host building is currently vacant but was previously in use as a clothing retail unit known as M&Co. until 2023

2.2 The host building is located within the Primary Retail Frontage of Rickmansworth Town Centre which runs along both sides of the High Street and is located within the Rickmansworth Conservation Area. An M&Co advertisement remains on the fascia of the building despite its vacant nature.

2.3 The application site is principally accessed from High Street but does benefit from a side and rear staired access into the building. No vehicular access or drop kerb exists at the rear onto Northway.

2.4 To the north of Northway behind the application site is Penn Place which is a residential flatted development. Adjacent to the site on the High Street is a restaurant known as ‘Masala Bowl’ and a hairdresser ‘Louvere’, and on the opposite side of the road are ‘Starbucks and ‘Creams Café’. The High Street itself is generally flat, but the land rises gradually to the north such that Northway and the development beyond is set on a high land level than the High Street.

3 Description of Proposed Development

3.1 The application is seeking advertisement consent for the following advertisements and signage:

- 1 no. acrylic white externally illuminated “McDonald’s” letterset to the front fascia
- 1 no. acrylic externally illuminated “Golden Arch” symbol to front fascia
- 6 no. aluminium non-illuminated parking signs to railings
- 1 no. aluminium non-illuminated panel sign to rear elevation

3.2 The proposed “McDonald’s letterset would measure 2.6m in width, 30mm in depth (protruding from the sign) and 300mm in height. The letterset would be externally illuminated from the top down. It would be located above the main entrance door within the front façade.

3.3 The “Golden Arch” symbol would measure 600mm in hight, 85mm in width and 30mm in depth. The symbol would also be externally illuminated from the top down. It would be located to the left of the “McDonald’s” letterset.

3.4 The remaining signage would be located to the rear of the unit affixed to the rear wall and would comprise aluminium signs with applied vinyl graphics. These would all be non-illuminated. The 1 ‘McDelivery Partners Please Go Down the Stairs’ sign would measure 620mm in height and 550mm in width. The 6 ‘McDelivery Partners Parking’ signs would measure 700mm in height and 280mm in width.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection: Call-in request]

BCC strongly object to this application. The property is in a Conservation Area and illuminated signs are inappropriate to the front elevation. Batchworth Community Council highlighted this in the previously approved application. There are other non illuminated suitable signs that McDonalds have used in other areas which could be used in Rickmansworth.

BCC would like to call this into Committee unless officers are minded to refuse.

4.1.2 Hertfordshire County Council – Highway Authority: No objection

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

Highway 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.

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

Comments / Analysis
The proposals include illuminated and non illuminated signs linked to a McDonalds store. None of the proposed signage is located on, or considered to interfere with, the highway fronting the site on High Street nor at the rear.

HCC as Highway Authority would not have an objection to the provision of an illuminated sign at this location. The standard of luminance complies with recommendations as set out in the Institution of Lighting Engineers Professional Lighting Guide 05/23: The Brightness of Illuminated Advertisements including Digital Displays.

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

4.1.3 Conservation Officer – [Verbally consulted – no objection]

Whilst officers recognise that written comments are generally provided for committee applications, the Conservation Officer had provided written comments for the previous application 24/0832/ADV where they raised no objection to the principle of the advertisements. Their primary concern was related to the "Golden Arch" vinyl fitted to the shop front glazing which is no longer proposed as part of this current application.

5 Public/Neighbour Consultation

5.1 Site/Press Notice: None

5.2 Number consulted: 9

5.3 No of responses received: 1 objection

5.4 Summary of Responses:

- Traditional "Golden Arch" should be replaced with aluminium/silver signage.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

6.1.2 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.

6.1.3 The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

6.2 Development Plan Policy/ Local and National Planning Guidance

6.2.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2024 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).

6.2.2 The Three Rivers Local Development Plan

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

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

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

Batchworth Community Council Neighbourhood Plan (2023)

Rickmansworth Conservation Area and Character Appraisal (1994)

7 Planning Analysis

7.1 Background

7.1.1 Advertisement Consent has previously been granted at this site under reference 24/0832/ADV. Application 24/0832/ADV included the following elements which also form part of the current ADV application:

- 1 no. acrylic white externally illuminated “McDonald’s” letterset to the front fascia
- 6 no. aluminium non-illuminated parking signs to railings
- 1 no. aluminium non-illuminated panel sign to rear elevation

7.1.2 This current application differs from the previously consented scheme by the following:

- Omission of 1.no yellow vinyl “Golden Arch” which was to be applied to the glazing to High Street facing window.
- Omission of a 1 no. projecting sign to front elevation
- Relocation of “Golden arch” symbol to front façade.

7.1.3 All other signage proposed is as per the consented scheme.

7.2 Advert Regulations

7.2.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

7.2.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

7.2.3 Amenity is not defined in the Regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

7.2.4 Paragraph 141 of the National Planning Policy Framework advises the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety.

7.3 Design and Impact on the Streetscene and Heritage Assets ("Impact on Amenity" – Part 1)

7.3.1 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'.

7.3.2 The application site is located within the Rickmansworth Town Centre Conservation Area. In relation to development proposals in Conservation Area Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area. *The council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascias or advertisement displays in a Conservation Area if they:*

(i) Sympathetic to the character and appearance of the Conservation Area;

(ii) Respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the streetscene in general;

(iii) Incorporate traditional materials where the age and character of the building makes this appropriate.

7.3.3 Policy DM3 outlines that generally totally internally illuminated fascias or projecting signs will not be permitted. The council will also not support applications for additional signs that would result in a proliferation of, and excess amount of, advertisement material on any individual building or group of buildings.

7.3.4 The Rickmansworth Town Conservation Area Appraisal (1994) states that only a small number of the buildings within the High Street are listed for the special architectural or historic interest – the application building is not one of those listed. The nearest listed buildings are 133 High Street (Dental Centre) and 74 High Street (W.H. Smith). 104-108 are all locally important buildings located next to the application site and on the opposite side of the High Street unit 153-155 and units 163-169 are also locally important buildings.

7.3.5 Policy CO7 of the Batchworth Neighbourhood Plan sets out that the design of any new development will need to respond positively to the defining characteristics of the area within which it is located and reflect the associated principles set out in the Neighbourhood Design Code that are applicable to that area. Proposals that create new employment opportunities will be supported where their size, materials and design respects the immediate surrounding which they area to be located whilst enhancing the location to make it attractive for new businesses.

7.3.6 Policy DE1 of the Batchworth Neighbourhood Plan sets out that new development shall respond positively to guidance and principles established in the Batchworth Neighbourhood Design Codes including but not limited to materials and development frontages and proposals that depart from this will need justifying.

7.3.7 The proposed signage (fascia) would be acrylic and would be akin to existing signage within the wider streetscene and conservation area and as such would not appear significantly out of character. This application no longer incorporates a projecting sign or a "Golden Arch" vinyl which is considered a betterment to the appearance of the commercial premises and the conservation area.

7.3.8 The signage at the rear would all be small scale and non-illuminated and be set off the public highway such that they would not be readily visible or prominent in this part of Northway.

7.3.9 Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Given the commercial nature of the premises, the limited scale of the signage and that similar signage is located in the immediate vicinity, it is not considered that the proposed signage would detrimentally impact upon the setting of the nearby Listed Buildings or Locally Important Buildings (Non designated heritage assets).

7.3.10 The proposed signage when read against other commercial buildings within the streetscene would appear appropriate and sympathetic and would not harm amenity. The Conservation Officer was verbally consulted on the application as they had previously commented on 24/0832/ADV where they raised no objection to the principle of the façade signage. They raised no objection to this current application as their primary concerns related to the "Golden Arch" vinyl fitted to the shop front glazing and the method of internal illumination initially proposed under 24/0832/ADV. This current application does not include the "Golden Arch" vinyl, and the fascia signs are to be top-down externally illuminated which is considered an appropriate and acceptable method of illumination within the conservation area reflective of other commercial premises on the High Street. A condition is attached restricting the hours of illumination of the advertisements to be on only during opening times of the premises.

7.3.11 In conclusion, subject to condition, the advertisements would be considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Rickmansworth Town Centre Conservation Area and Character Appraisal (1994), Policies CO7 and DE1 of the Batchworth Neighbourhood Plan (November 2023) and the NPPF (2024).

7.4 Impact on Neighbours ("Impact on Amenity" – Part 2)

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'. Policy DM9 seeks to ensure that there is no unacceptable adverse impact on neighbouring or nearby properties as a result of lighting proposals.

7.4.2 The proposed alterations would not significantly alter the appearance of the building relative to the existing arrangement. The scheme of illumination of the fascia signs would be directed towards the façade of the building and would not result in unacceptable light spill. As such there are no concerns with regards to impacts to the amenity of the occupiers of any nearby residential or commercial properties.

7.4.3 Overall, it is not considered that the amended proposal would be imposing on any neighbouring residential dwellings or would result in an adverse impact on neighbouring residents which would harm their amenity. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

7.5 Highways Impacts

7.5.1 The Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) seeks to assess the impact on public safety.

7.5.2 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.

7.5.3 The proposed signage would be applied to the façade of the building or located within the application site on the commercial premises. Given the location and scale of the proposed signage and its method of illuminance, it is not considered that the proposed signage would pose an obstruction to pedestrians or drivers. The Highway Authority were consulted on the application and raised no objection on highway grounds as they concluded that the proposal would not have an impact on the safety and operation of the adjoining highway, subject to the inclusion of a highway informative relating to prevention of obstruction.

7.5.4 It is not considered that the proposed advertising signage would result in any demonstrable harm to public safety in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) and CP10 of the Core Strategy (Adopted October 2011).

8 Recommendation

8.1 **That ADVERTISEMENT CONSENT BE GRANTED for that has been applied for and subject to the following standard condition:**

C1 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.

2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3] No advertisement shall be sited or displayed so as to;

(a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C2 The sign(s) permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

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

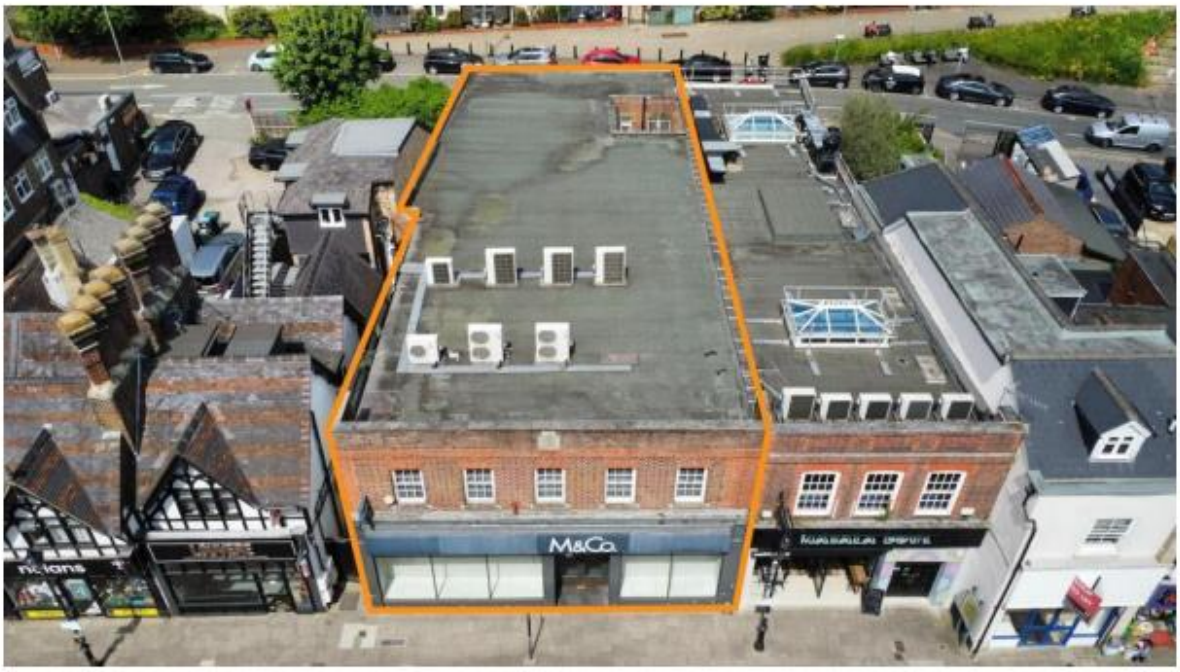
Informatives:

I1 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.

I2 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.


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