

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 23 October 2025 at 7.00 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, 15 October 2025*

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

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 6.30pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

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

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 6.30pm.

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

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

The meeting may be livestreamed and an audio recording of the meeting will be made.

1. **Apologies for Absence**
2. **Minutes** (Pages 5 - 10)

To confirm as a correct record the minutes of the Planning Committee meeting held on 11 September 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. **24/1812/FUL – Demolition of existing outbuildings; subdivision of the site and construction of five two-storey residential dwellings including parking, landscaping, cycle and refuse storage at Land Rear of 219 New Road, Croxley Green, Rickmansworth, Hertfordshire WD3 3HE** (Pages 11 - 36)

Demolition of existing outbuildings; subdivision of the site and construction of five two-storey residential dwellings including parking, landscaping, cycle and refuse storage at Land Rear of 219 New Road, Croxley Green, Rickmansworth.

Recommendation: that following the completion of a S106 agreement to secure a financial contribution toward affordable housing, planning permission be granted.
6. **25/1012/RSP - Retrospective: Installation of parcel locker facility at 57 - 59 High Street, Abbots Langley, Hertfordshire WD5 0AE** (Pages 37 - 52)

Retrospective: installation of parcel locker facility at 57 - 59 High Street, Abbots Langley.

Recommendation: that retrospective planning permission be granted subject to conditions.
7. **PRELIMINARY REPORT 25/1020/OUT – Outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters) at Land East of Oxhey Lane, Carpenders Park, Hertfordshire** (Pages 53 - 154)

25/1020/OUT – Outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters) at Land East of Oxhey Lane, Carpenders

Park.

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.

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.

8. 25/1028/FUL – Erection of 20 dwellings (Use Class C3) with associated parking and landscaping, provision of new vehicular access to Church Lane and pedestrian link to public footpath at Land Rear of 76-78 Church Lane, Sarratt, Hertfordshire (Pages 155 - 230)

Erection of 20 dwellings (Use Class C3) with associated parking and landscaping, provision of new vehicular access to Church Lane and pedestrian link to public footpath at Land Rear of 76-78 Church Lane, Sarratt.

Recommendation:

- (1) to delegate to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA) and the inclusion of any conditions recommended by the LLFA and following referral to the Secretary of State and subject to them raising no objection, and following completion of a S106 Agreement (securing the affordable housing provision and a monitoring fee in relation to BNG) that planning permission is granted; or
- (2) in the event that the LLFA maintains their objection, that planning permission is refused on the grounds set out by the LLFA and in the absence of a S106 Agreement securing the above referenced contributions.

9. PRELIMINARY REPORT 25/1055/FUL - Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works at Land to the Rear of Woodlands Cottage, Oxhey Lane, Carpenders Park, Watford, Hertfordshire WD19 5RF (Pages 231 - 324)

Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works at Land to the Rear of Woodlands Cottage, Oxhey Lane, Carpenders Park, Watford.

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.

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.

10. ITEM WITHDRAWN 25/1122/FUL – Construction of single storey side extension at 16 Money Hill Parade, Uxbridge Road, Rickmansworth, Hertfordshire WD3 7BE (Pages 325 - 338)

25/1122/FUL – Construction of single storey side extension at 16 Money Hill Parade, Uxbridge Road, Rickmansworth.

Recommendation: that planning permission be approved.

11. 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



Planning Committee MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 11 September 2025 from 7.30 - 8.58 pm

Present: Councillors Elinor Gazzard (Vice-Chair, in the Chair), Steve Drury, Philip Hearn, Chris Lloyd, Chris Mitchell, Tom Smith, Vicky Edwards, Andrea Fraser, Mike Sims, Sarah Nelmes and Stephen Cox

Also in Attendance:

Parish Councillor Jon Bishop (Chorleywood Parish Council)

Officers in Attendance:

Danielle Kavanagh, Planning Officer
Emma Lund, Senior Committee Officer
Adam Ralton, Development Management Team Leader
Kimberley Rowley, Head of Regulatory Services
Claire Westwood, Development Management Team Leader
Claire Wilson, Principal Planning Officer

PC36/25 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Chris Whately-Smith, Oliver Cooper, Harry Davies, Stephen King, Debbie Morris and Abbas Merali. The substitutes were Councillors Sarah Nelmes, Vicky Edwards, Tom Smith, Stephen Cox, Andrea Fraser and Mike Sims respectively.

In the absence of the Chair, the Vice-Chair chaired the meeting.

PC37/25 MINUTES

The minutes of the Planning Committee meeting held on 14 August 2025 were confirmed as a correct record and signed by the Chair of the meeting.

PC38/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC39/25 DECLARATIONS OF INTEREST

The Liberal Democrat Group declared a non-pecuniary interest in agenda items 7 (25/0919/FUL: Solesbridge House, Solesbridge Lane, Chorleywood) and 8 (25/0920/LBC: Solesbridge House, Solesbridge Lane, Chorleywood) as the agent is a member of the authority and a member of the Liberal Democrat Group.

Councillor Edwards declared that she had expressed a view on the application at agenda item 9 (25/1012/RSP: 57-59 High Street, Abbots Langley) and wished to speak on it as a ward councillor, following which she would leave the meeting room whilst the application was considered and would not participate in determining it.

PC40/25 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

The application was for demolition of existing bungalow and erection of a replacement two storey self-build dwelling at Denewood, Chorleywood Road, Rickmansworth.

The application had been deferred at the meeting held on 17 July 2025 in order for a site visit to be undertaken and to allow the applicant to supply a draft Construction Management Plan. The Planning Officer reported that the site visit had now taken place, and the applicant had submitted a Construction Management Plan (CMP). This had initially included a temporary works access directly off the Chorleywood Road; however as this had not been supported by the highways authority an updated CMP was submitted which included construction access via the existing established vehicular access. Hertfordshire Highways had raised no objection to the amended CMP.

The Planning Officer also reported that two further objections had been received since the publication of the agenda. However, the points raised were considered to have been addressed in the officer's report.

Parish Councillor Jon Bishop of Chorleywood Parish 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:

- The CMP would require a dilapidation survey and defect monitoring by the contractor, in order to mitigate the construction impacts on the neighbouring property. It also required the access to be reinstated to the same, or better, condition following completion of the works and restricted the size of delivery vehicles accessing the site.
- Some Committee Members remained concerned about the impact on the neighbouring property during the construction phase, whilst noting that this did not constitute grounds for refusal.
- A Committee Member expressed concern that, as there was no on-site parking, there was potential for contractors to park on the road, thereby impacting on other highway users. Officers responded that this had been recognised within the CMP, and operatives would be encouraged to use nearby public car parks. There were also accessible rail and bus networks nearby. If parking on the surrounding road network operatives would be required to park legally, although it was acknowledged that this could be difficult to enforce. Trained banksmen would also be used to manage entry and exit of construction vehicles. A Committee Member recommended that given the number of other traffic management measures in place or planned on Chorleywood Road as a result of construction or infrastructure works, and as the road was one of the main routes into the town, an additional informative should be added in relation to contractor parking on the road.
- A Committee Member expressed the view that the demolition of an existing adequate dwelling in order to construct a new design was regrettable from the sustainability perspective, although it was noted that this was not precluded by the Council's planning policies.

Councillor Gazzard moved, and Councillor Nelmes seconded, that planning permission be granted subject to conditions and an additional informative regarding contractor parking on the

road. On being put to the vote this was carried, the voting being 9 in favour, 0 against and 2 abstentions.

RESOLVED: that planning permission be granted subject to conditions and an additional informative regarding contractor parking on the road.

PC41/25 PRELIMINARY REPORT 25/0896/FUL – CONSTRUCTION OF 192 NO OF DWELLINGS (USE CLASS C3), PUBLIC OPEN SPACE, LANDSCAPING, NEW VEHICULAR ACCESS AND PEDESTRIAN ACCESSES AND ASSOCIATED INFRASTRUCTURE AT LAND AT WOODSIDE ROAD, WOODSIDE ROAD, ABBOTS LANGLEY, HERTS

The Committee received a preliminary report on an application for construction of 192 no dwellings (Use Class C3), public open space, landscaping, new vehicular access and pedestrian accesses and associated infrastructure at Land At Woodside Road, Woodside Road, Abbots Langley.

The Committee was invited to note the report, comment on any material planning considerations and consider undertaking a site visit. The application would be brought back to the Committee in due course for determination.

The Planning Officer advised that there were currently a number of objections to the application as set out in the officer report including from the Environment Agency, the Lead Local Flood Authority, National Highways and Herts Highways. Since the publication of the report, National Highways had requested further information and this was currently with the applicant.

The applicant had also provided further information in relation to the tenure split for affordable housing.

The agent spoke on the proposal.

Committee Members asked questions about the detail of the proposal which were responded to by officers. Members' comments included the following:

- The proposal deviated from Council policy in that no social rented housing was proposed. The affordable housing would comprise a mix of affordable rented dwellings, shared ownership and First Homes. Officers had requested further justification for this split, and the information provided by the applicant was under consideration by housing officers.
- The proposal appeared to be over-subscribed in terms of the number of single-occupancy dwellings, which was not the area of greatest housing need within the district. It was requested that the applicant should be asked to provide justification for this.
- A Committee Member recommended that, in light of issues experienced at other developments, conditions should be included in relation to wheel washing and prevention of construction vehicles using nearby narrow roads when the application came to the Committee for determination.
- A consultation response had referred to the traffic survey having been done during half-term. Given that Parmiter's and St Michael's Schools were nearby, it was recommended that the applicant should consider doing another survey within school term time. It was also recommended that the proposed site visit should take place during term time, with potentially also the possibility of a visit during the rush hour.
- There was a parking shortfall, with limited visitor spaces. It was recommended that the applicant should consider ways of preventing parking on the pavement which often

happened in developments and which impacted on use of the pavement by those using wheelchairs or buggies.

- The site location was considered to be Grey Belt, but officers would have regard to the new Green Belt review if this became available during consideration of the application.

The Chair moved the recommendations in the report, which were agreed unanimously.

RESOLVED: that

- (i) Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision; and
- (ii) the Committee notes the report.

PC42/25 25/0919/FUL – CONSTRUCTION OF PITCHED ROOF SINGLE STOREY SIDE EXTENSION AND SEDUM ROOF OVER THE LINK AT SOLESBRIDGE HOUSE, SOLESBRIDGE LANE, CHORLEYWOOD, RICKMANSWORTH WD3 5SR

The application was for construction of a pitched roof single storey side extension and sedum roof over the link at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth.

The Planning Officer reported that there were no updates and provided a presentation showing the changes, as set out in the report, which had been made to the scheme following the previous refusal.

Councillor Gazzard moved, and Councillor Mitchell seconded, that planning permission be granted subject to conditions. On being put to the vote this was carried unanimously.

RESOLVED: that planning permission be granted subject to conditions.

PC43/25 25/0920/LBC – LISTED BUILDING CONSENT: CONSTRUCTION OF PITCHED ROOF SINGLE STOREY SIDE EXTENSION, AND SEDUM ROOF OVER THE LINK AT SOLESBRIDGE HOUSE, SOLESBRIDGE LANE, CHORLEYWOOD, RICKMANSWORTH WD3 5SR

The application was for listed building consent for construction of a pitched roof single storey side extension and sedum roof over the link at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth.

The Planning Officer reported that there were no updates and provided a presentation showing the changes, as set out in the report, which had been made to the scheme following the previous refusal.

Councillor Gazzard moved, and Councillor Lloyd seconded, that listed building consent be granted subject to a condition. On being put to the vote this was carried unanimously.

RESOLVED: that listed building consent be granted subject to a condition.

PC44/25 25/1012/RSP - RETROSPECTIVE: INSTALLATION OF PARCEL LOCKER FACILITY AT 57 - 59 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE WD5 0AE

The application was retrospective for installation of a parcel locker facility at 57 - 59 High Street, Abbots Langley.

The Planning Officer reported that since publication of the agenda a further comment of objection had been received, making a total of three objections.

Councillor Vicky Edwards spoke on the application and then left the meeting room.

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

- A Committee Member expressed the view that the locker did not preserve or enhance the character of the Conservation Area, that it was garish in appearance, and that it could have been placed in a better location. This was supported by several other Committee Members.
- A concern was raised in relation to the risk of setting a precedent for the location of other lockers in the Conservation Area.
- Another Committee Member expressed the view that although not particularly visually attractive, the location of the locker next to a modern building and close to other street furniture was acceptable; that it was not one of the larger examples of such lockers; and that it also represented a source of revenue for the associated small business.
- Several Committee Members commented on the usefulness of parcel lockers, noting that this was a public benefit.
- A number of Members expressed the view that the locker's appearance could be significantly improved by a more muted facing colour.

Councillor Fraser moved, and Councillor Sims seconded, that planning permission be refused for the reason that the siting of the locker, and its appearance, did not preserve or enhance the character of the Conservation Area. On being put to the vote this fell, the voting being 3 in favour, 7 against and 0 abstentions.

Councillor Mitchell moved, and Councillor Drury seconded, that the application be deferred for officers to explore alternative facing colours. On being put to the vote this was carried, the voting being 8 in favour, 1 against and 1 abstention.

RESOLVED: that that the application be deferred for officers to explore alternative facing colours.

Councillor Edwards re-joined the meeting.

PC45/25 25/1140/FUL - CONSTRUCTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT EXTENSION; LOFT CONVERSION INCLUDING ALTERATION TO ROOF FORM AND INSERTION OF REAR DORMER WINDOW AND FRONT ROOFLIGHTS; EXTENSION TO DRIVEWAY AND ACCESS; ALTERATIONS TO FENESTRATION, EXTERNAL MATERIALS INCLUDING RENDER AND TIMBER CLADDING AT 12 WESTBURY ROAD, NORTHWOOD HA6 3BT

The application was for construction of two storey side extension, single storey front extension; loft conversion including alteration to roof form and insertion of rear dormer window and front rooflights; extension to driveway and access; alterations to fenestration, external materials including render and timber cladding at 12 Westbury Road, Northwood.

The Planning Officer reported that after reviewing amended plans, Batchworth Community Council no longer had any objection to the application. Additionally, a corrected plan had been received and the plan references given at Condition 2 would therefore require updating.

Councillor Lloyd moved, and Councillor Hearn seconded, that planning permission be granted subject to conditions and updating of Condition 2 to reflect updated drawing revisions. On being put to the vote this was carried unanimously.

RESOLVED: that planning permission be granted subject to conditions and updating of Condition 2 to reflect updated drawing revisions.

PC46/25 25/1160/RSP – PART RETROSPECTIVE: REMOVAL OF EXISTING SHED/OUTBUILDING AND REPLACEMENT WITH NEW CARPORT/GARAGE AT 2 PRANGNELL HILL HOUSE, 23 TROWLEY RISE, ABBOTS LANGLEY, HERTFORDSHIRE WD5 0LN

The application was part retrospective for removal of existing shed/outbuilding and replacement with new carport/garage at 2 Prangnell Hill House, 23 Trowley Rise, Abbots Langley.

The Planning Officer reported that there were no updates but clarified that the existing structure was not proposed to be retained as part of the application. The proposal involved replacement of the existing structure with a second element sitting between the existing structure and the highway. This would result in a larger structure than currently, extending up to the boundary with the verge.

Councillor Drury moved, and Councillor Mitchell seconded, that planning permission be refused in accordance with the officer recommendation. On being put to the vote this was carried unanimously.

RESOLVED: that planning permission be refused.

CHAIR

PLANNING COMMITTEE – 23 October 2025

24/1812/FUL – Demolition of existing outbuildings; subdivision of the site and construction of five two-storey residential dwellings including parking, landscaping, cycle and refuse storage at LAND REAR OF 219 NEW ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3HE

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 24.01.2025
Extension of Time: 31.10.2025

Ward: Dickinsons
Case Officer: Tom Norris

Recommendation: That following the completion of a S106 agreement to secure a financial contribution toward affordable housing, Planning Permission be granted.

Reason for consideration by the Committee: Called in by Three Planning Committee Members unless Officers are minded to refuse permission, to discuss matters around back-land development, parking, and neighbour concerns.

To view all documents forming part of this application please go to the following website:
[24/1812/FUL | Demolition of existing outbuildings; subdivision of the site and construction of five two-storey residential dwellings including parking, landscaping, cycle and refuse storage. | Land Rear Of 219 New Road Croxley Green Rickmansworth Hertfordshire WD3 3HE](#)

1 Relevant Planning History

- 1.1 25/0007/FUL - Erection of single storey front infill extension and rear infill extension; internal alterations; and loft conversion including rear dormer - 21.03.2025 – Permitted.
- 1.2 24/1657/PDM - Prior Approval: Change of use of the existing first floor from commercial space (Class E) to one residential unit (Class C3) - 12.12.2024 – Withdrawn.
- 1.3 23/1253/PDM - Prior approval: Change of use from existing ground floor commercial unit (Class E) to 1no. residential unit (Class C3) - 24.11.2023 – Permitted.

2 Description of Application Site

- 2.1 The application site is located on the northern side of New Road, Croxley Green.
- 2.2 The application site consists of a parcel of land, which spans across beyond the rear of the rear amenity gardens of no.219 to no.237 and measures approximately 800sqm in total area. Access to the site is gained from New Road through a gap between Nos. 219 and 223.
- 2.3 The surrounding land uses are predominantly residential, with some commercial and community uses further to the west along New Road. The application site also adjoins Community Way which in this location consists of a footpath and access road which links Barton Way to a yard adjacent to 35 and 37 Springfield Close, with footpath Croxley Green 010 providing a walking route through to Springfield Close. Beyond this road to the north is the Barton Way recreation ground. The site does not propose access to this land.
- 2.4 This application site is mostly open, having previously been occupied in a yard/storage use and contains some single-storey buildings.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of existing outbuildings; subdivision of the site and construction of five two-storey residential dwellings including parking, landscaping, cycle and refuse storage.

- 3.2 The proposed dwellings would be a pair of semi-detached dwellings and three terraced dwellings, in a linear row. The dwellings would be spaced a minimum of 3.0m from the flank (east and west) boundaries and set back 1.0m from the northern boundary. The dwellings would each have a width of 5.2m. There would be a spacing of 3.6m between the pair of semi-detached dwellings and the terraced row. The semi-detached dwellings would have a depth of 10.2m and the terraced row would have a depth of 9.0m. The dwellings would have gabled roof forms, with an eaves height of 5.3m, and an overall height of 7.6m.
- 3.3 The proposed dwellings would have their main front entrance doors within their southern elevation. The dwellings would all contain ground and first floor level glazing in their front and rear (north and south) elevations. The dwellings would have an exterior finish consisting of facing brick, aluminium windows, cladding. The dwellings would each contain a solar panel array on one of their respective roof slopes.
- 3.4 The proposed dwellings would contain private amenity gardens to the southern side of the properties. These would range in area from between 22sqm to 77sqm. The vehicle access to the site would remain as existing from New Road. There would be an inward opening electric gate at the vehicle entrance. There would be a parking and turning area, providing 6 car parking spaces, all with electric vehicle charging. There would also be a bin storage area within the car park. There would be pedestrian access to the site via Community Way.
- 3.5 Amended plans were submitted during the application. The amendments made minor adjustments to the position of the proposed dwellings, moving them in approximately 1 metre from each flank boundary and reducing the space between the two sets of dwellings. The proposed central parking area between the dwellings was removed, including the proposed vehicular access from Community Way. This vehicle access has been replaced by a fence. The area previously proposed for parking is therefore a communal area.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

First response (31.12.2024)

The Parish Council welcomes the proposed development of this site; however, we wish to raise the following objections and comments:

We object to the inclusion of an electric gate onto New Road, as such features are specifically excluded under the policies of the Croxley Green Neighbourhood Plan (CGNP).

Additionally, the Parish Council has concerns about the layout of the development. It may be more appropriate and practical to orient the front doors towards Community Way to better integrate with the surrounding streetscape and promote accessibility.

We also highlight the need for adequate provision for secure bicycle parking and safe storage for buggies and similar items, which are essential for ensuring the development is both functional and sustainable for future residents.

We urge the Planning Authority to consider these points carefully when assessing the application and request that the necessary adjustments are made to address these concerns. If the officer is minded to approve, CGPC do not request call in to the TRDC planning committee.

Second response (20.03.2025) following receipt of amended plans

Croxley Green Parish Council Objects to this application for the following reasons:

CGPC maintains its concern that this is an overdevelopment of the site, there is inadequate parking for the houses, and there is a lack of facilities for storage of refuse bins, prams and bicycles.

CGPC holds its objections to the electronic gate onto New Road, as such features are specifically excluded under the policies of the Croxley Green Neighbourhood Plan (CGNP).

CGPC Supports comments of objection from residents.

4.1.2 Hertfordshire County Council as Highway Authority: [No objection]

Recommendation

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

1. Provision of Internal Access, Parking & Turning Areas

Prior to the first occupation of the development hereby permitted the proposed internal access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Construction Management

No development shall commence until a Construction Management Plan/Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Any traffic management requirements c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); d. Siting and details of wheel washing facilities; e. Timing of construction activities to avoid peak periods; Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

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

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>

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

The proposal comprises of a development of 5 residential dwellings and associated works on land at the rear of 219 New Road, Croxley Green. New Road is designated as an unclassified local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. New Road is classed as P3/M2 (High Street) on HCC's Place & Movement Network.

There is a car park and access road to the north / rear of the site which provides access to a Three Rivers District Council (TRDC) green and play area – neither the access road or car park are considered to be highway maintainable at public expense. However public footpath Croxley Green 010 does run through the car park and access road and therefore provides a public route on foot.

A Transport Statement (TS) has been submitted as part of the application.

Access

There is an existing dropped kerb fronting the full width of the site, which is proposed to be utilised to access the driveway and parking area for the new dwellings. The proposed access drive is between 2.7m and 6m wide and provides access to 6 car parking spaces.

There was also originally proposed to be a new vehicle access from the private access road to the north of the site but now appears to have been removed from amended drawing number 219NR-A-01-002. To note: If there is any vehicle access to be proposed from the north of the site then the applicant would need the appropriate private vehicular access rights via this route.

The levels of visibility are considered to acceptable and sufficient when taking into account the speed limit and the existing nature of the accesses and number of parking spaces and vehicular movements associated with the development. The proposals are therefore in accordance with HCC's Place & Movement Planning and Design Guidance (PMPDG) and Manual for Streets in this respect.

An on-site refuse and recycling in included as part of the proposals. The collection method for refuse / recycling would also need to be confirmed as acceptable by TRDC as waste collection authority, including any arrangements on collection days as there is a proposed entrance gate, which refuse operatives would presumably need access via.

The proposed access route is between 2.7m and 6m, which would not be sufficient to provide access for a fire tender (as per Hertfordshire Fire and Rescue's guidance which requires a 3.7m wide access route). A fire tender would be required to be able to get to within 45m of all parts of the footprint of any proposed dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates). This would not be possible on the plans as proposed at this stage and therefore

the application has been forwarded onto Fire & rescue for comments, recommendations or objections in which they may have e.g. provisions would need to be considered including sprinkler systems.

Trip Generation

A trip generation assessment for the proposed use has been included as part of the TS, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The level of trips and impact on the surrounding highway network would not be considered to be significant or severe.

Parking

The proposal includes the provision of 6 on site car parking spaces (in the amended plan). It is acknowledged that the levels of parking are lower than those standards as laid out in TRDC's parking standards. HCC as Highway Authority's main concern would be any negative effect the proposal would have on the safe use on the surrounding highway network due to the level of 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, potential to promote sustainable travel options and the existing parking restrictions in the vicinity of the site.

TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the overall proposed parking levels taking into account their parking standards, use class, accessibility zone and the local area.

One active electric vehicle charging point is to be provided each parking space, which would be supported by HCC as Highway Authority to ensure accordance with Building Regulations and LTP4, Policy 5h, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles".

Conclusion

HCC as Highway Authority considers that the proposal would not have an impact on the safety or severe impact on the operation of the surrounding highway. Therefore, HCC as Highway Authority would not wish to object on highway grounds to the application, subject to recommending the inclusion of the above planning conditions, highway informatives and comments in respect to emergency vehicle access (which would require input from Hertfordshire Fire & Rescue. The recommended condition in relation to construction management would also be required when taking into account the tight access into and out of the site.

Officer comment: Officers discussed the proposals with Hertfordshire Fire & Rescue. They noted that the position of the dwellings to the nearest fire appliance is in the region of 90m. The applicant would therefore have to consider measures such as the installation of a sprinkler system to meet the requirements of Fire Safety: Approved Document B Volume 1. The applicant confirmed and provided additional information, confirming that a sprinkler system would be installed to meet this requirement.

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: 28.

4.2.2 Responses received: 13 (10 Objections, 3 General)

- 4.2.3 Neighbours were consulted on 02.12.2024 and re-consulted on 05.03.2025 following receipt of amended plans.
- 4.2.4 Summary of responses:
- High density development in low density area
 - Proposal does not respect character of area
 - Overlooking concerns
 - Overdevelopment of plot
 - Highway safety concerns
 - Limited contribution to housing supply
 - Concerns over disruption from development
 - Loss of business
 - Impact upon parking
 - Impact on ecology
 - Impact upon private right of way
 - Impact upon view of park
 - Concerns over emergency service access
 - Recommendation for ecological conditions relating to the submitted report
 - Concerns that location of EV charging points will cause disturbance.
- 4.2.5 Site notice posted: 12.12.2024, expired: 05.01.2025.
- 4.2.6 Press notice published: 13.12.2024, expired: 06.01.2025.
- 5 Reason for Delay**
- 5.1 Officer negotiation over amendments and technical matters.
- 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 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 DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5.
- 6.2.6 The Site Allocations Local Development Document (SALDD) Proposed Submission (November 2012) was adopted on 25 November 2014 having been through a full public participation process and following Examination in Public. Policy SA1 is relevant.
- 6.2.7 The Croxley Green Neighbourhood Plan (December 2018) is a material planning consideration. The neighbourhood plan seeks to protect the character and appearance of the area and requires extensions to be well designed. Relevant policies include CA1, CA2 and Appendix B.

6.3 Other

- 6.3.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- 6.3.2 Affordable Housing SPD (June 2011).

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The proposed development would result in a net gain of five dwellings. 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 Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 125 c) states that planning policies and decisions should 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. The land in this case is previously developed brownfield land.
- 7.1.3 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the district's housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:
 - i. The location of the proposed development, considering the Spatial Strategy

- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.4 The application site is within Croxley Green which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Key Centres are expected to contribute 60% of housing supply over the plan period.

7.1.5 The application site is a former commercial site, consisting of hardstanding, a large brick-built building with a gabled roof and other more low-key storage structures. The site constitutes previously developed land. It is considered that the loss of the current commercial use is acceptable. The land upon which the dwellings are proposed includes a mix of indoor and outdoor storage land, formerly associated with the ground floor unit at no.219. It is noted that this has been vacant for several years and has been subject to a change of use application for its conversion to residential.

7.1.6 The proposed development would constitute the redevelopment of a previously developed site, which is supported by national and local policies, as set out above, which indicate that new residential development should be focussed on sustainable locations within established settlements, such as this. Any proposal would be required to have regard to Policy PSP2 in terms of its design which is discussed in the following sections of this report.

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 two three-bedroom dwellings and three two-bedroom dwellings, 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 five units, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the “The Langleys and Croxley”

market area where the figure is £750 per square metre. The proposed development would require an affordable housing contribution of £198,500 (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 could not support the full policy compliant amount and remain viable, however could support a reduced amount. This assessment was reviewed by the Council's independent viability consultant, Adams Integra, who concluded that the full policy compliant contribution could be made, and the development remain viable. The applicant has agreed that the policy compliant contribution of £198,500 (plus indexation from June 2011 when the AHSPD was adopted) will be paid.

7.3.4 In summary, subject to the completion of a Section 106 agreement to secure the affordable housing contribution, the proposed development would be acceptable in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

7.4 Design and impact upon Character & Street Scene

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

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

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;
- iv. Loss of residential amenity;
- v. Layouts unable to maintain the 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 Croxley Green Neighbourhood Plan (adopted 2018) is relevant to this proposal. Policy CA1 relates to new developments and states that this should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas. The application site is within Character Area No.3.

7.4.4 The proposed development would be sited on a former commercial yard, which is surrounded by two-storey residential development to the east, west and south with a play area and field to the north. The proposal would therefore result in a backland development which Policy DM1 of the Development Management Policies LDD (adopted July 2013) details will only be supported where it would not result in a layout unable to maintain the character of the area.

- 7.4.5 In terms of layout, the development would be served by an existing access off New Road. Dwellings fronting New Road follow a linear form. The site is also close to the junction between New Road and Barton Way, therefore sides on to plots containing two-storey dwellings to the west. The site is also adjacent to a service road, serving the play area and field to the north. It is noted that similar examples of tandem development exist on Community Way and along New Road. These include Evans Close, Tussauds Close and Hollowtree Mews. It is therefore considered that the proposed layout would not introduce a development to the rear of existing dwellings which would be wholly out of character when considering the existing pattern of development.
- 7.4.6 Built form in the immediate vicinity is of a two-storey nature. Whilst of a traditional design there is a mixture of hipped and gabled roof forms and variation in materials. The proposed development would be two-storeys and would therefore reflect that existing massing. The proposed elevations show that the ridge height would be comparable to those of adjacent dwellings.
- 7.4.7 The proposed development would introduce two-storey family dwellings in an area predominantly characterised by the same form of development. The proposed development is therefore in keeping with the character of the area in this regard.
- 7.4.8 The proposed buildings would reflect the general design principles of the surrounding neighbouring buildings in that they would contain pitched roofs with gabled end features. The dwellings would contain some more contemporary design features that would overall make them appear different to that of the existing neighbouring properties. However, the introduction of a building which does not directly replicate the design of existing built form does not automatically cause harm. Paragraph 135 (c) of the NPPF states that, in achieving well-designed places, planning decisions should not prevent appropriate innovation or change.
- 7.4.9 The design features of the proposed buildings would introduce a sense of variation within the area which would not have a negative impact. The siting of the development means that views would be available of it from public vantage points however, as discussed above, it is considered that these would not be prominent or otherwise obtrusive.
- 7.4.10 Guidance in Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should be set in from flank boundaries at first floor level by 1.2 metres to ensure appropriate spacing and prevent a terracing effect. In high density areas a minimum of 1 metre will be considered. Both the northern and southern blocks would be sited at least 3 metres from the flank boundaries. Due to the siting of the development to the rear of existing development it would not result in a terracing effect. Its spacing allows the plot to not appear overdeveloped.
- 7.4.11 The height of the proposed buildings would not appear disproportionate in scale to that of the surrounding built form. While the development would increase the level of built form within the site, it would also introduce soft landscaping, and it is not considered that the overall size and scale of the scheme would appear cramped or have an adverse impact on the character of the area. Spacing would be maintained around the dwellings, relative to the boundaries, and within the site, including a separation between the semi-detached dwellings and terraced row. It is considered that sufficient spacing would be maintained between the proposed buildings and neighbouring buildings as to prevent a cramped feature and the overall size, scale and footprint of the buildings would not result in overdevelopment or appear out of character.
- 7.4.12 The footprint of the building would be linear across the principal part of the site with the two sets of two-storey dwellings. This would serve to break up the visible mass and bulk of the development.

- 7.4.13 It is considered that the general layout of the site is acceptable, including the proposed siting of the parking area and bin storage. It is noted that the site is constrained somewhat by its shape, however the layout of these features is acceptable and would not harm the character of the area.
- 7.4.14 Materials proposed include facing brick and cladding. Samples and details of all external materials would be required to be submitted by condition to ensure the development has a satisfactory overall appearance.
- 7.4.15 It is considered appropriate to remove permitted development rights for the site, including for further extensions and additions to the roof, in the interests of preventing an overdevelopment of the plot.
- 7.4.16 In summary, the proposed development would make efficient use of previously developed land and, subject to conditions, would not harm the character of the area. The development would not appear unduly prominent in the street scene or result in adverse impacts on the character or appearance of the area. The proposal would therefore be acceptable in this regard 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), Policy CA1 of the Croxley Green Neighbourhood Plan (adopted 2018) and the NPPF (2024).

7.5 Impact on 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. The Design Criteria at Appendix 2 states that 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. It also states that distances between buildings should be sufficient to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other.
- 7.5.2 A policy compliant distance of 35m would be achieved from the south elevation of the proposed dwellings to the two-storey rear of the dwellings on New Road (no.223 to 237). It is noted that this distance would be approximately 30m when factoring the ground floor depths of these properties. A policy compliant distance of 28m would be achieved from the side of the proposed dwellings to the two-storey rear of the dwellings on Barton Way (no.2A and 2B).
- 7.5.3 It is acknowledged that the proposed dwellings would be visible from neighbouring plots to varying degrees, including from neighbours on New Road and Barton Way. This includes visibility of the development mostly from first floor level within neighbouring dwellings and their amenity gardens. Visibility would be more limited within the ground floor level inside these dwellings. The proposed development would be set in from its shared boundaries; approximately 8m from its shared boundary with the plots on New Road and approximately 2.5m from its shared boundary with the plots on Barton Way. While the proposed development would be visible, given its distance, as mentioned above, it is not considered that it would be overbearing or result in a loss of light to surrounding neighbours.
- 7.5.4 The proposed dwellings would contain front and rear (north and south) facing glazing at ground and first floor level. It is not considered that the ground floor glazing in either elevation would cause any degree of overlooking to any neighbour. The first-floor north-facing glazing would largely overlook the Barton Way playing area and fields. There would

be some very limited capacity for these windows to seek oblique views of residential plots on Barton Way (no.2-8) however it is not considered that this would result in harm.

- 7.5.5 The first-floor south facing glazing would face towards the rear aspect of the residential properties on New Road (no.223 to 237). As set out above, there would a distance of at least 30m between these windows and the rear of the properties on New Road. There would be two windows to each property at first-floor level, one serving a bedroom and one serving a bathroom. It is noted that there would be a heightened perception of being overlooked from the properties on New Road. It is acknowledged that these properties would have grown accustomed to a site largely free from development including windows. The development would contain a total of five clear glazed windows with a Juliet balcony serving a habitable room (bedrooms) which would span across the rear aspect of 8no. existing properties. There would be 5 additional windows however these would serve bathrooms and would therefore be obscure glazed and top-level opening only and would be conditioned to be as such. While it is acknowledged that there would be a degree of overlooking, given the policy compliant distance and small quantity of windows, it is not considered that significant or demonstrable harm would arise from the proposal. It is noted that a greater degree of spacing is more characteristic of the area however, more limited distances and a degree of inherent overlooking is not uncommon. Local examples of similar relationship distances include between Cherry Croft and Dickinson Square and The Crescent. Overall, it is considered that, on balance, the proposed development is acceptable in terms of its overlooking impact.
- 7.5.6 The proposed dwellings would not contain any flank glazing therefore it is not considered that any overlooking harm would arise to the dwellings on Barton Way, or New Road or Springfield Close. A condition will be included on any permission granted preventing the addition of any flank windows without planning permission.
- 7.5.7 In terms of their relationship with one another, it is considered that the proposed development would not cause harm by virtue of overlooking, an overbearing impact or loss of light. The proposed dwellings would contain ground floor glazing facing community way however the dwellings would be set back approximately 1.0m from this boundary therefore would have a defensible boundary, including a wall and low level planting.
- 7.5.8 It is considered that the proposed development would not cause harm through its use in terms of noise and disturbance to any neighbours, including to no.219 and no.223 New Road. There would not be any real difference in terms of car comings and goings, and noise associated with this compared with its former use as a storage yard.
- 7.5.9 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.

7.6 Highways & Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards, which dictate the following:
- 2-bedroom dwellings: 2 spaces per dwelling (1 assigned space)
 - 3-bedroom dwellings: 2.25 spaces per dwelling (2 assigned space)
- 7.6.2 The proposed development would be accessed via the existing vehicular access point from New Road. An electric gate would be provided however there would be sufficient space for vehicles to wait off the highway for the gate to open before entering the site. The plans show the proposed vehicle gate to be inward opening however a condition will be included on any permission to ensure this is built and maintained as such. There is sufficient space within

the parking area to turn and manoeuvre to exit the site in a forward gear. Hertfordshire County Council as Highway Authority (HCC) were consulted on the proposed development and raised no objection to the proposed access arrangement and use on highway safety grounds. HCC recommended the inclusion of a condition for a construction management plan and a condition to ensure that the proposed parking layout is provided in accordance with the submitted plans. HCC also recommended the inclusion of highways informatives.

- 7.6.3 Three Rivers District Council are the parking authority and therefore must be satisfied with the proposed parking provision. The parking standards dictate that the development would demand 7no. assigned spaces and 10.5no. total spaces. The proposed development provides 6no. car parking spaces, each with an electric vehicle charging point. There would therefore be a shortfall in 2no. assigned spaces and 4.5no. total spaces.
- 7.6.4 While there would be an overall shortfall, the parking provision allows that each dwelling would have at least one assigned car parking space. For the 3no. two-bedroom dwellings, this would meet the parking standards for assigned spaces. It is also factored into consideration that the location of the site is very sustainable, with good access to local shops, pubs, cafes, restaurants, and services (New Road – within 200 yards / 2-minute walk) and excellent transport links (Croxley Underground Station and bus stops with links to Rickmansworth and Watford – within 0.2 miles / 4-minute walk). Overall, the application site is excellently located in terms of its access to amenities via sustainable transport links, therefore the shortfall in parking provision in this case is acceptable.
- 7.6.5 A condition will be included on any permission for the parking spaces to be permanently available for residents and visitors only. Cycle storage would be provided in individual units within the proposed amenity gardens to the dwellings.
- 7.6.6 Officers discussed the proposals with Hertfordshire Fire & Rescue. They noted that the position of the dwellings to the nearest fire appliance is in the region of 90m. The applicant would therefore have to consider measures such as the installation of a sprinkler system to meet the requirements of Fire Safety: Approved Document B Volume 1. The applicant confirmed and provided additional information, confirming that a sprinkler system would be installed to meet this requirement.
- 7.6.7 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).

7.7 Trees & Landscape

- 7.7.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.7.2 The application site does not contain any protected trees. The site is partially overgrown however does not contain any trees of any real or significant amenity value. The application is accompanied by a tree survey which identifies some Category B & C trees and Category U trees. It is proposed that these trees are removed to accommodate the development. While there is no objection to the removal of the trees on site due to their individual value, there would be an overall loss of landscaping. The proposals were discussed with the Landscape Officer who stated that there would be no objection to the proposed tree removal subject to conditions for replacement planting and a landscaping scheme. A condition for a detailed hard and soft landscaping scheme will be included on any permission granted.

7.7.3 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).

7.8 Amenity Space

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

- 2 bed dwelling - 63 square metres
- 3 bed dwelling - 84 square metres

7.8.2 The amenity gardens to the two-bedroom units would have sizes of 22-52sqm and the amenity gardens to the three-bedroom units would have sizes of 31-70sqm. These would all fall short of the abovementioned standards for each dwelling type and would be small relative to the local character. Notwithstanding, the proposed gardens would each provide a private useable space. Weight is also given to the excellent access to local public open space, including Barton Way play area and fields directly to the north. On balance, while the proposed amenity space provision falls short of the adopted standards, it is not considered justifiable to refuse planning permission on this ground, for the reasons given above.

7.9 Energy & Sustainability

7.9.1 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.

7.9.2 The application is accompanied by an Energy Statement which confirms 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. A condition will be included on any permission granted, ensuring that the development is implemented in accordance with the requirements of the report.

7.10 CIL

7.10.1 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.

7.11 Refuse & Recycling

7.11.1 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.

7.11.2 The dwellings are located within an established residential area. A communal bin store for the five dwellings will be located at the gated entrance to the car park, with direct access to

the adjacent access way. The bin store will be 18 metres from the kerbside along New Road, which complies with the recommended 25-metre maximum walking distance for operatives. Hertfordshire County Council Highways did not raise any objection to this proposal. Bins would be required to be moved from the storage area to the edge of the highway on collection day and returned by residents after collection. The proposal was discussed with the TRDC Environmental Protection team who raised no objection to this.

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 The application is accompanied by a Preliminary Ecological Appraisal, dated September 2024. The appraisal recommended that a follow-up bat survey was carried out. This was carried out and submitted with the application, dated October 2024. The survey confirms that the site has low to negligible potential for bats and that the development may proceed with a cautionary approach. The report recommends bat enhancements which will be secured by condition. The appraisal otherwise 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 immediately if any protected species are encountered. A condition will be included on any permission granted for the development to be implemented in accordance with the recommendations set out in the PEA and Bat emergence survey.

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 current landscaping proposal generates a net loss of area-based habitat units (92.24%) and a net loss of linear based habitat units (15.17%). The report confirms that it is unlikely that the net gain can be achieved on site however the unit deficits can be compensated for offsite. Officers also consider that, 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 confirmed that they will enter a contract with an off-site provider to satisfy the 10% net gain requirement.

7.14 Conclusion

7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF is engaged. Paragraph 11 and footnote 7 clarifies that in the

context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five-year supply of deliverable housing sites". The most important policies for determining a housing application are Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density).

- 7.14.2 Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...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:
- a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b) 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.
- 7.14.3 The proposed development, as assessed in the above sections of this report, is considered to comply with all key policies relating to new housing development. The proposed development would contribute to the district's lack of housing supply and would comply with core policy CP4 in making a full monetary contribution to the provision of housing supply in the district.
- 7.14.4 On this basis, it is considered that the proposal would constitute sustainable development in the context of paragraph 11 of the NPPF. A weighing exercise in terms of the benefits of the scheme having to outweigh any adverse impacts is therefore not required in light of the above assessment.

8 Recommendation

- 8.1 That following the completion of a S106 agreement to secure a financial contribution toward affordable housing, **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: 219NE-A-01-001, 219NE-A-01-002, 219NE-A-02-001, 219NE-A-02-002, 219NE-A-03-001, 219NE-A-03-004, 219NE-A-06-001, 219NR-A-01-001 A, 219NR-A-01-002 A, 219NR-A-02-101 A, 219NR-A-02-102 A, 219NR-A-02-103 A, 219NR-A-03-101 A, 219NR-A-03-102 A, 219NR-A-03-103 A, 219NR-A-06-101 A, 219NR-A-06-102 A, 1234-L-D-PL-200

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, CP4, CP6, 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), Policy CA1 of the Croxley Green Neighbourhood Plan (2018), and the NPPF (2024).
 - C3 Prior to the commencement of works above ground level, samples and details of all proposed external materials and finishes, including details of bricks, cladding, roof material, windows, 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), Policy CA1 of the Croxley Green Neighbourhood Plan (2018), 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

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, 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 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).

- C6 Prior to the first occupation of the development hereby permitted the vehicular access and parking area shall be provided as shown on drawing number 219NR-A-01-002 A, with provision made for surface water run-off to be dealt with within the site and shall thereafter be retained as such.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy CP10 of

the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

- C7 Prior to the occupation of the development hereby permitted, the parking spaces shall be laid out, marked and permanently maintained for the use of residents and their visitors only, in accordance with 219NR-A-01-002 A. The cycle storage shall also be provided in accordance with this plan.

Reason: To ensure that parking for the development is available in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

- C8 Before first occupation of the dwellings hereby permitted details indicating the positions, 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).

- C9 The development hereby permitted shall be implemented in accordance with the details of the 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.

- C10 The development, hereby permitted, shall be implemented in accordance with the Preliminary Ecological Appraisal by Arbtech, dated 4 September 2024.

Reason: To ensure that the development has a satisfactory impact on biodiversity and ecology, in accordance with Policy CP9 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies document (2013) and the NPPF (2024).

- C11 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 extensions 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).

- C12 The vehicle gate hereby permitted, at the entrance from New Road, shall be provided in accordance with 219NR-A-01-002 A, including being inward opening. The gate shall be permanently maintained as such.

Reason: In the interests of highway safety and convenience, and to protect neighbouring amenity, 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).

- C13 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order

2015 (or any other revoking and re-enacting that order with or without modification) no development within the following 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

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application 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@threeivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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>.

- 15 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.
- 16 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. 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>
- 17 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.

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PLANNING COMMITTEE – 23 October 2025

25/1012/RSP - Retrospective: Installation of parcel locker facility at 57 - 59 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AE.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 04.09.2025
Extension of Time Agreed: to 31.10.2025

Ward: Abbots Langley And Bedmond
Case Officer: Danielle Kavanagh

Development Type: Minor development.

Recommendation: That retrospective planning permission be GRANTED subject to conditions.

Reason for consideration by the Committee: To consider impact on the conservation area and local concern.

To view all documents forming part of this application, please go to the following website:
[25/1012/RSP - Retrospective: Installation of parcel locker facility at 57 - 59 High Street Abbots Langley, Hertfordshire, WD5 0AE](#)

Update: This application was discussed at the September Planning Committee meeting. The item was deferred following debate, in order to give the applicant opportunity to change the external colour of the lockers. The applicant, InPost, has come forward with an alternative version of their corporate branding. The revised proposal is for the lockers to be wrapped in a dark grey vinyl. The amended drawings are available to view online. The officer's recommendation for approval remains, for the reasons outlined in the analysis of this report which has been updated where necessary (primarily para 7.1.6) to reflect the amended design.

1 Relevant Planning and Enforcement History

- 1.1 24/0022/COMP – Erection of click and collect facility (in-post). Pending consideration subject to outcome of this application.
- 1.2 08/1644/FUL - Erection of uncovered trolley park - 26.09.2008 – Permitted
- 1.3 08/1275/FUL - Erection of covered trolley park- 22.08.2008 – Permitted

2 Description of Application Site

- 2.1 The application site contains a supermarket known as 'Sweeney's' and associated areas of hardsurfacing, located along Abbots Langley High Street, which is a Primary Shopping Frontage and located within the Abbots Langley Conservation Area.
- 2.2 The application site is located on a corner plot with a frontage that runs adjacent to the High Street and a side elevation that runs along The Crescent. The Crescent leads to a residential area, whilst the High Street consists of predominantly commercial units with residential units above.
- 2.3 To the north east and west of the building there are uncovered trolley bays while to the north west there is also an Inpost locker (subject of this application)
- 2.4 The closest residential neighbours to the application site would be any occupants of the first floor units adjacent to or on the application site, and neighbouring commercial units No.3. The Crescent is located on the opposite side of the application site and is approximately 23m to the east.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the installation of a parcel locker facility.
- 3.2 The parcel locker structure (hereafter referred to as “structure”) is located to the north west of the application building. It is set back from the shop frontage by 1.5m. The structure is 2.6m wide and 0.9m deep, set off the wall by 0.1m. The main unit has a height of 2.3m. There is a canopy with a maximum height of 2.5m, which projects 0.8m forward of the lockers. The structure is metal in construction, and currently finished in white, yellow and black with an integrated LED screen. There are two CCTV cameras on the front canopy projection, with metal-clad down lights located in the canopy.
- 3.3 The proposed change to the existing structure would result in the entire locker being wrapped in grey vinyl and therefore having a dark grey appearance, as shown in TRDC001 (EXISTING AND PROPOSED LOCKER FINISHES)

4 Statutory Consultation

- 4.1 National Grid: [No response received]
- 4.2 Abbots Langley Parish Council: [Objection]

Members note the site lies within a conservation area and have concerns about the visual impact, placement, and the risk of illegal short-term parking. While the need for a parcel locker is recognised, members believe this was installed without proper consultation, risks setting a precedent, and request officer guidance on how to avoid similar issues in future.

- 4.3 Conservation Officer: [Response to application as originally submitted - Objection]

The site is in Abbots Langley Conservation Area, which is described in the Abbots Langley Conservation Area Appraisal (CAA). The application site is identified within the CAA as part of the Commercial Centre Character Area just outside the western end of the Tibbs Hill to The Abbots House Character Area.

One of the key focal points of the Conservation Area is the Grade I Listed Church of St Lawrence (List Entry Number: 1296433) and associated structures. The churchyard and perimeter wall extend south and sit adjacent to the High Street on its western side. The junction between Tibbs Hill Road and High Street forms the northern entrance to the Conservation Area.

Nearby nationally listed buildings include The Old Maltings, Including Kiln and Stable Block (List Entry Number: 1348183) and Abbot's House (List Entry Number: 1296402), although these are screened from the application site by buildings on the eastern side of the High Street.

The building at the application site is a two storey twentieth century commercial building that does not make a positive contribution to the Conservation Area but is broadly in keeping with the commercial character on this part of the High Street. The lockers are located on the prominent northern corner of the application site at the junction of the High Street and the western element of The Crescent.

The lockers are relatively large and bulky, which is exacerbated by the prominent corner location and the light colour and lettering of the locker facility. It is visible from adjacent to the historic wall at the junction of High Street and St Lawrence Road.

While the principle of this type of locker facility is not unacceptable in principle, the location, scale and design of the lockers are excessively prominent and detract from the character of the Conservation Area, resulting in less than substantial harm. In addition, the application

site extends further to the side and rear and it is not clear if alternative locations within the application site have been considered including further to the side or rear or within the shop itself.

For the reasons outlined above, the installation does not preserve the character of the Conservation Area contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 215. 'Great weight' should be given to the heritage asset's conservation as per paragraph 212. There may be public benefits to the proposal and paragraph 215 states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

4.3.1 Conservation Officer: [Response to application as amended - Objection]

In the previous iteration, heritage concerns were raised primarily due to the scale, prominent corner location and the light colour and lettering of the locker facility and lack of information on whether alternative locations within the site had been considered. As a result, a degree of less than substantial harm was identified.

In the current proposal, the colour scheme would be altered to a darker grey/black with small white and yellow lettering. The currently proposed colour scheme would be less bright and would reduce the prominence to some extent, although the darker shade would contrast with the lighter coloured brickwork of the building and so the locker facility is still likely to be prominently visible. Therefore, the current proposal would be a slight improvement, but the other concerns raised would not be addressed by this change so the proposal would still result in less than substantial harm to the Conservation Area.

4.4 Public/Neighbour Consultation

4.5 Site notice displayed: 13.08.2025, expires 04.09.2025

4.6 Press notice published: 04.08.2025, expired 30.08.2025

4.7 Neighbours consulted: 15

4.8 Responses received: 3 [3 objections]

Summary of objections:

- The parcel locker is considered modern, large, and brightly coloured, clashing with the traditional character of the Abbots Langley Conservation Area and nearby listed buildings. The design, materials, and signage are thought to be unsympathetic to the surrounding historic environment.*
- Its presence harms views to and from Grade I and II listed buildings, particularly St Lawrence Church, breaching local planning policies (DM3).*
- The locker was installed in February 2024 without planning permission or public consultation. Approving the retrospective application would set a precedent, undermine planning rules and public trust. Its removal is requested by one commenter.*
- Residents report worsened parking problems and safety concerns due to delivery vans associated with the locker, violating DM13.*
- The installation neither restores nor removes unsympathetic features in the Conservation Area, contrary to DM3 c) vii).*
- A commenter suggested suitable alternative locations likely exist on the High Street that would avoid heritage harm.*

- *Allowing the application could set a precedent.*

5 Reason for Delay

5.1 Decision deferred from the September Committee meeting.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.2 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).

6.3 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.

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

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

6.6 The Environment Act 2021.

6.7 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.

6.8 The Three Rivers Local Plan

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

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

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

Abbots Langley Conservation Area Appraisal 2014.

7 Planning Analysis

7.1 Impact on the character and appearance of the host building and conservation area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 Policy DM3 sets out that applications will only be supported where they sustain, conserve and where appropriate, enhance the significance, character and setting of the asset itself and the surrounding historic environment. The NPPF at paragraph 212 states 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.
- 7.1.3 The application site is within the Abbots Langley Conservation Area. As set out in the Abbots Langley Conservation Area Appraisal, 'The Commercial Centre' is effectively the area between Abbots Langley Police Station and St Lawrence Close. The rows of shops on both sides of the road provide an important link between St. Lawrence Close and Kitters Green and generate the busy and bustling character that is evident in this part of the conservation area. This central area is the most urban of the conservation area's three distinctive 'Character Areas'. The location of most of Abbots Langley's amenities and services here ensure that the conservation area remains the central focus of the village. The Appraisal cites that 'buildings on the eastern side of the High Street are a mix of types and ages, although most date from the 20th Century, and include a good example of a 1930's shopping parade'.
- 7.1.4 The structure occupies a prominent location within the conservation area on the corner of Abbots Langley High Street and The Crescent, meaning that there are clear views of the lockers when viewed from the High Street looking to the south and east and from The Crescent.
- 7.1.5 The Conservation Officer has commented that "*The building at the application site is a two storey twentieth century commercial building that does not make a positive contribution to the Conservation Area but is broadly in keeping with the commercial character on this part of the High Street.*" The application site houses a commercial premises in the commercial core which by its very nature has numerous examples of items / paraphernalia related to commercial activity, such as advertisements, trolley bays, fascia signs and items of public street furniture such as benches and refuse bins, the cumulative effect of which result in a somewhat visually cluttered appearance, consistent with a modern commercial centre / shopping parade.
- 7.1.6 When considering the impact of the structure on the character of the streetscene and conservation area, it is accepted that it is visible, and that the proposed grey colour would still have some contrast with the lighter-coloured brick backdrop. However, that does not automatically mean its presence has a harmful impact on the character and appearance of the Conservation Area. The structure is relatively small in scale and sat against the flank

two storey wall of the supermarket. The building itself is unremarkable and as highlighted by the Conservation Officer it does not make a positive contribution to the Conservation Area. The presence of the structure is in response to changes in consumer habits and lockers such as this are no longer uncommon features found within high street locations. Given the context of the structure, which is positioned within the recognised 'Commercial Centre' of the conservation area, it is considered that it preserves the existing character and appearance of the surrounding Conservation Area. Additionally, the proposed grey vinyl finish is considered to be less eye-catching than the existing yellow and white finish. The darker colour is more likely to blend into the materials of the surrounding site. There are dark coloured accents on the signage for Sweeny's Supermarket (which the structure is sited against the flank wall of), this colourway is considered to be in keeping with the materials and external finishes present on site, therefore it is not considered that the lettering and colour are unacceptable, given the immediate context of the structure.

- 7.1.7 The structure is supported by down lights however, it is not considered that this results in any harm. A condition is attached to control existing and future lighting.
- 7.1.8 While the Conservation Officer's conclusion that despite the amended proposal being less bright and reducing the prominence of the structure to some extent, the structure still does not preserve the character of the Conservation Area, is noted, it is considered as a matter of planning judgement for reasons expressed above that the structure has a neutral impact on the character of the Abbots Langley Conservation Area.
- 7.1.9 In summary, it is considered that the development does not result in any adverse harm to the character or appearance of the Abbots Langley Conservation Area. The development is therefore acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM3 of the Development Management Policies LDD (2013), Abbots Langley Conservation Area Appraisal 2014 and the NPPF (2024).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The closest residential neighbours to the application site would be any occupants of first floor units of the building on the application site and the neighbouring commercial units, No. 3. The Crescent is located on the opposite side of the application site and is approximately 23m to the east. There is a possibility of disturbance to neighbours due to the lockers being used for collections and drops offs. There are downlights present in the canopy of the structure, which provide directional light for the structure's use. These lights would likely contribute some light to the surrounding area during hours of darkness. However, it is noted that the structure is sited against a two storey wall where no first-floor windows are present, with the closest neighbours likely separated by the High Street and the Crescent. The structure is not considered to have any impact on the light or amenity of the neighbouring dwellings due to its scale and siting.
- 7.2.3 The development is acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

7.3 Highways & Parking

- 7.3.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.3.2 The proposed development is sited on private land and does not in itself obstruct the highway. An objection comment has raised concern that the parcel lockers give rise to illegal parking in the vicinity of the application site. While this comment is noted, there is dedicated parking available on the High Street as well as a car park which serves the High Street. There are also double yellow lines marked along parts of The Crescent and The High Street. It would therefore be a matter for parking enforcement to enforce against any illegal parking.
- 7.3.3 As there is sufficient legal parking provision in the area to serve any additional visits to the area generated by the presence of the parcel lockers, a refusal of planning permission for this reason would not be justified. The development is therefore considered to be in accordance with Policy DM13 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Trees & Landscape
- 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. The proposed development would not involve the removal of any trees or lie in close proximity to trees.
- 7.4.2 The proposed development has not required the removal of any trees.
- 7.5 Biodiversity
- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.
- 7.5.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the development. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.
- 7.6 Mandatory Biodiversity Net Gain
- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

- 7.6.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application falls under the de minimis exemption.

8 Recommendation

- 8.1 That subject to no new material planning considerations being raised, that **PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

- C1 Within three months of the date of this permission, the external appearance of the lockers shall be changed to the proposed grey colour scheme as shown on TRDC001 (EXISTING AND PROPOSED LOCKER FINISHES) and the lockers shall be maintained as such thereafter.

Reason: To preserve the character and appearance of the Abbots Langley Conservation Area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (adopted 2014) and the NPPF (2024).

- C2 No additional external lighting shall be installed on or affixed to the structure unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be retained in accordance with the approved details.

Reason: To preserve the character and appearance of the Abbots Langley Conservation Area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (adopted 2014) and the NPPF (2024).

- C3 The external down lighting on the structure hereby permitted may only be used between the hours of 7am and 10pm daily, while the shop within the application site is open.

Reason: To preserve the character and appearance of the Abbots Langley Conservation Area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (adopted 2014) and the NPPF (2024).

- 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@threeivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010

(As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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

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

Development 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>.













PLANNING COMMITTEE – Thursday 23 October 2025

PRELIMINARY REPORT

25/1020/OUT – Outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters) at LAND EAST OF OXHEY LANE, CARPENDERS PARK, HERTFORDSHIRE.

Parish: Watford Rural

Ward: Carpenders Park

Expiry of Statutory Period: 24 September 2025

Case Officer: Matthew Roberts

Extension of Time: 31 December 2025

Application Type: Major development

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee due to the scale of the development.

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 note 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.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SXOFSIQFGUT00>

1 Relevant Planning History

- 1.1 25/0021/EIA: EIA Screening Request: Mixed-use development of up to 260 homes, a care home together with associated parking, open space, landscaping and vehicular access. Determined. Not EIA development.

2 Description of Application Site

- 2.1 The application site comprises three main greenfield parcels of land totalling approximately 12.7 hectares, located on the eastern side of Oxhey Lane, a classified main distributor road (A4008) on the edge of Carpenders Park.
- 2.2 The application site adjoins and wraps around Carpenders Park Care Home which fronts Oxhey Lane and a telecommunication mast, set behind the care home. A Public Right of Way (Watford Rural 013) extends through the site (running east to west) and is positioned towards the site's northern edge. To the east the site is predominately bounded by Merry Hill Wood with tree belts to fields parcels and other site boundaries. To the south of the site is the Hartsbourne Stream, a tributary of the River Colne and the Hartsbourne Stream Flood Storage Area.

- 2.3 The site has a varied topography with the land at its highest to the north sloping gently downwards towards the southern boundary.
- 2.4 On the eastern side of Oxhey Lane is the built-up settlement of Carpenders Park comprising a range of residential housing, a school and associated pre-school, church, Greenfield Park play area, local amenities and Carpenders Park train station. Beyond Carpenders Park, on the western side of the railway is South Oxhey.
- 2.5 The north eastern boundary of the site is also the administrative boundary between Three Rivers District Council (TRDC) and Hertsmere Borough Council (site solely within TRDC). Beyond the site to the south east is Mutton Wood with Grims Dyke Golf Course and the administrative boundary with the London Borough of Harrow.
- 2.6 In the wider vicinity of the application site to the south east is the London Coal Duty Marker (Burnt Oak Farm), stable buildings in the grounds of Melodies and Oxhey Lane Farmhouse (all Grade II listed buildings), Grim's Ditch (Scheduled Monument) and Grimsdyke (Grade II*) and associated park and garden (Grade II). The Brookshill Drive and Grimsdyke Conservation Area within Harrow is also located approximately 900m to the south east. To the north is Oxhey Grange and the Front Lodge to Oxhey Grange (Grade II).
- 2.7 In terms of policy designations, the application site falls wholly within the Metropolitan Green Belt. To the south and south west there are local wildlife sites (Mutton Wood and Woodwalks, on the western side of Oxhey Lane).

3 Description of Proposed Development

- 3.1 The applicant is seeking **outline planning permission** for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters).
- 3.2 Of the new homes proposed, 50% will be affordable, of which 70% would be social rent and 30% shared ownership. Additionally, 10% of market housing will be self/custom build.
- 3.3 The application has been supported by a Parameter Plan (P24-2204_DE_003_10) and Illustrative Landscape Masterplan (P24-2420_EN_08B) which provides an indicative overview of how the development **could** be laid out at the quantum proposed. In the event that Outline planning permission was granted, a condition would require that subsequent Reserved Matters accord with the Land Use Parameters Plan.
- 3.4 It is however important to note that the plans are for **illustrative purposes** only. The plan identifies that the development would be accessed via Oxhey Lane, opposite the junction with Carpenders Avenue. The four-way junction would include puffin crossings and associated infrastructure. Internally within the site the main primary access road would meander into the site and would feed the remaining parcels of residential development.
- 3.4.1 The submitted details indicate that the development would be split into character areas; CA1-The Spine, CA2-Neighbourhood Core and CA3-The Green Edge.
- 3.5 The northern part of the site would comprise a surface water attenuation basin, open space, a new native woodland, a Locally Equipped Area for Play (LEAP) and community orchard with the public right of way maintained along its existing alignment. Centrally and towards the eastern part of this parcel, residential development is indicatively proposed up to two storeys with a native hedgerow border.
- 3.6 The second (central) part of the development site, located between Carpenders Park Care Home and Merry Hill Wood, would contain residential development including housing with care, all of which would be up to three storeys in height and would adjoin a green corridor.

To the north west of this parcel a strip of two storey residential development is proposed with a pedestrian access linking onto Oxhey Lane. Towards the main part of central parcel and to the north east of the green corridor, further housing is proposed up to two storeys.

- 3.7 The most southern parcel of the development site would comprise three storey residential development including a 4 bed children's home (for looked after children), native woodland planting, an attenuation pond (south eastern corner) and an emergency access with removable bollards proposed onto Oxhey Lane.
- 3.7.1 The housing with care element would be a 3 storey building supporting 60 x 1 and 2 bed self-contained apartments whereby residents would have access to a range of communal services, such as a dining room, lounge, reception, office and changing room and laundry rooms.
- 3.7.2 The children's home would include a 4-bed dwelling capable of accommodating up to three children as well as providing facilities for staff to stay on site.
- 3.8 A circular footpath route is proposed which would run parallel to the eastern boundary and link up with the Public Right of Way.
- 3.8.1 In addition to the primary access, there would be two further access points with Oxhey Lane, one restricted to pedestrians and cyclists and the most southern access would be for emergency access only (bollard operated).



Above: Indicative landscape plan

- 3.9 The application was accompanied by the following plans/reports:
- Parameter Plan
 - Proposed Site Access Arrangement
 - Emergency Access Plan
 - Tree Protection Plans
 - Planning Statement
 - Design & Access Statement
 - Ecological Assessment
 - Flood Risk Assessment and Drainage Strategy

- Framework Travel Plan
- Green Belt Assessment
- Heritage Statement
- Land Contamination Assessment
- Landscape and Visual Impact Assessment
- Planning Needs Assessment – Housing with Care
- Affordable Housing Statement
- Air Quality Assessment
- Sequential Test
- Sustainability and Energy Statement
- Transport Assessment
- Utility Assessment
- Arboricultural Impact Assessment
- Tree Survey & Plan
- Biodiversity Checklist
- BNG Report
- CIL Form

The following documents have been submitted during the course of the application:

- Amended Health Impact Assessment
- Applicant's response to HCC Highways
- Archaeological Desk Based Assessment
- Applicant's response to Woodland Trust
- Additional Grey Belt information

4 Consultation

4.1 Statutory Consultation

- 4.1.1 A summary is provided in the table below, with the full comments set out in **Appendix 1 at Section 9**.

Consultees		
Active Travel England	9.1	No objection
Affinity Water	9.2	No objection
Environment Agency	9.3	No objection
Herts Constabulary	9.4	No objection
Herts Fire & Rescue	9.5	No objection
Herts and West Essex ICB (NHS)	9.6	No objection subject to obligations
Herts Archaeology	9.7	No objection, subject to conditions
Herts Footpath Section	9.8	No response received to date
HCC Growth and Infrastructure Unit (Adult Care Services)	9.9	No objection subject to obligations
HCC Growth and Infrastructure Unit	9.10	No objection, contributions requested
Herts Ecology	9.11	No response received to date
HCC Highways	9.12	Objection
HCC Waste and Minerals	9.13	No objection subject to conditions
HCC Healthy Places	9.14	No objection
HCC Water Officer	9.15	No objection subject to condition / obligation
HCC Lead Local Flood Authority	9.16	Objection
National Grid	9.17	No response received to date
Natural England	9.18	No response received to date
NHS England	9.19	No response received to date

Sport England	9.20	No objection
Transport For London	9.21	No objection
Thames Water	9.22	No objection, subject to conditions
The Ramblers Association	9.23	No objection
TRDC Conservation Officer	9.24	No objection
TRDC Environmental Health	9.25	No response received to date
TRDC Environmental Protection	9.26	No objection, subject to obligations.
TRDC Housing Officer	9.27	No objection
TRDC Tree and Landscape Officer	9.28	Advisory comments
TRDC Leisure Officer	9.29	Advisory comments
TRDC Planning Policy / Local Plans	9.30	Advisory comments
TRDC Transport and Parking	9.31	No response received to date
WBC Environmental Health (Commercial)	9.32	No objection
Watford Rural Parish	9.33	Objection
Woodland Trust (not statutory)	9.34	Objection
<i>Adjoining districts / boroughs</i>		
Hertsmere Borough Council	9.35	Advisory comments
London Borough of Harrow	9.36	Objection (GB & highways)
Watford Borough Council	9.37	No response received to date

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 238

4.2.2 No of responses received: 914

4.2.2.1 490 in objection.

4.2.2.2 422 in support.

4.2.2.3 2 neutral.

4.2.3 During the course of the application the applicant undertook a public engagement exercise which produced comments from individual households from Your Shout (these form part of the 914 responses). The applicant confirmed that the purpose of this exercise was to seek resident's views on the scheme and confirmation if they wished to offer either their support or objection.

4.2.4 Site Notices (x10): Expiry: 30.07.2025

Press Notice: Expiry 25.07.2025

4.2.5 Summary of Responses:

Objections	
Impact on Green Belt	- Urban sprawl and merging of towns - Should always be protected from development - Green space enjoyed by many for walking. - Fields are historic pastureland - Irreversible loss of countryside

	- Would unchecked urban sprawl of built-up areas from Stanmore and Headstone all the way to the Bushey area. - Lead to a merging of Bushey and Watford into a single urban area with Headstone and Stanmore. - Reduce the separation between Oxhey and Carpenders Park. - Set a precedent and weaken protections for all such land in the region.
Impact on Character	- Multi storey bulks out of character with area. - Development would result in a devastating change. - Development will blur the boundaries between urban and rural. - Development would erode the distinct identity of Carpenders Park
Impact on Traffic / Highway Safety	- Negative impact with increased congestion, noise and pollution. - Oxhey Lane heavily congested. - Car dependant development - No regular bus service on the Carpenders Park side of the rail line. - Lead to parking stress on adjacent roads leading to parking restrictions and permits. - Existing roads cannot cope as it stands. - Junction with new access will become hazardous. - Roads already a nightmare during rush hour. - Oxhey Lane is a very busy road so potential for accidents. - Place greater parking burden at Carpenders Park station and surrounding area. - The planned entrance is severely hazardous to residents emerging from Carpenders Avenue. - Adding 256 new homes would likely introduce hundreds of additional vehicles, increasing congestion, especially during peak hours. - Not enough schools will also increase traffic chaos - it's already worst around Bushey Arches and to and from route to Harrow during peak hours.

	- Put at risk the essential access of Emergency Services to/from Watford Fire Station. - Cars queuing during rush hour down Pinner Road and Villiers Road. - The Transport Assessment underestimates trip numbers and fails to reflect actual local travel patterns. Parking is insufficient, leading to overspill. Pedestrian and cycling provisions are inadequate, breaching NPPF paragraphs 110-112 and Policy DM1.
Impact on local resources	- Resources already stretched. - Development places additional strain on local resources. - Carpenders Park cannot sustain additional development. - Loss of vast natural water absorbent areas. - Local services under great stress, long GP waiting lists and stretched services of the NHS and Watford Hospital. - Pressure on local schools and utilities. - Local nursery and junior school provision is already inadequate and competition for secondary school education places is already severely under strain. - Only one primary school and no secondary school. - Transport infrastructure already busy. - Local infrastructure will not cope with the influx of families. - Site forms part of an important green corridor with a seamless link to the Hertsmere Merry Hill Woods Nature Reserve. - Lack of local recreational facilities – few green spaces and a modest play area on Greenfield Avenue. - Development does not enhance the area's recreational offer and contributes to its erosion. - Despite its name, there is no actual 'park' in Carpenders Park. - No water capacity. - When the houses were built in Horse Haven my water pressure noticeably dropped so have

	adequate measures been taken to ensure this doesn't make it even worse, it got so bad it wouldn't fire my central heating boiler on occasions.
Impact on Natural Beauty and Recreation	- Cherished green space that serves the health and wellbeing of the local community. - Green space enjoyed by many for walking and running. - Site balances urban and rural. - Area provides wild-growing fruit which can be harvested by locals. - Site should be preserved as a local asset. - Out of character with area. - Damage trees. - Destroy valuable Woodland Trust wildlife habitat in Merry Hill.
Impact on Wildlife	- Great impact on local wildlife. - Loss of young Oak trees that are part of a regenerating ecosystem. - Green space is mainly flora and fawn which will be destroyed. - Home to a variety of wildlife, including birds, hedgehogs and mature trees. - Ecological assessments are weak and lack enforceable biodiversity measures. - Off-site net gain proposals are vague and insufficient. - Many hedgerows will be destroyed.
Environmental Impact	- Loss of open spaces / green spaces which support biodiversity. - We do not need more homes. - Noise impacts. - Air pollution. - Development is unsustainable. - Contradictory to any plan for net zero. - Complete contradiction to climate control.

Impact on Amenity	- Loss of privacy and increase of over shadowing given the heights of the buildings. - Block sunlight.
Flooding	- Could increase the risk of surface water flooding. - Site prone to surface water issues. - Proposal lacks sufficient detail on drainage and flood mitigation. - Flood defences prevent flooding so further development may impact mitigation.
Other	- Not earmarked for development in the adopted Local Plan or emerging draft version. - Development needs to demonstrate very special circumstances. - Application is inappropriate premature and contrary to national and local planning policy. - Population raise may lead to a rise in crime and antisocial behaviour. - Delivery of new homes does not in themselves constitute 'very special circumstances.' - People in favour do not live in Carpenders Park. - Beautiful view across to Carpenders Park would disappear. - No 'exceptional' reason to build these homes. - Emergency access via removable bollard is inadequate. - Care home will have to put up with construction work. - Abundant car parks, golf courses, and brownfield sites should be prioritised. - Empty properties and office-to-residential conversions are underutilised. - Creative solutions exist. - Loss of Community Identity. - The Council is legally obliged to publicise applications via site notices, neighbour letters, and local newspaper advertisements. Many affected residents, including myself, received no notification until this week, and no visible site notices have been displayed. This failure undermines transparency, limits public

	participation, and renders the application procedurally unlawful. - There is a clear conflict of interest since Three Rivers Council is both the applicant and decision-maker. This risks bias and damages public trust. Planning decisions must be impartial and transparent, but this process has lacked proper public engagement, breaching principles of natural justice.
Support	
	- Support care home building for elderly population - Need more homes - More parks for children - Happy to see affordable homes - Need more affordable homes - Waiting lists are long. - Need more open spaces with greenery - Planning gain money should be spent locally. - Well designed - Really hard to save up for a deposit so more housing is a great idea. - Young family homes required. - As a parent and a person with personal experience to be able to afford a home and support the scheme. - Keep the next generation near their families. - Struggling to get on the property ladder. - This is the best available site. - Low level development. - Create jobs. - Would support local services / community. - Great to see pathway (PRoW) being kept. - I would like this coming true for support people's needs.

	- Support special needs children home - Landscape promises with new woodland must be kept. - On balance a fair development, mixed and open spaces.

4.2.6 Four further comments were received in respect of incorporating swifts bricks into the development proposal.

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.

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.

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.

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
- 4 – Decision-making
- 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 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), 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).

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).

Stage 1 Green Belt Review – Strategic Analysis (2017).

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

7 Planning Analysis

7.1 Impact on the Green Belt

- 7.1.1 The application site falls entirely within the Metropolitan Green Belt. Since December 2024, the context for assessing such sites has significantly changed with the concept of 'Grey Belt' introduced by the Government.
- 7.1.2 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.
- 7.1.3 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 weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.
- 7.1.4 NPPF 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 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping'.

7.1.9 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.

7.1.10 In respect of paragraph 154, the proposed development does not fall into any of the categories.

7.1.11 Whilst the development 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.

7.1.12 Grey Belt is defined within Annex 2 of the NPPF. It states:

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously development 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 or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

- 7.1.13 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. 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 Assessment (Iceni, March 2025) and Additional Grey Belt Information (Boyer, dated 3 October 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 Notwithstanding, at the time of writing this report officers have provided observations when applied to each part of paragraph 155 for member's considerations.

a) to check the unrestricted sprawl of large built-up areas;

- 7.1.16 It is acknowledged by the PPG that this purpose specifically relates to the sprawl of **built-up areas**, and that villages should not be considered large built-up areas. The application site lies directly opposite the built-up area of Carpenders Park, sited immediately to the west. The site is located a substantial distance from other nearby large built-up areas such as Bushey and Harrow so for the purposes of 'sprawl' they are unaffected by the development of the site.

Is Carpenders Park a village?

- 7.1.17 Carpenders Park is a large built-up area which contains places of work, amenities and transport connections (has its own designated train station), local amenities, school, public house, church and care home. Whilst socially Carpenders Park is viewed by local communities as physically separate from South Oxhey, in a geographical sense, it is only physically separated via a railway and its associated infrastructure, whilst there are pedestrian connections via Carpenders Park station and via Hartsbourne Woods (via Delta Gain) and a vehicular connection via Little Oxhey Lane. Whilst the two settlements feel somewhat detached as a result of the railway line, both South Oxhey and Carpenders Park when viewed from the ground, as a matter of planning judgement, are viewed as a single large settlement and are not to be taken as a village but viewed as a large built-up area.

Purpose a) - Contribution towards sprawl of large built-up areas?

- 7.1.18 In relation to the application site checking the unrestricted sprawl east of Carpenders Park, the PPG identifies that assessment areas that contribute **strongly** are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:
- be adjacent or near to a large built up area
 - if developed, result in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt.'
- 7.1.19 The PPG states that assessment areas that contribute **moderately** are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose, such as (but not limited to):
- having physical feature(s) in reasonable proximity that could restrict and contain development
 - be partially enclosed by existing development, such that new development would not

- result in an incongruous pattern of development
- contain existing development
- being subject to other urbanizing influences

7.1.20 In reviewing the criteria in the PPG, the site is adjacent to a large built-up area (Carpenders Park), is entirely free of existing development and would involve a new wedge of development onto the eastern side of Oxhey Lane within the Green Belt, noting that there is currently a strong Green Belt boundary edge as defined by the A4008. Both factors are important aspects relating to the 'strong' category, but are not determinative as to whether the site contributes strongly to purpose (a) and it is necessary to consider whether there are any other factors, such as the presence of existing development and physical features which could potentially weaken the land's contribution.

7.1.21 In this case, although the application site is free of existing development, it does possess physical features that restrict and contain development – in particular Merry Hill Wood, a publicly accessible area owned by the Woodland Trust to the north east which runs alongside the application site. Additionally, the application site is, in part, adjacent to Oxhey Lane, the Carpenders Park Care Home, a telecommunications mast, the Hartsbourne storm flood storage area (beneath ground storage) and tree lined boundaries.

7.1.22 Officers will need to consider the above when forming a judgement as to whether the site strongly or moderately contributes to purpose (a).

Purpose b) - to prevent neighbouring towns merging into one another:

7.1.23 The PPG states that assessment areas that contribute strongly are likely to be free of existing development and include all of the following features:

- forming a substantial part of a gap between towns
- the development of which would be likely to result in the loss of visual separation of towns.

7.1.24 South Oxhey and Carpenders Park are physically separate from the nearby settlements such as Oxhey Hall, Oxhey Village which incorporates Watford Heath to the north, Eastbury which forms part of Northwood / Greater London to the west and Harrow to the south (part of Greater London).

7.1.25 Having regard to their locational factors, both Oxhey Hall and Oxhey Village are considered to form part of Watford, a town. When considering the location of the application site relative to these areas, it is not considered that either are at risk of merging as a result of the development. For example, in respect of Oxhey Village (including Watford Heath), there is a substantial gap with the application site, made up of open fields and sporadic developments on the eastern side of Oxhey Lane.

7.1.26 In respect of Harrow, the application site would introduce development towards the direction of Harrow. There is a significant distance between the site and Harrow, as well as other factors such as the topography and the intervening woodland, golf courses and developments such as Carpenders Park Nursery and Lucketts.

7.1.27 With regards to Bushey, which lies to the east and is close to Watford geographically, it contains extensive amenities, schools etc. It is therefore considered that Bushey is a town in its own right.

7.1.28 Whilst the application site is sizable in its extent, there is a large gap with Bushey so the development of the application site means that the two towns are not at risk of coalescence, both towards the north and east, the latter of which is separated by a substantial woodland, Merry Hill Wood and associated grazing land / open space. The topography also plays a role with the application site on a lower gradient than land towards Bushey.

- 7.1.29 Officers will however need to consider the above when forming a judgement as to whether the site strongly or moderately contributes to purpose (b).

Purpose d) - to preserve the setting and special character of historic towns;

- 7.1.30 The nearest part of Watford to the application site falls within the Watford Heath Conservation Area (falling within Watford Borough Council). This conservation area was designated in 2001 and was extended in 2006 to include properties on Sherwoods Road and Pinner Road.
- 7.1.31 The application site is some distance away from special character of the Watford Heath Conservation Area which falls within the town of Watford and is separated by pockets of development and has no important visual, physical or experiential relationship to the historic aspects of this part of Watford.
- 7.1.32 Carpenders Park is not a historic town and Grims Dyke to the south east is not a settlement nor not part of Harrow.
- 7.1.33 Officers will need to consider the above when forming a judgement as to whether the site strongly or moderately contributes to purpose (d).

Summary:

- 7.1.34 At this time, it is not known whether any footnote 7 areas/assets would provide a strong reason for refusal (i.e. heritage and flooding). Flooding will be wholly dependent on how the scheme deals with any surface water or other flood risks.
- 7.1.35 In the event the application site was concluded as Grey Belt, this would therefore open up the ability for a future development to be appropriate development in the Green Belt, provided the scheme complies with paragraphs 155-157 of the NPPF.

Other Matters

- 7.1.36 Paragraph 155a of the NPPF states “the development of homes...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 below.”
- 7.1.37 In respect of (a), if it is subsequently concluded that the site can be considered to be Grey Belt, the development must not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.
- 7.1.38 The Stage 2 Green Belt review looked at the application site as forming part of a larger parcel (Parcel SO3). The review states:
- “...the parcel would have a significant impact on preventing urban sprawl and encroachment on the countryside and a moderate impact on preventing the merging of settlements. IT would have a moderate impact on adjacent Green Belt land. Therefore, the harm to the Green Belt of releasing the parcel would be very high”.*
- 7.1.39 The review states that the impact on adjacent Green Belt is moderate, that the release would not increase containment of any stronger performing Green Belt land however, it

would result in a significantly weaker and less consistent Green Belt boundary than that currently provided by the A4008.

- 7.1.40 The review also states that there are no notable variations of harm within the parcel and that any partial release along a narrower front would increase containment of adjacent Green Belt land.
- 7.1.41 The draft Stage 4 Green Belt Review uses the results of the 2019 Stage 2 Assessment to match these to the PPG's 'weak', 'moderate' and 'strong' contribution scale. In respect of Parcel SO3, the Stage 2 Assessment concluded that the parcel's performance was 'significant' for purpose (a), 'moderate' for purpose (b) and purpose (d) was not assessed. Based on this assessment, the latest Green Belt Review concludes that Parcel SO3 is Green Belt rather than Grey Belt on the basis that there is a 'significant' contribution with regards to purpose (a), which the review corresponds to 'strong'. The Stage 4 Green Belt Review is still only in draft form as such is of limited weight.
- 7.1.42 Notwithstanding, it must be acknowledged that the application site whilst large, only forms part of Parcel SO3 and thus the conclusion of the latest 2025 Green Belt Review should not automatically be assumed as directly comparable to the application site.
- 7.1.43 In respect of Green Belt purpose (a), the development would involve significant encroachment into the countryside although this is weakened by the presence of Oxhey Lane, the Carpenders Park Care Home and other developments mentioned above as well defensible edges such as Merry Hill Wood which prevent any further encroachment towards Bushey.
- 7.1.44 Officers will need to consider the above when forming a judgement as to whether the site would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
- 7.1.45 In respect of (b) it is noted that the submitted document references the councils published 1.7-year housing land supply position. The applicant also asserts that there is a demonstrable unmet need for the type of development proposed and this includes the care home / children's care home.
- 7.1.46 In respect of (c), the land is on the edge of Carpenders Park and would act as an urban extension. The applicant asserts that the land would be within easy reach of key amenities and transport connections and would therefore be in a sustainable location and would be made sustainable further by active travel measures and improvements to local walking and cycling routes.
- 7.1.47 In respect of (d) para 156 of the NPPF states:
- "Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application⁵⁹, the following contributions ('Golden Rules') should be made:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) **until such policies are in place, the policy set out in paragraph 157 below;**
 - b) necessary improvements to local or national infrastructure; and
 - c) the **provision of new, or improvements to existing, green spaces that are accessible to the public.** New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces."

- 7.1.48 In respect of (a), the development is proposing 50% affordable homes, which in terms of tenure, equates to 70% social rent and 30% shared ownership. This particular Golden Rule would therefore be met.
- 7.1.49 In respect of (b), the development is likely to provide local infrastructure which are to be secured by S106 obligations (see paragraph 7.13). This particular Golden Rule is therefore likely to be met.
- 7.1.50 In respect of (c), the development would provide new green spaces on site that are accessible to the public, within a short walk of their home. This particular Golden Rule is therefore likely to be met.
- 7.1.51 Paragraph 158 of the NPPF states that a development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission.
- 7.1.52 In summary, if members come to the view (at the time of a resolution) that the application site is not Grey Belt, then the development would be an inappropriate form of development which, by definition, would be harmful to the Metropolitan Green Belt. Nevertheless, there is *likely* to be compliance with the Golden Rules which in accordance with paragraph 158 would be given significant weight in the planning balance. That said, very special circumstances would be required to outweigh the identified harm and any other harm. The material considerations put forward by the applicant of which are viewed collectively as forming very special circumstances will be noted at the end of this report (see paragraph 7.15).

Openness of the Green Belt

- 7.1.53 If the view is reached that the application site is not Grey Belt, it will be necessary to consider the impacts on the openness of the Green Belt, one of its essential characteristics.
- 7.1.54 In terms of openness, the PPG states that a number of factors are relevant when making an assessment and these include spatial impacts, visual impacts, the degree of activity and the duration of development. Consequently, it is not solely the “visual” harm as referred to by the applicant that is important, there are multiple variables which must be considered. This assessment would be set out in detail as part of the future report to committee.
- 7.1.55 The applicant in their Planning Statement acknowledges that spatially the site is free from built form development meaning there would be a reduction in existing openness simply by the extent of the proposed built form. The applicant also states that level of harm resulting from the development would be localised given the containment of the site via tree belts, internal field boundaries, woodland at Merry Hill and the development associated with the existing residential development at Carpenders Park. The level of harm associated with openness is, according to the applicant, considered moderate, but noting that this harm must be given significant weight if the site is not considered Grey Belt.

7.2 Impact on character and appearance of the locality, including Landscape

- 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 Policy DM7 of the Development Management Policies LDD requires proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The Council will support proposals that:

i) Lead to the removal or a reduction in the impact of existing structures and land use that are detrimental to the visual quality of the landscape

ii) Enhance public access and recreation opportunities without detriment to the landscape or wildlife

iii) Contribute to delivery of Green Infrastructure

iv) Contribute to the measures identified in the Hertfordshire Landscape Strategy 2001 to strength, reinforce, safeguard, manage, improve, restore and reconstruct landscapes.

7.2.3 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. P24-2204_DE_003_10) which demonstrates how the different components of the scheme could be incorporated. The Parameters Plan identifies areas for residential development; open space; sustainable drainage features; new native woodland and the primary access road. In the event that Outline planning permission was granted, a condition would require that subsequent Reserved Matters accord with the Land Use Parameters Plan.

7.2.4 The application is also accompanied by an illustrative masterplan which accords with the Land Use Parameters Plan and demonstrates how the site could be developed. 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.

7.2.5 The indicative Building Heights Plan (page 44 of Design and Access Statement) indicates development up to 3 storeys in height. Development to the north would be up to 2 storeys (lower density) as would the most eastern part, adjacent to Merry Hill Wood, with the majority of the development site up to 2 or 3 storeys in height. The denser 3 storey element would be limited to the western part of the site subject of the housing for care.

CA1 The Spine

7.2.6 This area would be focused along the primary street which would be a tree lined avenue. It would have medium density development ranging from 2-3 storey buildings which would likely include a variety of typologies including short terraces, semi-detached dwellings and occasional apartments and detached properties.

CA2 Neighbourhood Core

7.2.7 This area covers development within the inner parts of the development as well as areas at the interface between the proposed and existing built-up areas at the site's immediate context. This area would be denser and include buildings up to 2-3 storeys of varying typologies.

CA The Green Edge

7.2.8 This part of the development includes areas which overlook proposed landscaped open space at the northern edge and running along the east of the site facing the woodlands. It would be of lower density with buildings up to 2 storey in height.

Impact on local character / streetscene

- 7.2.9 As a result of the development there will be a significant change in the character of the site, especially in the location of the new access which would be introduced and require the loss of existing hedgerows and through the introduction of built form on the northern parcel of the site, although mitigation planting is proposed. Currently, the A4008 and the field boundaries provide a strong defined buffer with Carpenders Park.
- 7.2.10 Consequently, it is likely that the change at this specific juncture would result in adverse impacts on the visual amenity of the streetscene and dilute the character of this part of Oxhey Lane.
- 7.2.11 The wider landscape impacts from the wider development are considered below.

Landscape Character

- 7.2.12 The application site is not subject to any statutory or non-statutory landscape protection designations. In terms of National Character Areas (NCAs), the site is located to the western edge of National Character Area: 111 – ‘Northern Thames Basin’. This character area extends from Hertfordshire to the Essex coast. The application site is also located within the ‘Hertfordshire plateaux and river valleys’ distinct character area and within the ‘Bushey Hill Pastures’ as set out within The South Hertfordshire Landscape Character Assessment.
- 7.2.13 The site comprises rough grassland with overgrown hedgerows, forming landscape belts of blackthorn and bramble scrub and mature trees. The land is also sloping, with a topographical variation across the site, broadly from the northeast to the southwest. The submitted Topography Plan (See LVIA) shows an approximate variation of 27m with the lowest point to the southwestern edge and the highest point adjacent to the northeast boundary, adjacent to Merry Hill Wood. There is also one public right of way (PRoW) ‘Watford Rural 013’ which passes through the northern parcel of the site, connecting with ‘Bushey 025’.
- 7.2.14 The application site can be regarded as forming part of a pleasant edge of settlement landscape that remains intact and unspoilt in this locality and assists in providing a rural buffer from Carpenders Park.
- 7.2.15 In terms of tranquillity, the submitted LVIA states that it falls within the ‘Least Tranquil’ end of the spectrum, typical of suburban settings close to the boundary of Greater London.
- 7.2.16 The submitted LVIA sets out that the immediate landscape is influenced by the settlement edge character of Carpenders Park, the A4008, and the 3-storey care home. It is argued that the development would strongly reflect the existing character of the adjacent settlement edge and link visually with the care home, whilst also being well contained by existing woodland. To mitigate against the landscape impacts from the development there will be new native tree planting and hedgerow restoration.
- 7.2.17 The proposed development is considered to cover approximately 53% of the application site and the overall gradient would remain as existing, with minor changes proposed as a result of excavations to facilitate the construction of the SUDs basins, road network, paths parking areas, driveways and digging of new building foundations. The submitted LVIA sets out that the development would avoid the steepest gradient land within the north western corner with the vehicular access designed to follow a gentler gradient across the contours within the northern parcel of the site. The PRoW is to be retained within an area of open space.
- 7.2.18 The character of the site itself would change as a result of the proposed development, with the existing open pasture land lost and replaced by a new residential development with associated open space and infrastructure. The submitted Landscape Visual Impact Assessment (LVIA) judges that the landscape character of the site has a medium overall sensitivity to the type of development proposed with a **moderate adverse effect** on

landcover from the loss of the rough grassland field parcels and a **minor adverse effect** upon topography where the landform would be largely retained at existing levels. The LVIA also suggests that the magnitude of change within the site results in a **major adverse effect**; however, this does not mean that the resultant development would be unattractive or inappropriate.

- 7.2.19 The Visual Impact Assessment concludes that the initial changes to visual amenity would be major adverse for users of the PRow reducing to moderate adverse effect at Year 15 following growth of mitigation planting. The same can be said for the settlement of Carpenders Park which would experience moderate adverse effects at Year 1 reducing to minor adverse at Year 15 as a result of mitigation planting. The assessment concludes that the proposed development has the potential to respect the surrounding landscape context and relationship to the existing settlement edge of Carpenders Park without causing unacceptable harm to the existing landscape and visual resource. On this basis the applicant asserts that there would be harm to the landscape character, however, this would be limited in their view.

Impact on trees

- 7.2.20 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.
- 7.2.21 Policy DM6 of the Development Management Policies LDD 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.
- 7.2.22 The application has been supported by an Arboricultural Impact Assessment (AIA), Tree Survey and Tree Protection Plans.
- 7.2.23 The application site has a strong physical connection to trees with all site boundaries heavily lined with mature trees, a line of mature Oaks behind the care home as well as the site influenced by vegetated field boundaries and Merry Hill Wood. The submitted Tree Survey has identified 68 trees across the site and a number of groups of Blackthorn trees.
- 7.2.24 The submitted AIA states that no trees are to be removed to implement the design proposals and that the only vegetation to be removed is limited to selective removal of 'Blackthorn Clumps' across the site and a section of boundary hedgerow for the access points.
- 7.2.25 No trees on or adjacent to the site (falling within Three Rivers) are protected.
- 7.2.26 The proposed construction footprint for a section of the internal roadway infrastructure is to be sited within the root protection areas (RPA) of two English Oak trees (T25 and T26), although the encroachment is less than 1% of both RPAs.
- 7.2.27 The applicant states that the site layout has been designed to ensure that the relationship of buildings would not result in any undue pressure to remove trees or excessively prune from any future occupants.

Woodland Trust

- 7.2.28 The Woodland Trust (WT) own land to the east of the application site which incorporates Merry Hill Wood. Whilst not a statutory consultee WT have highlighted some significant

concerns with the deterioration of a number of mature trees (referenced by WT as Veteran trees) as a result of the layout of the development.

7.2.29 The applicant has provided a response to WT and are of the view that the trees were surveyed to the recommendation as recorded within BS5837:2012 and that no recorded Veteran/Ancient trees are listed on WT Ancient Tree Inventory. The applicant therefore strongly holds the view that the proposed layout has been assessed against the constraints afforded to the trees and that the subject trees are not defined or considered Veterans.

7.2.30 To date the Council's tree officer has yet to confirm whether they hold the same view as WT.

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 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 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 applicant is proposing to deliver 50% of the dwellings as affordable units, with the remaining 50% being provided as market dwellings, although 10% would be self-build dwellings. **The affordable housing must be secured at the outline stage.**
- 7.4.5 Based on the delivery of 260 dwellings, the affordable housing would comprise 130 dwellings, with 70% Social Rent, 30% Shared Ownership. The Housing Development Officer has confirmed that they would generally support this application as proposed, provided that the size of the dwellings provided complies with the above housing mix. **The mix of affordable housing would be secured at the reserved matters stage.**
- 7.4.6 The application also proposes the construction of a 4-bedroom property for children's social care and supported living (Use Class C2). HCC welcome and supports the inclusion of a children's home on the site.
- 7.4.7 The application also proposes housing with care (Use Class C2). The Affordable Housing Supplementary Planning Document states that if the residential accommodation has shared facilities and is not self contained, as in the case of some supported and residential care homes, it is regarded as an institutional use and Policy CP4 will not apply. Officers are reviewing whether an affordable housing contribution would be triggered for this part of the development.
- 7.5 Impact of development on heritage assets
- 7.5.1 Strategic Objective S10 of the Core Strategy is "To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings". Core Strategy Policy CP12 states that "in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets".
- 7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
 "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.5.3 Paragraph 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."
- 7.5.4 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."
- 7.5.5 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..."

- 7.5.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit
- 7.5.7 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.
- 7.5.8 The application site does not contain any designated or non-designated heritage assets, but several exist in the wider area.
- 7.5.9 The application is accompanied by a Heritage Assessment (Handforth Heritage, March 2025) (HA) which identified the following heritage assets which could be affected by the proposals through change within their settings.
- Front Lodge to Oxhey Grange (Grade II)
 - Oxhey Grange (Grade II)
 - Grim's Ditch (Scheduled Monument)
 - Grims Dyke Registered Park and Garden (Grade II)
 - Grimsyke (Grade II*)
 - London Coal Duty Marker (Grade II)
 - Stable in grounds of Melodies (Grade II)
- 7.5.10 The HA highlights that Carpenders Park was originally an estate based around a manor house which was later converted to a girls school, Highfields, which was demolished to make way for United States Air Force married quarters, which were also in turn demolished in the late 1990s and replaced by residential development which exists today.
- 7.5.11 In relation to Oxhey Grange and the Front Lodge, the Conservation Officer has agreed that there is no indication of a historic and/or functional link between them with the main setting of Oxhey Grange being within its private grounds, and to a lesser extent in open space to the east of Oxhey Lane. The Conservation Officer is of the view that the development would have a neutral impact on the significance of these assets.
- 7.5.12 In respect of Grim's Ditch and Grims Dyke Registered Park and Garden and Grimsyke (Grade II*) which are all located close together and are located partly or fully within Brookshill Drive and Grimsdyke Estate Conservation Area, the Conservation Officer agrees that based on the lack of apparent historic relationship, long distances and lack of visibility between these assets and the application site that the development would have a neutral impact on their significance. Harrow Borough Council were formally consulted and do not offer any comments on the impact on this asset.
- 7.5.13 The Conservation Officer has identified one asset which has not been individually assessed in the submission. This relates to 'Barn About 30 Metres North of Merry Hill Farmhouse, a late seventeenth or early eighteen century timber framed barn in Hertsmere. However, the related farmhouse has been demolished and is surrounded by modern development, so the development proposal is not considered to have a harmful impact on this asset. Hertsmere District Council were formally consulted and do not offer any comments on the impact on this asset.

- 7.5.14 In addition to the above, given the distances involved and due to their relatively localised settings, the development proposal is not considered to impact on the Grade II listed 'London Coal Duty Marker, northwest of Burnt Oak Farm and 'Grade II 'Stable in the grounds of Melodies.'
- 7.5.15 To the north, there are four conservation areas; Bushey High Street, Melbourne Road Bushey Conservation Area, The Lake Conservation Area and Bushey Heath Conservation Area. The Conservation Officer has confirmed that due to the distances involved, of approximately 2 kilometres, and the lack of visual connection, that no impacts are identified. Hertsmere District Council do not offer any comments on the impact on these assets.
- 7.5.16 Officers have formally consulted all adjacent Councils / Boroughs and none, at the time of writing this report, have provided any comments relating to heritage impacts stemming from the development.

Archaeological Considerations

- 7.5.17 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.
- 7.5.18 The Historic Environment Advisor had initially reviewed the submitted details and advised that an Archaeological Desk Based Assessment and Geophysical Survey shall be undertaken.
- 7.5.19 In response the applicant has submitted an Archaeological Desk Based Assessment which sets out that based on information held by Hertfordshire County Council Historic Environment Record (HHER) there is a high potential for archaeological remains dating to the Medieval, Post Medieval and Modern periods.
- 7.5.20 Due to the fact there is no current vehicular access onto the site, it has been agreed by parties that the Geophysical Survey can be undertaken prior to commencement.
- 7.5.21 The Archaeological Desk Based Assessment was considered acceptable upon a review by the Historic Environment Advisor. Given the size and scope of the development, it is advised that:
- A Geophysical Survey of the development area is undertaken prior to any development (excluding access) commencing
 - Trial trenching forming part of the archaeological field evaluation to take place prior to commencement of the development
 - Take the appropriate mitigation measures as indicated to preserve any remains in situ.
 - Undertake an analysis of the results including their publication
- 7.5.22 The above requirements are recommended to be captured within a planning condition.

7.6 Highways & Transport Impacts

- 7.6.1 Core Strategy Policy CP10 states that development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.

Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.

7.6.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

7.6.3 The NPPF at 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.

7.6.4 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”.

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

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

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

7.6.7 The matter of access is for full consideration as part of the application. The development would require significant highway works with a signalised new access directly onto Oxhey Lane. The application is supported by a TA (including addendum) and access drawing ITL200107-GA-002 Rev D.

7.6.8 Oxhey Lane (A4008) is a Main Distributor Road which has street lighting and a 40mph speed limit.

Hertfordshire County Council – the Local Highway Authority (HCCHA)

7.6.9 HCCHA had raised an initial objection to the application at this stage (see 9.13) and further details were required. Some of the initial matters raised by HCC are set out below (not an exhausted list).

- No details of the gradient profile or visibility splays have been provided within TA.
- No assessment made on the impact on street trees

- No safety audit provided for the new accesses
- Trip generation, distribution and assignments provided in the TA are not acceptable.
- Lack of bus service in the vicinity has not been addressed
- Proposed access onto the A4008 is contrary to policy 5(f) of the HCC's Local Transport Plan, 2018.

7.6.10 In response to HCCHA objection, an addendum to the TR has been provided by the applicant and seeks to address each point raised. This is currently under review with HCCHA. In summary, the addendum states:

- A more detailed walking and cycling audit is provided which assesses three key routes (1 - St Mery School & Little Hearts pre-school; 2 – to bus stop on By The Wood and 3 – to Carpenders Park station and South Oxhey local centre).
- Recognises potential improvements across the three key routes such as tactile paving at uncontrolled crossing points footway widening, resurfacing, controlled crossing point at Carpenders Avenue and Oxhey Lane junction. The applicant has confirmed a willingness to support necessary active travel improvements.
- Recognises that there are opportunities to uplift the level of bus accessibility and that a service to complement 'Service 328' may be beneficial for future residents of the site.
- Safety audit now provided regarding the new access and emergency access as well as an amended access design drawing (ITL200107-GA-002 Rev D).
- Gradient profile has not been determined at this stage, however, it is stated that the initial 15m of the access road has been designed with a 4% gradient in line with Design Manual for Roads and Bridges.
- Incursion of mature Oak tree to the north of the proposed site access would lead to a minor incursion, which is considered by the applicant to be mitigated through appropriate construction methods.
- Trip rates show that the impact from the development on the transport network are not significant in terms of capacity or congestion and fall well below 'severe'.

7.6.11 HCCHA have reviewed the additional information and made the following comments which are currently under consideration with the applicant:

- The improvements to walking and cycling routes as identified by the audit are necessary to support the development. Contributions to deliver the improvements should be secured by way of a Section 106 with the works themselves secured by planning condition.
- HCC public transport team propose a new bus service (hourly service with two vehicles) at an estimated annual cost of £350k. HCC would therefore seek an index-linked Strand 1 financial contribution of £350k per annum, for a period of five years totalling £1,750,000, secured by a Section 106 agreement. There will also be required provision for new bus stop infrastructure outside the site along Oxhey Lane (location tbc) and minor improvements to two existing bus stops close to By The Wood.
- HCC road safety team are currently reviewing the Stage 1 road safety audit / visibility splays.

- HCCHA accept that the incursion into the Oak tree can be addressed through appropriate construction methods.
- The gradient of the access can be conditioned in the event of an approval.
- HCCHA maintains its objection that the vehicular access is contrary to Policy 5(f) of HCC's Local Transport Plan 2018. A new access at this site would only be acceptable if it was an allocated site or that a planning application was considered acceptable by the LPA.

7.6.12 A meeting is due to be held between the applicant, HCC and officers from the LPA to discuss the above and any outstanding matters.

Sustainability & Active Travel

7.6.13 HCCHA had requested that a formal audit of the quality of local routes for cycling and walking in the vicinity of the site is provided, noting that local facilities including a post office and food store exist within 800m. It is noted that Carpenders Avenue is a key walking route (LCWIP identification) and has the potential to be subject to planning obligations to enhance identified deficiencies, but further information is required.

7.6.14 The Transport Assessment notes that Carpenders Park railway station is approximately 1km from the site, and that the nearest bus stop is circa 700m. It is HCCHA's expectation (P&MPDG) that all occupied parts of the development should be within 400m walking distance of a bus stop or transport hub by public walking route. HCCHA require further interventions to address the quality of cycling and walking routes and access to bus services.

7.6.15 At the current stage, HCCHA have commented that the submitted Travel Plan requires further work.

7.6.16 Active Travel England (ATE) have confirmed that they undertook a high-level review of the proposal and have advised that the LPA should consider their standing advice¹.

7.6.17 The submitted Transport Assessment has acknowledged an Active Travel Strategy and it is acknowledged that a package of sustainable transport initiatives is likely to be proposed, primarily focussing on encouraging alternatives to private car use as well as alleviating the deficiencies described within the LCWP in respect of Carpenders Avenue (PR40) and Delta Gain (PR103). HCCHA have suggested that a bus service to complement 'Service 328' from South Oxhey to Watford, extending it to the new site. This is currently being explored further between parties.

Transport for London

7.6.18 Transport for London (TfL) have commented and advised that the LPA to secure S106 or S278 contributions towards improvements to the existing walking / cycle route to and from Carpenders Park Overground Station and the application site.

Vehicle parking

7.6.19 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.

7.6.20 This application is submitted in outline with only 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

¹ [Active Travel England Standing Advice Note: Active travel and sustainable development](#)

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 housing with care.

7.7 Promotion of healthy and safe communities

7.7.1 The NPPF at paragraph 96 states that planning decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

7.7.2 In addition to the residential element (up to 260 dwellings), the application proposes the construction of a 4-bed property for children's home (Use Class C2) and housing with care (Use Class C2).

7.7.3 The proposal also includes a Locally Equipped Area for Play (LEAP), an area of amenity open space to encourage informal sports, games and recreation, community orchard and footpath routes.

7.7.4 The Leisure department have commented that the proposed play area should be reconsidered due to its lack of natural surveillance, resulting in potential anti-social behaviour, its distance from the majority of properties and the topography of this area in terms of access for existing and future residents. They have also requested whether consideration could be given to incorporate play provision for all ages, for example, a skate park, scooter park and parkour. The applicant is aware of the comments and is currently reviewing.

7.7.5 There is also a real opportunity to integrate the housing with care and the wider development through clever placement of play and or recreational facilities close to the green corridor (for example), to enable social interaction and a mix of different users.

7.7.6 A Health Impact Assessment has been submitted with the application which has been reviewed by HCC Healthy Places team with the findings considered acceptable. A revised assessment was submitted which has taken on board the comments.

7.8 Impact on residential amenity

7.8.1 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.

- 7.8.2 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).
- 7.8.3 The application is submitted in outline, with matters of access for consideration. However, the application is accompanied by an illustrative Landscape Masterplan which suggests that new built form development would be set back from Oxhey Lane. However, impact on neighbouring amenity as well as any impact on Carpenders Park Care Home would be fully assessed at the reserved matters stage. The impact on the amenity of future occupiers would also be assessed.

Pollution – Air Quality

- 7.8.4 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;
- 7.8.5 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:
- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
 - Introduce new point sources of air pollution e.g. furnaces.
 - Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.
- 7.8.6 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.
- 7.8.7 The application is accompanied by an Air Quality Assessment (March 2025) which has been review by the Environmental Protection Officer (EPO). The submitted Air Quality Assessment sets out that a range of best practice mitigation measures will be implemented to reduce dust emissions during construction.
- 7.8.8 The EPO has recognised that the air quality conditions for future residents have been shown to be acceptable and any additional traffic generated will have a negligible impact on air quality conditions at all existing receptors along the local road network. The EPO raises no objection as the impact of the proposed development on local air quality is not considered to be significant.

Pollution – Noise and Vibration

- 7.8.9 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:

- 7.8.10 Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
- 7.8.11 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.
- 7.8.12 The likely noise impacts resulting from the development are primarily in association with the increased traffic flows and general activity resulted from the development, as well as the LEAP. However, when considering the existing nature of Oxhey Lane, distances to the nearest dwellings on Carpenders Avenue, topography and boundary treatments, it is not considered that any unacceptable levels of noise will arise.

7.12 Pollution – Light

- 7.8.13 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.
- 7.8.14 As the application is in Outline, full details of lighting would be required at Reserved Matters stage or via condition if appropriate

Pollution – Land Contamination

- 7.8.15 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.
- 7.8.16 The application is accompanied by a Phase 1 GEO-Environmental Assessment (March 2025) 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 (soil contamination) that require further investigation.
- 7.8.17 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.

7.9 Impact on Wildlife, Biodiversity (including BNG) and Agriculture

- 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 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.

- 7.9.3 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”.
- 7.9.4 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.
- 7.9.5 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”.
- 7.9.6 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.
- 7.9.7 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.
- 7.9.8 In respect of biodiversity, the submission includes Biodiversity Checklist, Ecological Assessment (Ecology Solutions (ES), dated March 2025) and Biodiversity Net Gain Report (ES, dated January 2025).
- 7.9.9 The Oxhey Local Wildlife Site is situated 17m south west of the site boundary at its closest point, comprising a small grassy bank. Mitigation throughout construction and additional measures should be undertaken to ensure new residents are aware of its ecological importance. The Carpenders Park Cemetery Woodland is located approximately 85m west of the site and supports a semi-natural broadleaved woodland and a tributary of the River Colne. Mutton Wood Local Wildlife Site adjoins the wider study area to the south, approximately 300m from the site boundary and comprising deciduous ancient woodland.
- 7.9.10 The Prestwick Road Meadows Local Nature Reserve is located approximately 1.4km south west of the site, situated within a residential area.
- 7.9.11 In respect of protected species, Herts Ecology have yet to review the submitted reports including the Ecological Assessment which assessing the ecology interest of the site (and wider area) with a survey undertaken in July 2024, the optimal survey period and static detectors deployment in August to collate evidence on bats.
- 7.9.12 As part of the survey work there was no evidence of badgers, but recognises that given the nature of the site and adjacent features that they cannot be discounted. In result of bats the site and wider area is identified as having a high suitability for foraging and commuting bats and several mature trees had evidence of roosting features, i.e. woodpecker holes peeling bark etc. To ascertain the general abundance of foraging and commuting bats across the site, ES conducted two further surveys in August and October 2024 which recorded a low level of bat activity.
- 7.9.13 The Ecological Assessment states that the site is of good ecological value comprising in the main of neutral grassland and blackthorn scrub. The report acknowledges that some of this

habitat would be lost to facilitate the development, however, recognises that new woodland planting, orchard, marginal and aquatic SUDs features will mitigate for habitat losses. A buffer zone would also need to be implemented for the woodland to the east.

7.9.14 In respect of BNG, the assessment undertaken concluded a baseline total of 128.36 habitat units are present pre-development. This is made predominately up of neutral grassland, Blackthorn Scrub and individual trees.

7.9.15 Whilst new habitats and hedgerows are to be created, the proposed scheme would result in a net loss of 43.61 habitat units, largely due to the losses to neutral grasslands, resulting in a loss of -33.97% in habitat units from pre-to post development. The development would therefore not achieve the mandatory 10% net gain, as per the requirements of the Environment Act. To meet the mandatory 10%, off-site compensation will be required.

7.10 Energy Use

7.10.1 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”.

7.10.2 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.

7.10.3 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.

7.10.4 The application is accompanied by a Sustainability & Energy Statement (Bluesky Unlimited, March 2025). 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.

7.11 Flood Risk and Drainage

7.11.1 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.

7.11.2 The application has been accompanied by a Flood Risk Assessment & Drainage Strategy (Ardent, March 2025) and Sequential Test (Boyer, May 2025).

- 7.11.3 The site is wholly within Flood Zone 1 as defined by the 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). Notwithstanding, the Hartsbourne Stream passes the southern boundary of the site, and flows in a westerly direction to the River Colne. In respect of surface water flooding, long term risk mapping shows a ribbon of surface flooding along the localised valley within the site and thus the application has been supported by a Sequential Test.
- 7.11.4 Since the submission of the planning application, the PPG has been updated in respect of the sequential approach. Paragraph 175 of the NPPF states that a proportionate approach should be taken. The PPG states (Para 027 Reference 7-027-20220825) states that:
- 'Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.'*
- 7.11.5 As part of the development a Sustainable Water Drainage Strategy is proposed which will incorporate attenuation basins and seeks to mitigate the surface water flood risk which currently exists.
- 7.11.6 The submitted FRA and Sustainable Drainage Strategy have been reviewed by the Lead Local Flood Authority (LLFA) prior to the change to the PPG. The LLFA requested additional be provided following their initial review. This has subsequently been provided and the LLFA are currently reviewing. If the LLFA were to remove their objection, the need for the sequential approach would subsequently fall away in light of recent PPG changes.
- 7.11.7 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 or close to their abstractions. 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 & Energy Statement (Bluesky, March 2025) has considered water efficiency and refers to various measures which would be incorporated.
- 7.11.8 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 also 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.
- 7.12 Refuse and Recycling
- 7.12.1 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.

- 7.12.2 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.
- 7.12.3 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.
- 7.12.4 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.
- 7.12.5 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.
- 7.12.6 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.

7.13 Infrastructure Contributions

- 7.13.1 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. The application site falls within Area C which has a nil (£0) charge.
- 7.13.2 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.
- 7.13.3 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 require contributions and highways works to be secured. Further details will be provided once received.
- 7.13.4 Hertfordshire County Council's Growth & Infrastructure Unit have set out a number of financial planning obligations towards non-transport services to minimise the impact of the development on services run by HCC.
- 7.13.5 They have calculated that contributions are required:
- **Secondary Education Contribution:** £1,942,832 (index linked to BCIS 1Q2024) towards the delivery of a new secondary school at Carpenders Park and/or provision serving the development of £1,942,832 (index linked to BCIS 1Q2024).
 - **Special Educational Needs and Disabilities (SEND) Contribution:** £362,609 (index linked to BCIS 1Q2024), towards new Severe Learning Difficulty (SLD) special school places (WEST).

- **Waste Service Transfer Station Contribution:** £26,033 (index linked to BCIS 1Q2024) towards increasing capacity at Waterdale Transfer Station and/or provision serving the development.

7.13.6 HCC will also charge monitoring fees, based on the number of triggers within each legal agreement.

7.13.7 The Hertfordshire and West Essex Integrated Care Board (HWE ICB) have set out their position on primary healthcare capacity and need arising from the development and the health financial contribution sought if planning permission was to be granted. Within their comments they comment that new residents will impact on several practices and primary health care networks. The table provided by HWE ICN at 9.6 sets out that all surgeries within the local area at capacity and their ability to accept additional patients is limited meaning the existing provision may not be able to accommodate the additional patient numbers arising from the development and indeed potential future housing growth in and around the vicinity of Carpenders Park and South Oxhey. The contribution therefore proposed to mitigate the health impacts arising from the development is:

- **Primary healthcare Contribution:** £428,032

7.13.8 Sport England have advised that if the proposal involves the provision of additional housing, then it will generate demand for sport and if existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy. The Leisure department have not yet identified any requirements for additional demand on existing capacity in the area.

7.14 Referral to Secretary of State

7.14.1 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.

7.14.2 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.

7.14.3 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.

7.15 Material considerations / Benefits of the Scheme

7.15.1 The applicant has suggested that the development complies with paragraph 155 ('grey belt') of the NPPF and is therefore not inappropriate, but also sets out the following benefits of the scheme as set out within their Planning Statement 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*). These benefits as presented by the applicant are summarised below with no weighting being given by the LPA at this time:

- **Housing provision:** With the emerging Local Plan currently at an early stage, adoption remains some time away. As such, the applicant asserts that this will further worsen the supply and delivery of housing in the district. The proposal to deliver 256 new homes will make a significant contribution to the need for more

housing, against a backdrop of very poor housing supply and delivery. The applicant is of the view that housing provision should be afforded **very substantial weight** in favour of the development.

- **Affordable housing:** An Affordable Housing Needs Assessment submitted by the applicant confirms that there is a clear and on-going pressing need for more affordable homes in Three Rivers. The applicant asserts that only 3 affordable homes were completed between 1 April 2023 and 31 March 2024 and that since monitoring began in 2011, 21.6% affordable homes have been delivered, significantly below the target requirement in Policy CP4 of 45%. The development will provide 50% affordable housing which exceeds the policy requirements and complies with the Golden Rules and therefore must attract significant weight as a minimum. The applicant is of the view that the benefits arising from the proposed affordable housing delivery should attract **very substantial weight** in favour of the development.
- **Self / Custom Build Housing:** The development seeks to deliver 10% of all market housing as self/custom build. The applicant sets out that Three Rivers apply a local connection test, an initial registration fee and annual retaining fee to remain on Part 1 of the Register. No self-build homes have been delivered. The applicant refers to the appeal decision in Sarratt (para 80) whereby it was accepted at the time that this type of housing in the District significantly exceeds supply. The applicant is of the view that self build / custom build housing should be afforded **substantial weight** in favour of the development.
- **Housing with care:** The development includes the provision of 60 bed housing with care. The submitted assessment by the applicant concludes that there are substantial shortfalls with other notable benefits arising from its use, such as health and wellbeing improvements, reduced reliance on the NHS, social benefits and freeing up family sized housing. The applicant is of the view that the delivery of the care housing should be afforded **substantial weight** in favour of the development.
- **Children's Home:** The development will provide a 4-bed children's home whereby a need for 24 new bedspaces has been highlighted within the South West Hertfordshire Local Housing Need Assessment (LHNA). The applicant is of the view that this benefit should attract **significant weight** in favour of the development.
- **Public Open Space:** The development will provide a variety of green infrastructure, totalling 6.2Ha, including play and recreational space. The applicant is of the view that open space provision should be afforded **moderate weight** in favour of the development.
- **Sustainable Transport Initiatives:** A signalised pedestrian crossing on Oxhey Lane will be provided, providing an alternative to the two existing uncontrolled crossings. Further pedestrian and cycle interventions would be proposed between South Oxhey and the site as well as a proportionate contribution to the delivery of benefits to support active travel improvements as identified in the LCWIP. The applicant is of the view that these package of measures should be afforded **moderate weight** in favour of the development.
- **Economic benefits:** The development would deliver economic benefits during both the construction and during the operational phases of the development with occupants supporting local economies. The application is of the view that given the scale of the development, these benefits should be afforded **significant weight** in favour of the development.

7.15.2 Other possible material considerations are set out below:

- **Other infrastructure contributions:** A number of financial contributions would be required to make the development acceptable to mitigate impacts on Herts County Council services and on the NHS.

7.16 Tilted Balance and Planning Balances

- 7.16.1 If members were later to conclude that the application site falls on Grey Belt land, it is necessary to, as part of the decision-making process to consider the planning balances that exist.
- 7.16.2 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 which sets out that decisions should apply a presumption in favour of sustainable development and 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.
- 7.16.3 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. However, if the application site is considered Grey Belt, this particular reason would fall away. 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.
- 7.16.4 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.
- 7.16.5 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.
- 7.16.6 As this stage the adverse impacts are unclear and to be determined in due course, although there is potential that harm would arise to the landscape character (accepted as limited harm by the applicant) and towards the impact on the visual amenity of Oxhey Lane as a result of the new access and associated infrastructure.
- 7.16.7 As part of a full assessment of the scheme to be presented at a later date, the full extent of any harm arising from the scheme would be identified, and this would be balanced against the benefits of the scheme to enable a recommendation to be made as to whether planning permission may be granted or not.
- 7.17 Site Visit

- 7.17.1 It is noted that this development is of a considerable size and scale, impacting a large area of land. 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, identify adjacent physical features and development 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.

9.1	Active Travel England	No objection
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 ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.		
9.2	Affinity Water	No objection
<u>Water quality</u> 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". <u>Water efficiency</u> 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). <u>Water efficiency</u> 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 \(affinitywater.co.uk\)](http://Water efficiency credits (affinitywater.co.uk)).

9.3	Environment Agency	No objection

The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for LPAs and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposed development falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at Flood risk assessments: applying for planning permission - GOV.UK.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Informative

Please include the below informative for any permission granted.

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work

Advice to Local Planning Authority

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support Local Planning Authorities and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be

applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc.

The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Sequential Test

What is the sequential test, and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 174), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
- the proposed development is consistent with the use for which the site was allocated; and there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the Local Planning Authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'.

Further guidance on the area of search can be found in paragraphs 027-030 of the Planning Practice Guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Insurance eligibility

New homes built in flood risk areas after 1 January 2009 are not covered by the Flood Re-insurance scheme and may not be eligible for home insurance. We advise contacting an insurance provider to discuss whether your development would qualify for insurance.

Flood Risk Management Scheme Funding eligibility

New properties and buildings converted to housings within areas of flood risk after 1 January 2012 will not be counted towards the outcome measures of any proposed future flood alleviation scheme. This is to avoid inappropriate development in flood risk areas.

Further information can be found at

<https://www.gov.uk/government/publications/calculate-grant-in-aid-funding-flood-risk-management-authorities>

Flood mitigation

Although we have no objections to the proposed development, the developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

Advice to applicant

Water Resources

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

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

Residential developments

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

Commercial/Industrial developments

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the BREEAM 'excellent' standard for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>

To get help during a flood, visit <https://www.gov.uk/help-during-flood>

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

9.4	Herts Constabulary	No objection
I am pleased to see that it is the intention to build this development to the police minimum security standard, Secured by Design as detailed in the Design and Access statement (6.47 -6.51 page 53). I look forward to working with the architects and developer to achieve this.		
9.5	Herts Fire & Rescue	No objection
I have looked at the access for a fire appliance and as such HFRS are satisfied with the proposed access arrangements at this time.		
9.6	Herts and West Essex ICB (NHS)	No objection, subject to contributions
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 Carpenders Park and South Oxhey. This scheme is expected to deliver 256 homes, which based on an average occupancy of 2.4 will create circa **614.4 new patients**.

These new residents will impact on several practices and PCNs. It is difficult to analyse capacity on PCN level as there is little geographical alignment as most practices belong to different PCNs. Therefore, capacity analysis on surgery and settlement level would be more appropriate:

				Settlement 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
South Oxhey Surgery	South Oxhey/ Carpenders Park	MVPS	-1,840	-5,397	-300	£2,098,697
Pathfinder		MVPS	-1,487			
The Consulting Rooms		Alliance	-974			
Attenborough Surgery (Carpenders Park)		Attenborough	-1,095			

*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 all surgeries are at capacity and their ability to accept additional patients is limited. The closest practice to the proposed development is Attenborough Surgery branch in Carpenders Park. Even though a small extension was built in 2019, they are still high in terms of patients per m2. The nearby Pathfinder and South Oxhey Surgery are based in the NHS Property Services owned South Oxhey Clinic, which is a 1970s single storey building. Both practices are operating at capacity as can be seen from the table above. There have been several initiatives in the past 15-20 years to incorporate South Oxhey Clinic in the wider South Oxhey regeneration plan, in partnership with HCC and TRDC. Unfortunately, these initiatives have not been fruitful. Therefore, the need for a contemporary health facility in the locality remains.

In light of the above, it is evident that the existing provision would not be able to accommodate the additional patient numbers arising from this development, and indeed potential future housing growth in and around the vicinity of Carpenders Park and South Oxhey.

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 Carpenders Park and South Oxhey, or other development proposals in the area.

The proposed development would deliver 256 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa **614.4 new patient registrations**.

$614.4 \text{ new patient registrations} / 2000 = 0.3072$ 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"

$0.3072 \times 199 \text{ m}^2 = 61.1328\text{m}^2$ of additional space required

$61.1328\text{m}^2 \times £7,000^* \text{ per m}^2 = £427,929.60$ (*Build cost; includes fit out and fees)

$£427,929.60 / 256 = £1,671.60$ per dwelling (rounded up to £1,672 per dwelling)

Total GMS monies requested: $256 \times \text{dwellings} \times £1,672 \text{ per dwelling} = £428,032$ (indexed from the date of the planning permission)

The HWE ICB requests that the financial contribution that the HWE ICB is seeking, to mitigate the health impacts from this development is secured through a planning obligation attached to any grant of planning permission.

A trigger point of payment on occupancy of the 100th Dwelling is requested. Please note, the developer contribution figure referred to in this response is a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus Section 106 monies on additional primary care premises capacity in South Oxhey and/or Carpenders Park or any other provision serving the development.

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

The HWE ICB requests that the financial contribution that the HWE ICB is seeking, to mitigate the health impacts from this development is secured through a planning obligation attached to any grant of planning permission.

A trigger point of payment on occupancy of the 100th Dwelling is requested. Please note, the developer contribution figure referred to in this response is a calculation only and that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

If planning permission is granted, the HWE ICB propose to focus Section 106 monies on additional primary care premises capacity in South Oxhey and/or Carpenders Park or any other provision serving the development.

- i. **Necessary to make the development acceptable in planning terms.** The provision of community facilities including health is a material planning consideration. As explained above, a financial contribution has been sought to mitigate the primary health service impacts arising from this development, by creating additional primary care premises capacity
- ii. **Directly related to the development.** The new residents of the development will have an additional impact upon local health services. The financial contribution will be used towards additional facilities in the vicinity of the development. As such the contribution will be used for the benefit of the new residents.
- iii. **Fairly and reasonably related in scale and kind to the development.** The above financial contribution has been calculated based on 256 new dwellings and 614.4 new patients, to mitigate the primary health service impacts arising from this development.

With regards to the HWE ICB's own governance and scrutiny processes, please note:

All projects are subject to Full Business Case approval by the HWE ICB and NHS England.

A project identified and costed in response to the planning application may not meet the objectives of 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.

Subject to securing the healthcare developer contribution secured, 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.

9.7	HCC Herts Archaeology	No objection, subject to conditions
1 st Consultation Response		
At this time we do not have enough information about the proposed development or the impact it will have on overarching site. The Design & Access Statement (March 2025) and Heritage Statement (March 2025) submitted with the application does not offer a sufficient assessment of the direct, below ground impact the proposed development will have on the historic environment, only focusing on the above ground heritage assets. Given that the proposed development site should be regarded as having the potential to contain heritage assets with archaeological interest (NPPF para 207), we believe a Desk Based Assessment, at a minimum, should be produced by an appropriately experienced and recognised heritage and archaeology practice. We, therefore, advise that an Archaeological Desk Based Assessment and Geophysical Survey be undertaken, in order to provide sufficient information about the significance of heritage assets that may be affected by the development. This work should be carried out prior to determination of the application. The results of these assessments would determine whether any further archaeological work would be deemed necessary, either prior to the determination of the application, or following planning consent, should such consent be granted.		
2 nd Consultation Response		
As requested, the applicant has submitted a desk-based assessment, produced by HCUK, which considers below ground impact the proposed development will have on the historic environment. We largely agree with the conclusions made within the desk-based assessment, however, we do still believe there is archaeological potential on the site. Due to concerns raised by the applicant in regards to access onto the site we recommend that the geophysical survey previously advised to be carried out prior to determination can be secured via condition, along with an archaeological evaluation via trial trenching targeting its results. 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. A geophysical survey of the development area, prior to any development commencing; 2. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing; 3. 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;		

4. 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;

5. 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.

Please do not hesitate to contact me should you require any further information or clarification.

9.8	HCC Herts Footpath Section	No response received to date
9.9	HCC Herts Growth and Infrastructure Unit (Adult Care Services)	No objection, contributions requested

I am writing to Three Rivers District Council to set out Hertfordshire County Council's position in relation to the above-named site.

It is our understanding that the site is being proposed for 60 units of market housing with care with associated communal facilities, although it is unclear from the Planning Needs Assessment whether the proposal will include the availability of CQC registered care onsite should a resident require it. Although the importance of onsite care is mentioned throughout the document, the proposed scheme states that the provision of care 'will be flexible and adaptable as required, with support available 24 hours a day, should this be necessary'.

Policy Position

The county council's current policy for older people's housing is to seek the provision of Housing with care at 65 units per 1,000 head of population aged over 75, Nursing Care at 45 units per 1,000 head of population aged over 75 and Residential Care at 20 per 1,000 head of population aged over 75.

These figures reflect the county council's policy to support a general increased provision of specialist housing. This also echoes the national government position which seeks to emphasise the key importance of the provision of housing for older people, as well as the findings of the Older Persons Housing Taskforce.

A report published on the 26 November 2024 by The Older Persons Housing Taskforce stresses the need for age-friendly and dementia friendly housing to be built to ensure that older people can live with dignity, independence, and wellbeing in their later years.

- The county council seek to reduce the reliance on residential care in most instances with a strategy of reducing this provision and steering it towards housing with care which is suitable for both low, medium and high levels of care. This type of housing ensures that the most appropriate and enabling environment is provided, allowing residents to stay within their own homes throughout their lifetime, including those who develop dementia, whilst also allowing general needs housing to be released back into the market. As such, the county council are particularly supportive of additional provision of this type where there is an established need for it and where it accords with the definition set out in the Planning Practice Guidance:

Extra care housing or housing-with-care: This usually consists of purposebuilt or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.

- The county council are also supportive of the provision of very specialist accommodation such as nursing and dementia care.

Need

The county council have undertaken an assessment of need for all types of accommodation in each local authority and based on an expected population growth in those aged over 75 of 13,512 people by 2042, have identified a future need of 857 units of housing with care (188 to be affordable), 284 nursing care beds and a surplus of 202 residential care beds. On this basis alone, the county council would support either housing with care or nursing care at this development, however these figures are dependent on the delivery of other similar schemes that may come forward sooner.

While this provides a mathematical assessment of need based on certain assumptions other real-world evidence such as vacancy rates, waiting lists and rate of sales/lettings can also indicate demand (or lack of) for specialist housing for older people and should be a consideration for the council. Equally, a mathematical surplus does not suggest that the existing provision should be automatically reduced. Evidence of vacancy rates and sales/letting rates may often be a sign of the age and/or quality of accommodation and should be a consideration for the council.

Other Considerations

- To ensure that specialist housing schemes meet the definitions set out within the PPG, particularly in relation to on-site care and support, the county council would encourage the LPA to secure provision through an appropriate planning obligation or condition. The county council have drafted template S106 wording for this purpose.
- The county council would encourage the LPA to ensure that any provision of specialist accommodation includes an element of affordable housing or offsite contribution. With any off-site contribution to be used towards alternative affordable specialist housing schemes.
- The county council would like the right of first refusal to be exercised through an option to take transfer of the land to enable the delivery of nursing care.
- The county council look more favourably on accommodation in sustainable locations and those that provide a range of facilities on site. It should have access (ideally within 500m) to public transport links and community facilities such as a GP surgery and shops. It would also benefit from providing a range of social and communal facilities, to ensure delivery of a high standard of accommodation. A full list of facilities and recommendations can be found in the county council's Service Provision and Placemaking Guide.
- To ensure, wherever possible, that communities are suitable for a range of ages, larger strategic developments should seek to include an element of specialist housing for older people. The county council would also encourage a range of typologies, built form and tenures at a more local level and would broadly support any diversification of supply particularly where there is an identified need and where very specialist accommodation is included
- The council should encourage the redeployment of any surplus stock to other tenures or levels of care in the first instance.
- The county council would also encourage the council to seek as much development to be built to M4(2) standards as possible, as well as seeking an element of M4(3), to ensure accommodation is better equipped to respond to changing needs. Although it is recognised that the provision of both affordable housing and M4(2)/M4(3) compliance have ramifications to a site's viability

The county council in principle supports this application but would like certainty on the onsite provision of CQC registered care and suggest that this is secured through an appropriate planning obligation or condition.

9.10	HCC Herts Growth and Infrastructure Unit (Adult Care Services)	No objection subject to obligations.
I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 256 dwellings, 1 x 4 bed childrens home and 60 housing with care units we would seek financial contributions towards the following projects		

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	38	20
3	50	28
4+	8	5
Total	96	53

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	33	18
2	37	20
3	0	0
4+	0	0
Total	70	38

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	0	86	86	85	0	0

PLEASE NOTE: The above development mix is based on a policy compliant mix discussed with the planning officer and the tenure details provided within the application form. If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought.

Secondary Education Contribution towards the delivery of a new secondary school at Carpenter's Park and/or provision serving the development (£1,942,832 (which includes land costs of £38,442) index linked to BCIS 1Q2024).

Special Educational Needs and Disabilities (SEND) Contribution towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£362,609 index linked to BCIS 1Q2024).

Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development (£26,033 index linked to BCIS 1Q2024)

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 £420 (adjusted for inflation against RPI January 2024). 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. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".

Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: Planning obligations and developer infrastructure contributions | Hertfordshire County Council In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms. Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission." The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.
- (ii) (Directly related to the development. The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.
- (iii) Fairly and reasonably related in scale and kind to the development. The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

9.11	HCC Herts Ecology	No response received to date

9.12	HCC Herts Highways	Objection

1st Consultation Response

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: REASONS AND COMMENTS
Objections are raised against approval of this application for the following reasons:

- i. No audit has been provided on the quality of cycling and walking routes in the vicinity of the proposed development. The sustainability of the proposal has therefore not been properly evaluated. This is considered contrary to paragraphs 109-118 of the NPPF and Policies 1, 5, 6, 7 and 8 of Hertfordshire's Local Transport Plan, 2018.
- ii. The lack of bus services in the vicinity of the site has not been addressed. This further questions the sustainability of the proposal. This is considered contrary to paragraphs 109-118 of the NPPF and Policies 1, 5, 6, 7, 8 and 9 of Hertfordshire's Local Transport Plan, 2018.

- iii. Trip generation, distribution and assignments provided in the TA are not acceptable. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- iv. No safety audit has been provided in respect to the two proposed new accesses. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- v. No assessment has been made on the impact of the development on street trees. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- vi. The TA does not provide a gradient profile for the proposed new road onto the A4008. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- vii. Visibility splays from the junction are not provided in the TA. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- viii. The proposed access onto the A4008 is considered contrary to policy 5(f) of HCC's Local Transport Plan, 2018.

Background

The application is for outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters). A Transport Assessment (TA) has been provided to support the application. As noted in the TA, HCC provided pre-application comments to the applicant earlier this year. These comments included the recommendation that "a scope for the TA is agreed with the highway authority prior to its preparation as part of its pre-application process". This was not however taken up by the applicant and no scope for the TA was agreed. It is noted that the TA includes an "Illustrative Masterplan" for the site. No commentary is provided on this. This would be a matter for consideration as reserved matters post any approval of the current Outline application.

Policy

Relevant policy considerations include the NPPF and HCC's Local Transport Plan (LTP) 4 (2018). LTP 4 Policy 1 (Transport User Hierarchy) considers that "To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two-wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs.

LTP 4 Policy 5 (Development Management) states that:

'The county council will to work with development promoters and the district and borough councils to:

- a) Ensure the location and design of proposals reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand.
- b) Ensure access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the county council's Highway Design Standards.

- c) Consider the adoption of access roads and internal road layouts where they comply with the appropriate adoption requirements and will offer demonstrable utility to the wider public. Where internal roads are not adopted the county council will expect suitable private management arrangements to be in place.
- d) Secure developer mitigation measures to limit the impacts of development on the transport network, and resist development where the residual cumulative impact of development is considered to be severe.
- e) Require a travel plan for developments according to the requirements of 'Hertfordshire's Travel Plan Guidance'.
- f) Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.
- g) Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users.
- h) Ensure new developments provide facilities for charging plug-in and other Ultra Low Emission vehicles, as well as shared mobility solutions such as car clubs.

HCC LTP Policy 6 seeks to address accessibility. Policies 7 and 8 address walking and cycling respectively with policy 8 seeking a step change in cycling. Policy 9 seeks to promote and support bus services to encourage reduced car use.

Hertfordshire's Place and Movement Planning & Design Guidance was formally adopted in 2024 as a supporting document for HCC's Local Transport Plan.

Site

Oxhey Lane (A4008) is considered to be a P2/M2 road under P&MPDG, albeit this is queried by the applicant in the TA. It is categorised as a Main Distributor Road. It has street lighting and a 40mph speed limit. The TA states that "northbound 85th percentile speeds range from 34.4mph to 40.0mph, and southbound between 34.6mph and 41.3mph" with southbound and northbound 85th percentile speeds of 37-38 mph at the Automatic Traffic Counter (ATC 1) situated just south of Carpenders Avenue.

A public right of way – footpath Bushey 025 – starts opposite Carpenders Avenue in Oxhey Lane and provides a link to Merry Hill. Separate comments will be provided by HCC's Rights of Way team. Section 3.8 of the TA details casualty data in the area for the last five years one involving a cyclist. Two serious and two slight injury incidents are noted. Two incidents involving injury took place in Carpenders Avenue, and two in Oxhey Lane.

The TA states that "The two serious PIAs were both caused by driver error. One of these involved a speeding vehicle travelling east on Carpenders Avenue over the brow of a hill, and crashed into a vehicle heading west as they did not react in time due to irresponsible speeds. The other serious PIA occurred when a driver failed to look properly when pulling out of Carpenders Avenue onto Oxhey Lane, resulting in sudden braking of a motorcyclist and a collision." The TA further notes that "there does not appear to be any existing highway safety concern close to the site, that the proposed development traffic would be exacerbating".

The site is about 1km from Carpenders Park railway station which has shops including a supermarket and pharmacy in its vicinity. Buses currently route via Carpenders Park railway station as indicated below.

Carpenders Avenue which links the site to the railway station is identified as a Key Walking Route in the LCWIP for this area.

Sustainability

Table 3.3 and Image 3.5 sets out the location of local facilities including a post office and food store at 800 metres. The applicant however appears not to have carried out a formal audit of the quality of local routes for cycling and walking in the vicinity of the site. This is a standard

requirement for larger developments of this size. There are various methodologies for such an audit. HCC would not seek to be prescriptive in this respect. HCC's P&MPDG states "An example of good practice is the Active Travel Zone methodology developed by TfL."

The TA does reference the LCWIP identification of Carpenders Avenue as a key walking route with a suggestion of this being a potential planning obligation. It does not however provide any information on what it regards as necessary interventions in this respect. As noted below any such obligations need to be considered as Strand 1 obligations (HCC Guidance on Planning Obligation refers).

In respect to public transport, the TA notes that Carpenders Park railway station is about 1km from the site. It also notes that "the nearest bus stop is circa 700m." HCC's P&MPDG states an expectation all occupied parts of development should be within 400m walking distance of a bus stop or transport hub by public walking route". The TA does not address this shortfall in bus accessibility.

In summary, the TA is considered inadequate in assessing the sustainability of the site. It does not provide a formal audit of the quality of cycling and walking routes in the vicinity of the site. The TA also notes excessive distances to access bus services but offers no possible interventions to address this. This is considered contrary to paragraph 118 of the NPPF which states a requirement for a "vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored." It is also contrary to Policies 1, 5, 6, 7, 8 and 9 of HCC's Local Transport Plan 2018. An objection is raised in this respect.

To assist the applicant in their consideration of the bus stop accessibility HCC's bus service team has noted a possible way of addressing bus service provision related to the proposed development. This might be useful for the applicant to consider. They have suggested a service to complement Service 328 from South Oxhey to Watford, extending it to the new site. The new service could operate from the site via A4008 and B4542 down to Prestwick Road, then via a variation of the current 328 into Watford. There could be an option of extending this up to Watford Junction. This is offered as one possible solution for the applicant to consider. Alternative proposals are welcomed and will be considered by our public transport team.

Access

A vehicular access is proposed directly onto the A4008. As noted above Policy 5(f) of HCC's Local Transport Plan 2018 states that HCC as HA will "Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals". In this respect the proposal was considered by HCC's Strategic Transport Infrastructure Board (STIB) on 5 March 2025. The view of STIB was that on the basis that this site does not have Local Plan designation it should not be deemed to have special circumstances at the current time.

The TA states that "this policy must be taken in the context of the NPPF, whereby developments should be assessed against the four key tests as noted above." Paragraph 2.4.1 of the TA states that "The NPPF identifies four key transport tests which can be summarised as follows:" This includes "Will the site layout comply with design guidance?". In this respect, Hertfordshire's Place and Movement, Planning & Design Guidance, 2024, clearly references policy 5(f).

The TA does not set out any special circumstances. An objection is therefore raised as the applicant has failed to demonstrate special circumstances; the application for an access onto the A4008 is therefore considered contrary to policy 5(f) of HCC's Local Transport Plan, 2018.

In addition to the above, an emergency service access into the site from Oxhey Lane is proposed to the south of the existing care home.

No road safety audit (or Designer's Response) has been provided. This is contrary to advice provided at pre-application stage and contrary to HCC's P&MPDG. This is a necessary

requirement. For this site, the TA also notes departures from standards in respect to intervisibility, which raises specific safety concerns.

The pre-application comments also drew especial attention to the need to consider whether any street trees would be affected by the applicant's proposal. This appears not to have been addressed in the TA. HCC's street tree strategy is located here: <https://www.hertfordshire.gov.uk/media-library/documents/highways/plans-and-strategies/highway-tree-strategy-and-guidance-document.pdf>

Visibility splays from the proposed new junction are also not provided in the TA.

The gradient profile of the proposed new road onto the A4008 has not been provided.

Modelling of the proposed new junction arrangement is provided in the TA. The methodology for the trip generation, distribution and assignment for the proposed site was not agreed with HCC. The methodology used in the TA is not considered acceptable for the reasons stated below. The modelling is therefore regarded as premature.

It is noted that Hertfordshire's Fire Service have provided separate comments on the proposed accesses and have not raised any issues at this stage.

Trip generation, distribution and assignment

The TA does not use the national standard trip data-base, TRICS, to provide a predicted number of trips by car. The TA justifies this by stating that "the site is unique in that it is not within the Greater London boundary, yet it has access to a regular London Overground service linking it to key destinations within Central London and Watford. There are very few sites within TRICS database with similar characteristics, and therefore a representative level of multi-modal trip rates may not be obtained from any multi-modal TRICS outputs."

It is not accepted that the site's location c.1km from a London Overground station "but not in London" makes this a unique site. Neither is it accepted that there are no TRICS sites with similar characteristics. It is noted that the railway line in question became a London Overground station in 2007 and prior to that offered a service to the capital like many other railway lines radiating out from London, which is still its function. The TA does not state why the change of this line from a "Silverlink" service to a "London Overground" service makes the applicant's site "unique" or excludes an exercise in identifying sites with similar characteristics. As noted, HCC as highway authority encouraged the applicant to engage with it on the scoping of the TA prior to its preparation. This was not pursued by the applicant.

The TA goes further in its claim for the unique status of this site stating (in paragraph 6.4.1 that "the excellent public transport connections are of a different character to sites outside Greater London" requiring "bespoke multi-modal trip rates for this site." The suggestion of "excellent public transport connections" is not though established in the TA. The railway station at 1km from the site entrance is in excess of 800 metres, a distance often defined as the distance for a "Walkable Neighbourhood". Bus services are currently not available within the 400 metres detailed in HCC's P&MPDG. It is difficult to see how the applicant considers the site to have "excellent public transport connections". Reference to "excellent public transport" is often aligned to a PTAL rating of 6. If the applicant is making this specific claim, evidence should be provided to support this.

The "unique" status of this site claimed by the applicant is not considered as an acceptable basis for not deriving multi-modal trip rates from the industry standards TRICS database.

For noting, the trip generation set out in the TA pursues a route whereby total trips are derived from TRICS sites and then applying a TEMPro for modal split and trip purpose data. The view of HCC as highway authority does not accept a departure from the standard process of establishing vehicular trips directly from TRICS on the basis of proximity of a London Overground station.

Further, the use of 2011 Census Journey is still considered to offer the best means of considering Journey to Work data, once account is taken of developments since 2011 and planned developments. The basis for dependence on what the TA terms “bespoke” multi-modal trip rates is not accepted.

The applicant should provide trip generation figures based on a methodology agreed with HCC as highway authority. The applicant might wish to validate this against their TEMPro and National Travel Survey approach.

Paragraphs 7.55 – 7.59 and Table 7.3 indicate the basis for trip distribution proposed by the applicant. This should be validated against traffic counts available showing trip distribution for traffic entering and leaving Carpenders Avenue which provides a hyper-local view of likely trip distribution.

Travel Plan

A Framework travel plan has been submitted as part of the planning application. This has been assessed by HCC's travel plan team. Initial comments are provided below. At this stage the framework travel plan is not considered acceptable.

The team notes that there is no mention within the Travel Plan or Transport Assessment of improvements to bus accessibility – either infrastructure or services. The closest bus stop is 700m away (according to the Travel Plan) which is over the recommended accessibility criteria that we use. Discussions with our Integrated Passenger Transport Unit should take place to ascertain suitable measures to improve bus accessibility and attractiveness at the site. Without improvement, Travel Plan targets may not be achieved. Whilst there is a rail station within walking/cycling distance this only provides access to destinations accessible via the rail network.

This Travel Plan is good in some areas, although will require more detail and clarity before we can approve, in particular in relation to duration of the residential Travel Plan, management structure for the residential Travel Plan and any other on-site Travel Plans, and greater clarity over targets, monitoring frequency, methods and plan review.

Individual Full Travel Plans will need to be produced for the residential element and also for the housing with care. No. of beds is not given for the children's home but that will require a Travel Plan Statement if it has between 30-50 beds and a Full Travel Plan if over this.

Detailed comments on the draft framework travel plan follows:
Travel Plan Management

- Travel Plan Co-Ordinators will be required for each Travel Plan. Contact details of the Travel Plan Co-Ordinator and that of a secondary contact in case of personnel changes should be made available to HCC on appointment. Time allocated to role and frequency on site should be given once known.
- A residential Travel Plan is expected to be in place until 5 years post full occupation, 5 years from first occupation for C2 land uses.
- Detail should be given as to the management structure – eg land use specific Travel Plans with their co-ordinators and a site-wide Travel Plan Co-Ordinator with overall responsibility for delivery of Framework Plan, and a mechanism for these individuals to liaise with each other and relevant stakeholders – eg a forum/steering group where site-wide issues can be discussed.
- We require a statement of management commitment from a suitable member of senior management - this demonstrates commitment to the robust implementation of the Travel Plan. This should be provided prior to occupation of the site. Measures
- These are generally appropriate and should be further tailored to the land use in question when individual Travel Plans are prepared.

- We require provision of residential travel vouchers (see paragraph 4.14-4.15 p13 of our Travel Plan Guidance (see www.hertfordshire.gov.uk/travelplans) to the value of £50 per flat, £100 per house (index-linked to RPI from May 2014). These ideally should be redeemable against multiple sustainable modes to maximise uptake (public transport and cycle equipment is mentioned in the Travel Plan but not walking equipment). Vouchers towards bus services should be discussed with our Integrated Passenger Transport Unit. We would also expect discounts to be made available as measures within the C2 land uses in any individual Travel Plans for those uses (eg Cycle to Work scheme, season ticket loans).
- Promotion of our Intalink website for bus information (<https://www.intalink.org.uk/>), our cycling webpages (<https://www.hertfordshire.gov.uk/services/health-in-herts/keep-active/hertfordshire-cycling.aspx>), and Hertfordshire Health Walks (<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-management/hertfordshire-health-walks/hertfordshire-health-walks.aspx>) should be included.

Targets, monitoring and action plan

The vision for trip reductions from the site (5.1.2) only applies to trips associated with local schools and commuting, whilst the target that is given later within the same section (5.1.4, 5.2.8 and 5.2.11) - a 10% reduction does not specify particular trips. Modal shift proposed is on a par with what we would require - we require a min 10-15% mode shift (percentage change) for a Travel Plan in place for 5 years. However targets and measures should apply to all trips. We acknowledge that there is greater potential for mode shift in certain trip types than others given opportunities at the site – this is true of all sites.

Text about monitoring frequency is muddled with some paragraphs appearing to suggest annual monitoring, others alternate year monitoring and from different start points. The Action Plan is clearer, but only suggests traffic survey in alternate years, questionnaires annually for 5 years, and a monitoring report in years 1,3, and 5. We will accept the suggestion of monitoring starting at 50% occupation, but do require annual TRICS SAM standard monitoring and questionnaire surveys for a site of this scale. We often find that questionnaires to not achieve a high response rate.

Traffic counts if done as well provide a more adequate level of data on which to review the measures and targets. Review of the Travel Plan will be required annually.

HCC will seek Support and Evaluation fees of £6,000 index linked by RPI to May 2014 for both travel plans, i.e. a total index linked figure of £12,000.

Planning obligation

Planning obligation in respect to travel plans are noted above.

Three Rivers District Council has adopted a CIL. Any additional planning obligations would therefore need to be Strand 1 obligations. This could potentially include measures to address the quality of local walking and cycling routes including measures along the “Key Walking Route” and bus service improvements. None of these issues have yet been evaluated by the applicant.

Conclusion

Objections are raised against approval of this application for the following reasons:

- No audit has been provided on the quality of cycling and walking routes in the vicinity of the proposed development. The sustainability of the proposal has therefore not been properly evaluated. This is considered contrary to paragraphs 109-118 of the NPPF and Policies 1, 5, 6, 7 and 8 of Hertfordshire’s Local Transport Plan, 2018.
- The lack of bus services in the vicinity of the site has not been addressed. This further questions the sustainability of the proposal. This is considered contrary to paragraphs

- iii. - iv. - v. - vi. - vii. - viii.	109-118 of the NPPF and Policies 1, 5, 6, 7, 8 and 9 of Hertfordshire's Local Transport Plan, 2018. Trip generation, distribution and assignments provided in the TA are not acceptable. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. No safety audit (or Designer's Response) has been provided in respect to the two proposed new accesses. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. No assessment has been made on the impact of the development on street trees. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. The TA does not provide a gradient profile for the proposed new road onto the A4008. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. Visibility splays from the junction are not provided in the TA. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. The proposed access onto the A4008 is considered contrary to policy 5(f) of HCC's Local Transport Plan, 2018.
HCC as highway authority recommends that the planning application is not approved for the reasons detailed above.	
2nd Consultation Response	
Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: REASONS AND COMMENTS HCC highway comments were provided on 6 August 2025. It was recommended that planning permission be refused. The reasons were summarised as follows: i. No audit has been provided on the quality of cycling and walking routes in the vicinity of the proposed development. The sustainability of the proposal has therefore not been properly evaluated. This is considered contrary to paragraphs 109-118 of the NPPF and Policies 1, 5, 6, 7 and 8 of Hertfordshire's Local Transport Plan, 2018. ii. The lack of bus services in the vicinity of the site has not been addressed. This further questions the sustainability of the proposal. This is considered contrary to paragraphs 109-118 of the NPPF and Policies 1, 5, 6, 7, 8 and 9 of Hertfordshire's Local Transport Plan, 2018. iii. Trip generation, distribution and assignments provided in the TA are not acceptable. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. iv. No safety audit (or Designer's Response) has been provided in respect to the two proposed new accesses. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored. v. No assessment has been made on the impact of the development on street trees. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led	

- transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- vi. The TA does not provide a gradient profile for the proposed new road onto the A4008. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- vii. Visibility splays from the junction are not provided in the TA. This is considered contrary to paragraph 118 of the NPPF which requires a vision-led transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- viii. The proposed access onto the A4008 is considered contrary to policy 5(f) of HCC's Local Transport Plan, 2018."

A "Response to HCC Comments" dated 9 September 2025 has now been received. This is referred to as the "Response document" below. Comments are provided below on each point raised.

i. Audit of walking and cycling routes

The Response document notes that the TA provided "an overview of the walking and cycling routes between the site and local facilities" and now provides in Appendix B "a more detailed walking and cycling audit."

The audit examines three routes:

Route 1 – To St. Meryl School & Little hearts pre-school

Route 2 – To bus stops on By The Wood

Route 3 – To Carpenders Park station and South Oxhey local centre

The results of the audit suggest potential improvements which include:

- Installation of tactile paving at uncontrolled crossing points along Carpenders Avenue, Foxleys, The Mead and Gibbs Couch.
- Footway widening into existing grass verges on Oxhey Lane to ensure that the footways are wide enough to walk two side-by-side.
- Resurface existing footways on Oxhey Lane and Carpenders Avenue to improve accessibility and comfort.

The Response document however refers to making a contribution to "support necessary active travel improvements through a Section 106 contribution". This is not accepted. If potential improvements identified in the audit are considered "necessary" to support the development they should be secured against any planning approval as a "Strand 1 obligation" by way of an appropriate planning condition.

The applicant states that it would welcome the opportunity to discuss improvements with HCC. This appears to be a useful way forward. HCC would welcome a meeting with the applicant and the LPA.

ii. Lack of bus services

The TA claimed a unique status for this site stating (in paragraph 6.4.1) that "the excellent public transport connections are of a different character to sites outside Greater London". HCC comments noted that the nearest train station was in excess of 800 metres from the site. It was also noted that there are no bus services available within 400 metres (contrary to Part 1, Chapter 5, paragraph 7.9 of Hertfordshire's Place & Movement Planning Design Guidance). Specifically, the train station is approximately 1050 metres from the proposed entrance to the site and the nearest bus stops are at about 700 metres away. HCC highway comments therefore challenged the applicant's consideration of the site as having "excellent public transport connections".

In respect to bus services, the Response document states that “It is acknowledged that there are opportunities to uplift the level of bus accessibility in the local area, and that a service to complement the existing number 328 service may be beneficial for future residents of the site”.

HCC’s public transport team propose a new service - to complement Service 328 - from South Oxhey to Watford, and extending it to the new site. This new service would operate from the site via A4008 and B4542 down to Prestwick Road, then via a variation of the current 328 route into Watford. There would be the option of extending this up to Watford Junction. An hourly service should be achievable with two vehicles, at an estimated annual cost of £350k.

HCC is therefore seeking an index-linked Strand 1 financial contribution of £350k per annum for a period of five years totalling £1,750k. This would need to be secured by a Section 106 agreement.

In addition, provision would be required for new bus stop infrastructure. HCC’s public transport team has identified a need for a pair of new stops outside the site to support the potential new service and future proof the site. These would serve both new residents and the nearby care home. They suggest a location between the islands along Oxhey Lane to facilitate safe crossing. It would be useful if the applicant could look at their potential placement by way of a plan. They note the infrastructure that would be sited at each bus stop as follows:

1. **Carpenders Park, Oxhey Lane, Carpenders Avenue**
 - Kassel kerb
 - Bench (*Gladstones*)
 - RTI bus stop pole with RTI screen (*Journeo*)
 - Bus cage
2. **Carpenders Park, Oxhey Lane, opp Carpenders Avenue**
 - Kassel kerb
 - Bench (*Gladstones*)
 - RTI bus stop pole with RTI screen (*Journeo*)
 - Bus cage

To address accessibility, minor improvements are also recommended at the two existing bus stops below:

1. **Carpenders Park, By the Wood, Upper Hitch (21803900)**
 - Kassel kerb required.
2. **Carpenders Park, By the Wood, opposite Upper Hitch (21802940)**
 - Kassel kerb required.

HCC would also seek to secure the bus stop infrastructure proposals detailed above by way of planning condition.

iii. Trip impact assessment

The TA stated that “Multi-modal trip rates have not been directly obtained from the industry standard

TRICS database. This is because the site is unique in that it is not within the Greater London boundary, yet it has access to a regular London Overground service linking it to key destinations within Central London and Watford. There are very few sites within TRICS database with similar characteristics, and therefore a representative level of multi-modal trip rates may not be obtained from any multi-modal TRICS outputs.” And further noted “the excellent public transport connections.”

This was refuted in HCC’s comments dated 6 August 2025, which stated that:

"The TA goes further in its claim for the unique status of this site stating (in paragraph 6.4.1) that "the excellent public transport connections are of a different character to sites outside Greater London requiring bespoke multi-modal trip rates for this site." The suggestion of "excellent public transport connections" is not though established in the TA. The railway station at 1km from the site entrance is in excess of 800 metres, a distance often defined as the distance for a "Walkable Neighbourhood".

Bus services are currently not available within the 400 metres detailed in HCC's P&MPDG. It is difficult to see how the applicant considers the site to have "excellent public transport connections".

Reference to "excellent public transport" is often aligned to a PTAL rating of 6. If the applicant is making this specific claim, evidence should be provided to support this."

The Response document does not seek to support the previously stated "excellent public transport" by means of an established assessment methodology. As noted in previous HCC comments the site would not be considered by HCC to have excellent public transport connectivity. Rather, there is a need to consider necessary public transport improvements as detailed under "Bus services" above.

In respect to trip impact assessment, paragraph 4.1.7 of the Response document states that "the multi-modal TRICS data in Table 4.1 has been used to assess the level of trips arising from the proposed development." Paragraph 4.1.5 of the Response document notes that the TRICS assessment has been updated due to an update being available from TRICS. The residential sites chosen in the updated list are detailed in Appendix D of the Response document. This lists 22 sites all at "Edge of Town" locations. "Edge of Town" appears to be an appropriate location indicator. For the Housing with care and childrens' home, Table 4.5 in the Response document reproduces Table 6.8 in the TA. Table 4.6 of the Response document shows the total peak hour vehicle flow based on the TRICS assessment.

The Distribution and Assignment detailed in the TA was also questioned by HCC. A simpler "hyper-local" assessment of trip distribution was suggested by HCC to act as - at least - a comparator to the figures derived in the TA. This has been presented in paragraph 4.2.4 of the Response documents and shows fairly close correlation to the previous distribution - reproduced in paragraph 4.2.3 of the Response document. Paragraph 4.2.7 notes that the "distribution of development traffic has been updated to reflect these changes and has been subsequently fed into an updated set of operational assessments."

The revised trip matrices have been applied to the LINSIG model used in the initial assessment. The outputs are summarised in Table 4.9 (without vision) and Table 4.10 (with vision).

The results of the modelling show that all arms operate within capacity - well below a "Degree of Saturation" of 90% which would signify that the junction was nearing capacity. The results of the modelling are considered acceptable.

iv. Safety audit

The Response document provides a Stage 1 road safety audit and a Designer's Response. Ten "Problems" are identified. HCC's road safety team have been requested to review the documentation. It is expected that their examination will be completed shortly. Further comments will then be provided.

v. Trees

The Response documents states "HCC identified a mature oak tree to the north of the proposed site access location. This is identified as T1 in the Tree Protection Plan provided by ACD Environmental

Ltd along with the Root Protection Area (RPA) of the tree. The plan was submitted with the application along with an Arboricultural Impact Assessment. ACD have reviewed the site access against the access design and identified the footway would lead to 2.22% incursion into the RPA.

This is a small incursion which could be mitigated through appropriate construction methods.”

This satisfactorily addresses the issue raised by HCC highways.

vi. Gradient profile

The applicant’s Response document states that “The detailed alignment of the access road is not determined at this stage as the application is in outline”.

In order to determine that the access can be constructed at the intended location, the gradient of the access road into the site is considered a material consideration at Outline stage. The Response document states that: “the initial 15m of the access road has been designed with a 4% gradient in line with Design Manual for Roads and Bridges (DMRB)” and “The remainder of the access could be designed at a gradient of 6% in accordance with DMRB or 5% in accordance with HCC design guidance.”

This confirms that an HCC condition for maximum gradient of 1 in 20 can be applied to the proposed main access road into the development.

vii. Visibility splays

The Response document confirms visibility splays are provided in their drawing no. ITL200107-GA-002 Rev E which has been updated plan to show the visibility splay from the proposed new access road. As noted in iv above the road safety audit team will be reviewing the documentation, including the road safety audit and Designer’s response which would include visibility issues. This view should be provided shortly.

viii. Policy 5(f)

As noted in HCC comments dated 6 August, 2025, “A vehicular access is proposed directly onto the A4008. Policy 5(f) of HCC’s Local Transport Plan 2018 states that HCC as HA will “Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals”. In this respect the proposal was considered by HCC’s Strategic Transport Infrastructure Board (STIB) on 5 March 2025. The view of STIB was that on the basis that this site does not have Local Plan designation it should not be deemed to have special circumstances at the current time.”

HCC maintains its objection in this respect. It is noted that the Response document states that “...if development is acceptable in this location whether through a LP designation or a planning application that would constitute special circumstances.” It is acknowledged that the LPA will need to consider policy 5(f) against this and other considerations.

Conclusion

The documentation including the road safety audit and Designer’s response is to be reviewed by HCC’s safety team. These will be provided as additional comments shortly.

The applicant has proposed a meeting with HCC highways and the LPA. This is welcome and should allow any outstanding matters to be addressed.

9.13	HCC Herts Waste and Minerals	No objection subject to conditions

Minerals

In relation to minerals, the site falls entirely/partially 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. Whilst the site falls

within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisation concerns.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development. The National Planning Policy for Waste (October 2014) sets out the following: 'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

The supporting documents to this application make no reference to the adopted 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). The Executive Summary of the Sustainability and Energy Statement notes that a SWMP will be prepared prior to commencement of the project. The county council welcomes this commitment.

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 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)

9.14	HCC Healthy Places	No objection

We are pleased to see that you have carried out a rapid HIA for the above proposal. The Health Impact Assessment has been quality assessed using the WHIASU Quality Assurance Review Framework (2017). The findings are detailed in this section. They have been broken down into four headings:

1. Clarifications required; 2. Strengths; 3. Weaknesses; and 4. Revisions required

Clarifications required

1. Who was involved in the scoping of the HIA?

2. Strengths

- The HIA report acknowledges the positive, negative, and neutral impacts of the proposed development and provides clear recommendations to reduce negative impacts. The report has confirmed that the recommendations will be implemented by planning condition and s106 planning obligations.
- The type of HIA is appropriate and proportionate to the scale and nature of the proposed development.
- The HIA refers to HCC's Health Impact Assessment Position Statement.
- The HIA considers the wider determinants of human health and refers to other technical evidence reports and statements submitted with the planning application which relate to identifying the impacts on the wider determinants of health.
- The HIA includes a description of the proposed development and information on the surrounding area. This includes access to existing services and amenities from the site, including schools, shops and public transport.
- The WHIASU methodology has been used to carry out the HIA.
- The WHO definition of health has been used in the HIA.
- The HIA has considered the health of the existing population of the surrounding areas and has identified vulnerable groups using the checklist provided.
- The report refers to a range of data sources to inform the assessment.
- The HIA report references National Planning Policy Framework, National Planning Practice Guidance, Health and Social Care Act 2012, Three Rivers Local Plan, and the Hertfordshire Health and wellbeing Strategy.
- The report includes a section which provides a local health profile for Three Rivers.
- The HIA considers the construction and operational impacts from the proposed scheme.
- The HIA considers monitoring the set of health recommendations.
- Report is clearly structured with subheadings.
- The HIA report includes assumptions and limitations

Weaknesses

- The Three Rivers District Council Health and Wellbeing Strategy and Three Rivers Climate Change Strategy has not been referenced in the HIA

The points included under 'weaknesses' have been included in our feedback for your consideration, which you may wish to address to improve the overall quality of the HIA report. Thank you again for consulting HCC Public Health on your HIA for this proposal. We are pleased with the outcome of this report and that recommendations will be implemented through planning conditions and s106 agreements.

9.15	HCC Water Officer	No objection subject to condition / obligation
Hertfordshire Fire and Rescue service (hydrants only) will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service.		
This is to ensure there are adequate water supplies available for use in an emergency, at all times.		
9.16	HCC Lead Local Flood Authority	Objection

Thank you for your consultation on the above site, received on 26 June 2025, for an outline planning application. We have reviewed the application as submitted and wish to make the following comments.

It is understood that the outline application is seeking planning permission for access only, with all other concerns to be dealt with at the reserved matters stage. The proposed development is mixed-use to include the provision of up to 256 new homes, some sheltered accommodation and a children's home.

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to:

- The development is at risk of fluvial flooding from a Main river and also surface water flooding generated from runoff from land.
- Potential increase in flood risk as a result of the development and its proposed drainage scheme.
- We advise that you as Local Planning Authority, ensure that this application passes the Sequential Test. A Sequential Test for this application has been submitted and is stated to 'pass'. However, we do not believe that the sequential test has been adequately completed.
- The development is not in accordance with NPPF, PPG, National Standards for Sustainable Drainage Systems (June 2025) or Three Rivers local policies including Policy DM8 – Flood Risk and Water Resources and Policy DM9 – Contamination and Pollution Control.

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 LLFA concerns are adequately addressed. A summary of concerns has been indicated below, however, ALL concerns to be addressed have been detailed in a separate checklist document which should be reviewed alongside this letter.

- 1) The FRA and drainage strategy are in direct contravention with the new National Standards for Sustainable Drainage (June 2025) as no measures are in place to ensure the minimum 5mm of rainfall interception is achieved and source control measures are not duly considered.
- 2) The FRA also does not adequately meet the water quantity, quality, biodiversity and amenity requirements. The drainage strategy proposed relies upon a traditional 'pipe to pond' scenario, with no SuDS management train indicated on the drainage strategy.
- 3) There is a significant surface water flow path running through the site. The illustrative masterplan indicates that buildings will be located in this surface water flow path. The existing extents of flooding for both present day and climate change scenarios should be presented in context with the site's boundary. As this flow path is likely generated from land within the site's boundary, this flow path would not be present postdevelopment as it is assumed that rainfall and surface water will be captured and formalised within the provided surface drainage infrastructure. The applicant should address this and confirm evidence for mitigation within the proposals.
- 4) A Sequential Test has been undertaken by the applicant for which the applicant believes to 'pass'. However, we do not consider that the sequential test has been properly applied, and further consideration is required.
- 5) There are concerns that the FRA has not adequately addressed all source of flood risk including but not limited to the Hartsbourne Stream Flood Storage Area, reservoir, sewer, groundwater and historic flooding.

- 6) The drainage location hierarchy has not been followed. Infiltration as a source of surface water disposal has been discounted without undertaking any infiltration testing. In addition, rainwater harvesting has not been fully considered.
- 7) The southern part of the site is proposed to discharge to Hartsbourne Stream (main river) however there is no evidence of agreed access provided. The northern part of the site is proposed to discharge to a surface water sewer on Carpenders Avenue but no agreement in principle from Thames Water has been provided.
- 8) Emergency vehicular access lies outside of Flood Zones 2 and 3, but within an area of low surface water flood risk. Access to wider health and welfare facilities should be addressed.
- 9) Some simulations have used FSR rainfall rather than FEH13/FEH22 data. CV values of 0.75 have been used. We require a CV value of 1 to be used.
- 10) Modelling calculations have only been provided for the critical 1% AEP plus 40% climate change. Drainage calculations for all storm durations and return periods (e.g. 100%, 50%, 3.33% plus 35% climate change, 0.1% AEP) must be provided. Freeboard levels have not been considered and the FRA's calculated QBAR has not been met based on the simulations provided, thus proposals currently exceed greenfield rates and would therefore increase flood risk off-site. It is also uncertain if 10% urban creep has been applied to the simulations.
- 11) Causeway Flow calculations have applied an additional 20m³ /ha of storage to each storage structure. This should be set to 0m³ /ha.
- 12) Current attenuation calculations are considered to be underestimates and thus it is not confirmed if the site can accommodate the actual required storage.
- 13) Greenfield discharge rates within the submitted documents are inconsistent and are believed to be too high. These should be reviewed and clarified. Greenfield volume calculations have not been undertaken or evidenced.
- 14) The FRA does not consider which adoption authorities could adopt each SuDS feature

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-and-environment/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.

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.

9.17	National Grid	No response received to date
9.18	Natural England	No response received to date
9.19	NHS England	No response received to date

9.20	Sport England	No objection
Thank you for consulting Sport England on the above application. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application. General guidance and advice can however be found on our website: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Par. 104 of National Planning Policy Framework (NPPF) is in accordance with local policies to protect social infrastructure and meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/ If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. NPPF Section 8: https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities PPG Health and wellbeing section: https://www.gov.uk/guidance/health-and-wellbeing Sport England's Active Design Guidance: https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design <i>Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.</i>		
9.21	Transport For London	No objection
Thank you for consulting Transport for London (TfL) on the above planning applications. The site is approximately 1050 metres east from Carpenders Park Overground Station.		

We would encourage the local planning authority to secure S106 or S278 contributions towards improvements to the existing walking/cycling route to and from Carpenders Park Overground Station and the site. I hope that these comments are helpful and will be taken into account when the section 106 Heads of Terms are drawn up and the applications are determined.

9.22	Thames Water	No objection, subject to conditions

Waste Comments:

Waste Comments: 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. 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 has identified that the existing SURFACE WATER network does not have sufficient capacity to support the proposed development. As such, we request that the following condition be attached to any planning permission granted: The development shall not be occupied until confirmation is provided that either:

1. All necessary upgrades to the surface water network to accommodate additional flows from the development have been completed; or
2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule.

Reason: Network reinforcement is likely to be required to support the proposed development. These upgrades are essential to avoid the risk of sewer flooding and pollution incidents.

If the Local Planning Authority considers this condition inappropriate or is unable to include it in the decision notice, it is essential to consult with Thames Water's Development Planning Department at Devcon.team@thameswater.co.uk before determining the application.

Please note where network modelling is required, Thames Water will need confirmation of outline planning permission, a development phasing plan, and evidence of land ownership to be submitted to devcon.team@thameswater.co.uk. Modelling can take 9-12 months to complete and will not commence until these have been provided.

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

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

Water Comments:

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.

9.23	The Ramblers Association	No objection

I have recently been sent a copy of the above Planning Application via the Ramblers, an organisation for which I am District Footpath Secretary for Watford and Three Rivers.

Having examined the documents involved, principally the geographical plans, I am pleased to see that the proponents are fully aware of the existence of Public Footpath 13, which continues eastward over the boundary into Bushey to join up with Merry Hill Road, and as such is a very important and well used Right of Way. And I note from the 'Illustrative Landscape Masterplan' that it is "...to be retained along existing alignment" (note 4).

So, on behalf of The Ramblers, I have no objection to this proposal. If for any reason there is any change of plan regarding this Right of Way, it would be in everyone's interest that we discuss it at the earliest opportunity.

9.24	TRDC Conservation Officer	No objection

The application is for Outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters).

An EIA screening request was submitted under reference 25/0021/EIA and a decision was issued on 27th January 2025, which stated that impacts on nearby heritage assets would be assessed at application stage.

The site contains a series of open fields and a Public Right of Way Footpath Bushey 13 and 025 which runs northeast to southwest across the northern part of the site. The site is on the boundary of two neighbouring districts, London Borough of Harrow and Hertsmere Borough Council. There are no designated heritage assets or locally listed heritage assets within the Site. There are several heritage assets in the wider area.

A Heritage Impact Assessment (HIA) has been submitted with the application. This has identified several heritage assets within the study area and found that no heritage assets were affected by the proposals due to a lack of visible or experiential connection. The HIA has provided an assessment of significance of the heritage assets below, including an assessment of the

contribution that their settings make, demonstrating that the Site has a neutral impact on their significance:

- A) Front Lodge to Oxhey Grange (List Entry Number: 1174337) 850 metres northwest of the site.
- B) Oxhey Grange (List Entry Number: 1101593) 700 metres northwest of the site.
- C) Grim's Ditch: Scheduled Monument section extending 1500yds (1370m) NE from Oxhey Lane' (List Entry Number: 1002044) 850 metres southeast of the site.
- D) Grims Dyke Grade II Registered Park and Garden (List Entry Number: 1001254) 850 metres southeast of the site. E. Grimsdyke, Grade II* Listed Building (List Entry Number: 1079676), 1.14km southeast of the site.

In relation to A and B, Oxhey Grange and the related front Lodge, the Site is over 700m away and there is no indication of a historic and/or functional link between them with the main setting of Oxhey Grange being within its private ground to the southwest, and to a lesser extent in open space to the east of Oxhey Lane. In addition, it does not appear that currently there are views between them and the Site. Based on this, the Site does not contribute to the significance of these heritage assets. Development as shown on the submitted illustrative plans, which would be set well to the south of the northern site boundary at height of 2-3 storeys would have a neutral impact on the significance of these assets.

Assets C to E are all located close together. Based on the lack of apparent historic relationship, relatively long distance and lack of visibility between these assets and the Site, the Site currently has a neutral impact on their significance. Development as indicated in the illustrative plans is likely to have a neutral impact on their significance. Assets C to E are all located partly or fully within Brookshill Drive and Grimsdyke Estate Conservation Area. External views to the north in the general direction of the Site are highlighted in the adopted Conservation Area Appraisal and Management Strategy. Due to the distances involved of approximately 2 kilometres, and related lack of visual connection as well as lack of apparent historic or functional connection it is considered unlikely that the proposal would have an impact on this Conservation Area. However, these assets are all in the London Borough of Harrow and it is recommended that a formal consultation is made to LB Harrow in relation to the application.

One asset in the wider study area that has not been individually assessed in the submission is 'Barn About 30 Metres North of Merry Hill Farmhouse' (List Entry Number: 1346914), which is a late seventeenth or early eighteen century timber framed barn. Tithe maps indicate land within the same ownership was in or adjacent to the Site, which indicates a historic, functional link. However, the related farmhouse has been demolished and is now surrounded by modern development, the Site no longer contributes to the significance of the barn, so no harmful impact has been identified. This listed building is in Hertsmere District, under Hertsmere Borough Council.

There are four Conservation Areas in Hertsmere District to the northeast of the Site: Bushey High Street Conservation Area, Melbourne Road Bushey Conservation Area, The Lake Conservation Area and Bushey Heath Conservation Area. In relation to Bushey High Street and Melbourne Road Bushey Conservation Area, views southwards in the direction of the Site are highlighted in the adopted Conservation Area Appraisal. In relation to the Lake Conservation Area and Bushey Heath Conservation Area, no relevant viewpoints are highlighted in the Design Guidance. Due to the distances involved of approximately 2 kilometres, and related lack of visual connection as well as lack of apparent historic or functional connection it is considered unlikely that the proposal would have an impact on these Conservation Areas, but it is recommended that formal consultation is made to Hertsmere BC in relation to the application.

Other heritage assets are shown in the HIA map but were similarly discounted for the distance from the Site and/or due to their relatively localised settings such as the Grade II listed 'London Coal Duty Marker On County Boundary Immediately Northwest of Burnt Oak Farm' and Grade II 'Stable In The Grounds of Melodies' both over 800 metres to the south of the site.

There is no objection to the proposal based on the submitted information, but it is recommended that consultation is made to the relevant neighbouring authorities. This response has been made regarding Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework 2024, the relevant chapter is 16 'Conserving and Enhancing the Historic Environment'.		
9.25	TRDC Environmental Health	No response received to date
9.26	TRDC Environmental Protection	Obligations would be required.
This development will require significant additional resources to implement and sustain scheduled collections of recycling, residual waste, food and garden waste. These cannot be absorbed within the exiting route structure so will require capital investment and ongoing revenue provision.		
9.27	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 through financial evidence that this is not viable. As a guide, the tenure split should be approximately 70% rented (of which 70% should be social rent and 30% affordable rent) and 30% affordable home ownership. The Local Housing Market Assessment (2024) 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 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 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 as the proposed 50% affordable housing, comprising 70% social rent and 30% shared ownership, on the basis that the size of dwellings provided fulfils our current requirements.		
9.28	TRDC Tree and Landscape Officer	Advisory comments
The direct impact on trees appears limited, with the main removals being areas of Blackthorn, that will have more of an ecological impact than arboricultural. The loss of grassland and removal of dead trees will also have a major ecological impact. I note it does not meet the meet the BNG mandatory net gain of 10%, and this can't be achieved on on-site. It does occur to me that there are number of development proposals in this area, and its all a bit piecemeal. It would be good if there was more of strategy for this area, and if they were to co-ordinate better, some land could be retained as open space, and for BNG. The indirect impacts on trees will need more consideration. I think we'll need more detail on the proposed landscaping around retained trees to understand whether they will be protected from future impacts, if the site is developed.		

9.29	TRDC Leisure Officer	Advisory comments (condition suggested)
		After full consideration of all of 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 in accordance with the National Planning Policy Framework: • Achieving Sustainable Development • Promoting Healthy Communities • Health and Wellbeing Officers would recommend the location of the proposed play area be reconsidered due to: 1. Lack of natural surveillance in this area, resulting in potential anti-social behaviour 2. Distance from the majority of proposed properties 3. The proposed site for the play area is on a slope. Consideration must be taken for the safety and accessibility issues for existing residents of Carpenders Park and new residents. Consideration of play provision that incorporates all ages e.g. SK8 park, scooter park, parkour and play area. Outdoor leisure equipment must conform to the following standards: i. Playground Equipment & Surfacing – BS EN 1176 & 1177 ii. MUGA's (Multi Use Games Areas) – BS EN 15312 – Free Access Multi Sports iii. Skate Parks – BS EN 14974 – Roller Sports Equipment iv. Outdoor Fitness Equipment – BS EN 16630 v. Parkour Equipment – BS EN 16899 4. 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) 5. 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). 6. Provision of sustainable active travel to support an active lifestyle, such as being bike friendly. 7. 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. 8. Please consider vehicle access for maintenance of any leisure areas. 9. Operator signs for any leisure areas will need to be included for reporting of maintenance or reparation issues. 10. A full Risk assessment of any leisure equipment should be considered. 11. A RoSPA report or assessment should take place of any proposed play and/or leisure equipment. 12. 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.
13. 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 play area document designs have been submitted to and approved in writing by the Local Planning Authority after consultation with Three Rivers District Council's Leisure Team in addition to ongoing maintenance schedules and a programme of implementation.**

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.

9.30	TRDC Planning Policy / Local Plans	Advisory comments
The proposal relates to the development of up to 256 residential dwellings, housing with care, a children's home and associated works. The application site is located wholly within the Metropolitan Green Belt. 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 eastern boundary of the Secondary Centre of Carpenders Park) and is not previously developed land. The development would result in the net gain of up to 256 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 256 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”.

Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class. The LNHA expresses the need under two scenarios. The first scenario is based on the Housing Learning & Information Network’s (SHOP@) modelling assumptions. The second scenario is an Enhanced Extra Care scenario which aligns with Hertfordshire County Council’s Strategy to more strongly develop the provision of specialist housing, particularly for extra care (assisted living), as an alternative to providing care home bedspace (which is expected to reduce future needs for residential care accommodation). The proposal would contribute to meeting this need.

The Local Housing Needs Assessment (LNHA) also considers the need for children’s home spaces typically within a C2 Use Class and estimates a notable need for 24 spaces over the period 2024 – 2041. The proposal would contribute to meeting this need.

The site adjoins a small section of a Local Wildlife Site to the south. 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.*

9.31	TRDC Transport and Parking	No response received to date
9.32	WBC Environmental Health (Commercial)	No objection
I have reviewed the information supplied and the conclusions. 11.3 Air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the site. 11.4 The assessment has demonstrated that the emissions from the additional traffic generated by the proposed development will have a negligible impact on air quality conditions at all existing receptors along the local road network. 11.5 The overall operational air quality effects of the proposed development are judged to be 'not significant'. Based on the information supplied we are satisfied that there is no need for further conditions relating to air quality from the operations stage of the development. The TRDC Environmental Health Team would normally review the construction controls proposed.		
9.33	Watford Rural Parish	Objection
Watford Rural Parish Council has reviewed the above application and submits this formal objection on behalf of residents in Carpenders Park Ward, who will be directly and significantly affected by the development. This application is unacceptable in principle and practice, conflicting with local and national planning policy and placing an unsustainable burden on local infrastructure. 1. Inappropriate Development in the Green Belt The application site lies entirely within the Metropolitan Green Belt. Under the National Planning Policy Framework (NPPF 137–151), inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. This proposal fails to demonstrate such circumstances. The development would: - Cause substantial harm to openness through built form, lighting, and urbanising infrastructure - Represent urban sprawl, eroding the strategic gap between Carpenders Park and surrounding settlements - Be premature, as the site is not allocated for development in the adopted or emerging Local Plan The application is therefore fundamentally contrary to Green Belt policy. 2. Highways Safety, Parking Pressure, and Congestion The proposed access onto Oxhey Lane presents significant safety risks, especially near existing bends and junctions. The Transport Assessment fails to account for: - Traffic impacts on Little Oxhey Lane, Prestwick Road, and through to Watford - Inadequate visibility at the proposed access junction - Lack of protected facilities for cyclists and pedestrians, especially near schools Moreover, the proposal worsens an existing local transport challenge: - Carpenders Park train station has insufficient parking provision, leading to overspill into surrounding residential streets such as Delta Gain and Little Oxhey Lane.		

- These roads already suffer from congestion, obstructed driveways, and road safety issues, particularly at school times.
- Introducing 256 additional homes will significantly intensify vehicle movements and parking demand near the station.

The proposal is therefore unsafe, unsustainable, and contrary to Policy CP10 and DM13.

3. Landscape and Visual Harm

The submitted LVIA (Landscape and Visual Impact Assessment) admits to adverse effects from key viewpoints, particularly from Oxhey Lane and Attenborough Fields.

- The area serves as a green buffer separating Carpenders Park from Watford.
- The proposed development would significantly urbanise this rural edge, introducing built form inconsistent with the open landscape character.
- The Parameter Plan shows dense blocks with limited vegetative screening. The proposal is visually and environmentally harmful, contrary to Policy CP12 and NPPF 174.

4. Ecology and Biodiversity Impact

Despite submitted assessments, the application poses risks to local biodiversity:

- Loss of semi-improved grassland, hedgerows, and mature trees used by nesting birds and foraging bats
- Biodiversity Net Gain calculations rely on off-site mitigation with no delivery mechanism or binding legal commitment
- No comprehensive habitat creation or long-term management plan This undermines NPPF 180 and Local Plan Policy DM6, which require demonstrable **gains for biodiversity**

5. Flood Risk and Inadequate Drainage Strategy

The Flood Risk Assessment (FRA) and Drainage Strategy raise several concerns:

- Sloping topography increases surface water runoff potential toward lower-lying land
- Reliance on infiltration basins and attenuation ponds lacks viability testing
- No clear commitment to Sustainable Drainage Systems (SuDS) beyond indicative proposals.

The development risks increasing flood vulnerability downstream and is non-compliant with Policy DM9 and NPPF 167.

6. Heritage and Local Character Impact

The Heritage Statement provides insufficient consideration of:

- Impacts on the setting of Oxhey Grange and historic landscape views
- Visual and character harm to Carpenders Park's semi-rural fringe.

There is no design evidence that respects the local identity, pattern, or scale of development in Carpenders Park. This is contrary to Policy DM1 and NPPF 130.

7. Infrastructure Pressure – Schools, Health and Services

The application significantly underestimates the pressure this development will place on local services and infrastructure:

Education

- The only local school, St Meryl Primary, has limited capacity (240 pupils) and is already near full.

- There is no secondary school in Carpenders Park; local children rely on facilities in Bushey and South Oxhey, many of which are oversubscribed.
- The development would increase pressure for places, without contributing school expansion.

Healthcare

- Attenborough Surgery, the sole GP practice in Carpenders Park, already operates at near capacity.
- No evidence is provided of additional provision or coordination with NHS services to absorb the increased population. Public Transport and Parking
- As noted in Section 2, Carpenders Park Station lacks adequate parking, causing spillover and obstruction on surrounding streets.
- Increased commuter population will exacerbate this issue. Other Services
- The application provides no analysis of:
 - Utility capacity (water, sewerage, electricity)
 - Play space, parks, or community infrastructure
 - Waste and recycling capacity for increased households

Conclusion: The scale of the proposal is incompatible with the current and planned capacity of local services. It is contrary to Policy DM1 and CP2 and places an unsustainable burden on infrastructure.

8. Summary and Recommendation

Watford Rural Parish Council urges Three Rivers District Council to refuse planning application 25/1020/OUT on the following material grounds:

1. Inappropriate Green Belt development with no very special circumstances
2. Unsafe and unsustainable highway access, and station-related parking pressures
3. Adverse landscape and visual impacts on Carpenders Park's rural edge
4. Unacceptable biodiversity losses and mitigation shortfalls
5. Inadequate drainage and flood risk strategy
6. Harm to heritage setting and local character
7. Overdevelopment incompatible with local infrastructure capacity

This site is not allocated in any adopted plan and should not be brought forward in isolation, absent coordinated strategic planning and infrastructure investment.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision.

9.34	Woodland Trust	Objection
Please find a summary of the Woodland Trust's comments below, followed by further detail and advice. Our comments are based on a review of the information provided in the planning application. We are an evidence-led organisation, using our policy and planning expertise to assess impacts of development on ancient woodland and veteran trees. Summary The Trust objects to this application, in its current form, due to the deterioration of multiple veteran trees Details on the trees of concern are outlined in the table below, including the tree numbers provided within the arboricultural information submitted as part of this application.		

Tree No.	Species	Categorisation	Impact
T21, T23, T26, T27	Common Oak	Veteran	Deterioration due to: - encroachment on the root system and rooting environment - significant development surrounding the tree
T41, T64, T66	Common Oak	Veteran	Deterioration due to encroachment on the root system and rooting environment
T53	Common Oak	Veteran	Deterioration due to significant development surrounding the tree; potential encroachment on the root system and rooting environment
T68	Common Oak	Veteran	Potential deterioration due to encroachment on the root system and rooting environment

Veteran trees are irreplaceable habitats and should be protected from loss, deterioration or harm. Natural England and Forestry Commission have identified impacts of development on ancient and veteran trees within their standing advice (see Annex). This guidance should be considered Government's position with regards to development impacting ancient or veteran trees. The applicant should ensure that the proposed works will not result in any detrimental impact on veteran trees in line with paragraph 193(c) of the National Planning Policy Framework (NPPF) and Natural England's standing advice.

Impact on Veteran Trees Ten veteran trees have been identified within the Tree Survey. The development would introduce a considerable number of new dwellings and associated infrastructure in close proximity to nine of these trees and significantly alter the landscape they sit within. Whilst BS 5837 guidelines state that trees should have a root protection area of 12 times the stem diameter (capped at 15m), they also recognise the additional care and attention required to ensure the long-term retention of veteran trees. Paragraph 5.2.4 of the guidelines states, "particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development" and that "adequate space should be allowed for their long-term physical retention and future maintenance". Natural England and Forestry Commission's standing advice states: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone." **Works Proposed Within Root Protection Areas (RPAs)** Various forms of work are proposed within the RPAs of veteran trees, and we anticipate adverse impacts occurring to the affected trees during both the construction and occupational phases of the development. None of the veteran trees on site appear to have been given root protection areas calculated at 15 times the stem diameter. The impacts discussed below relate to works proposed within the 12x stem diameter RPA. If given 15x RPAs, there would be additional impacts to veteran trees across the site. For example, it is likely that an access road and drainage pipes would be within T21's RPA if calculated at 15 times the stem diameter, and a footpath and tree protection fencing would be within the 15x RPA of T68.

Built Infrastructure An access road is proposed partially within the RPA of T26. The plans also appear to show an area of hardstanding partially within the RPAs of T26 and T27. The surface water and foul water sewer pipes go through the RPA of T26, and the foul water rising main drainage pipe appears to be within the RPA of T23. These works have the potential to result in root severance and damage, soil compaction, disturbance within the rooting environment impacting existing soil structure and condition, soil contamination, and loss of available rooting area resulting in reduced water and nutrient availability for the trees. Cumulatively, these impacts are likely to affect the overall, and future, vitality of these trees and result in their long-term deterioration. We note that a 'no-dig' solution is proposed for the access road within T26's RPA. We would refer the applicant to sub-clause 7.4 (Permanent hard surfacing within the RPA) of the BS 5837:2012 which states that "This subclause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA". It is not appropriate to undertake construction work or propose new hardstanding within the RPA of a veteran tree. This is contrary to NPPF 193(c), Natural England and Forestry

Commission standing advice, and BS guidelines. All veteran trees on site should be afforded an un-encroached buffer zone in line with Natural England and Forestry Commission's standing advice, and no development works should be undertaken within this area.

Footpaths Footpaths are shown within the 12x RPAs of T23, T26, T27, T41, T64 and T66. Siting footpaths in close proximity to these trees will increase the human activity in their vicinity, which will in turn increase the need to manage the trees for safety reasons. Veteran trees typically feature significant deadwood habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken or fractured branches, trunk cavities and wounds. As they age, the trees will inevitably shed limbs and branches, presenting a risk to their surroundings. As such, the health and safety risks associated with these trees will change and result in a requirement for more intensive management. This will lead to a loss of habitat from sanitisation of such trees through removal of deadwood, as well as the potential for consequential decline or need for removal. Increased footfall will likely also impact the root systems and rooting environment around the trees, for example by reducing soil porosity and affecting water, oxygen, and nutrient delivery capability.

We note the plans label the footpath positions as indicative and state: "Will be aligned outside the RPAs of trees identified for retention. Where realignment not feasible then a 'nodig' surface solution will be utilised.". For veteran trees, we advise that 'no-dig' solutions are not appropriate and should not be considered - any works within the root protection areas of veteran trees is likely to affect their long-term vitality and future retention. All footpaths should be repositioned outside of the RPAs of the veteran trees on site to ensure the trees have adequate space within the development for future movement and growth, to protect the tree roots and rooting environment, and to reduce the risk of intensified management.

Tree Protection Fencing Tree protection fencing is shown within the 12x RPAs of T21, T23, T26, T27, T41, T64 and T66. This should be repositioned outside of the 15 times RPA buffer of all veteran trees to ensure they are afforded construction exclusion zones of an appropriate size, and to prevent adverse impacts such as ground compaction from vehicles or stockpiles occurring during construction.

Landscape Change The site currently consists of open grassland fields. The introduction of significant amounts of hardstanding has the potential to affect the quality and quantity of ground and surface water across the site and result in adverse hydrological impacts on the veteran trees. It may also result in the contamination/pollution of the rooting environment of the trees, for example from surface water run-off from roads. The applicant should demonstrate there will be no adverse hydrological impacts to any veteran trees on site as a result of the development.

Significant Development Surrounding Trees NE/FC standing advice is clear that 15 times the tree's diameter is the minimum buffer that should be afforded to veteran trees. Given the site context, we consider there are multiple veteran trees that will require larger buffers and additional mitigation measures to ensure they are not subject to deterioration as a result of the development. The proximity of built infrastructure will increase for all veteran trees on site, however there are some of particular concern. T23 will be closely bounded by housing with care to the west, and an access road and residential development to the east. T26 and T27 both have residential development proposed to the east and west and are closely bounded by a footpath on the eastern side. T26 also has an access road to the north. T21 and T53 both have substantial blocks of residential development to the north and south of them. The development will lead to a substantial change in the immediate environment of these trees, and they will become far more vulnerable within the landscape as a result. In addition to issues already discussed (soil compaction, root damage, intensified management etc.) we are concerned about the increased risk of accidental damage and vandalism to the trees. In the case of these trees, it is unlikely that the minimum veteran tree buffer will be sufficient to prevent adverse impacts occurring to the trees. We would advise that T21, T23, T26, T27, and T53 should be afforded larger buffer zones, and additional mitigation measures should be considered to prevent the long-term deterioration of these trees. Examples of measures which may be appropriate in this situation include knee-

high fencing around the buffer zone to prevent access; signage explaining the ecological importance and increased vulnerabilities of veteran trees; and a specific veteran tree management plan being included in the LEMP (ideally done by a specialist e.g. VET-cert arborist).

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 reasons⁷⁰ 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 development in its current form does not comply with national planning policy.

Conclusion Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. The Woodland Trust objects to this application on the basis of deterioration of multiple veteran trees. The applicant must demonstrate that all veteran trees on site will be appropriately protected from detrimental impact and harm in line with paragraph 193 of the NPPF. The applicant should provide un-encroached buffer zones for all veteran trees on site. If the minimum veteran tree buffer of 15x RPA is proposed, the applicant should provide clear evidence to demonstrate this will provide effective mitigation from anticipated impacts.

Adjoining districts / boroughs

9.35	Hertsmere Borough Council	Advisory comments

I refer to your adjacent authority consultation request received on 27th June 2025 in respect of application ref. 25/1020/OUT.

It is acknowledged that the application site is located within the Green Belt. The applicant has set out within their Planning Statement that the application site comprises grey belt and in their view would not be inappropriate development by virtue of compliance with NPPF paragraphs 155 and 157.

Referring to the guidance set out within the PPG on grey belt assessments, the application site may make a strong contribution to Green Belt Purpose a) (checking the unrestricted sprawl of large built up areas). Development along Oxhey Lane is almost entirely located on the western side of the road, which acts as a physical boundary for Carpenders Park. The proposed development would be sited on the eastern side of Oxhey Lane and therefore would lack physical features to restrict and contain development on the northern, eastern, or southern boundaries.

We suggest that the resulting development could appear as an incongruous pattern of development in light of the above context.

If this view is taken by the Case Officer, consideration of the applicant’s case for very special circumstances would be required. We offer no comment on this.

The above comments are made in the knowledge that they are a matter of planning judgement and that the case officer may be minded to take a different view. No other concerns are raised at this stage, subject to the Case Officer having regard to the comments made by statutory consultees and neighbours.

Therefore, Hertsmere Borough Council raises **no objections** to this application.

Three Rivers Council may therefore proceed to assess the application against their statutory development framework.

9.36 London Borough of Harrow

Objection

The Planning Policy Team recommends that the Council raise a formal objection to this proposal due to the factors detailed below:

- The Policy Team considers that parcel SO3 makes a significant contribution to purpose b and not a moderate contribution as indicated by the Three Rivers Stage 2 Green Belt assessment.
- The potential release/development of the application site will result in the expansion of intervening settlement between the former towns, along the A4008 that connects into Harrow and will significantly harm the visual and physical separation between these. Further, the application site has a sloping topography, which means development will have an adverse impact on the visual openness of the Green Belt across a wider area, including from areas within Harrow. Overall, it is considered the potential development of this site will have a significant impact on the contribution on purpose b, as it would result in physical or visual coalescence of towns and result in a reduced physical gap between them.
- Therefore, the Planning policy team do not consider that the application site meets the definition of Grey Belt included within the NPPF (2024), as it is considered the site strongly contributes the Green Belt purposes a, b of the NPPF.
- It is considered the proposed residential development on the application site would constitute inappropriate development that will be harmful to the Green Belt and that para 153 of the NPPF should apply for determining this. In line with this, the applicant would need to demonstrate very special circumstances for it to be permitted and demonstrate that the very high harm to the Green Belt and other harms is clearly outweighed by other considerations.
- Overall, the Policy team consider that the proposal should be regarded as inappropriate development and contrary to para 155 of the NPPF. This is due to factors such as the potential harm of this on the Green Belt purposes included within the NPPF and adverse impacts on the essential characteristics of the designation that are its openness and permanence.

Parking

- Concern re: potential to generate overspill, creating an impact back onto the Harrow highway network.
- Given the flow levels and the type of highway network immediately surrounding the development it is thought that the importance of containing overspill parking within the development is high.

Trip Generation

- The impact of the development's trip generation on Harrow's highway network will be minimal, given the proximity of the site from the boundary, and the barrier the strategic highway network will provide to the dissipation of trips into Harrow.
- The transport assessment has considered over bust trip right for the development which max. mises 100 vehicles during the AM peak these are two-way flows.
- No information has been provided to show how the development will impact on the junction of Oxley Lane and Uxbridge Road.

- The level of trip generation by the proposed development should highlight toward a signalised access.
- Without traffic modelling for the junction of Oxley Land and Uxbridge Road a recommendation for approval cannot be supported.

Cycle parking/usage

- The development has cycle parking facilities provided. The transport assessment highlights a number of sustainable facilities which can be used by cyclists accessing the development there is also some mention of upgrades to the to these facilities and the implementation of new facilities. Cycle parking looks to be of a convenient nature with the majority of large residential units containing within the back garden within designated facilities.

Access

- The proposed access is not signalised and is of a give way nature there is good visibility in both directions.
- Given the flows associated with the access it is thought that there should be some level of signalised junction proposed in association with the future development.
- The bottom access which provides entry for emergency vehicles and pedestrians should show some level of Highway makeup to ensure them emergency vehicles will be able to traverse through the access an into the development without the risk of bogging or getting stuck.
- The current access arrangement and detail is not suitable for the scale of development proposed for the site.

Construction phase

- The proposed CMP/CEMP considered the impact of the construction phase of the development on the surrounding highway network.
- The document will need to mitigate the developments impact on the immediately surrounding highway network (of Which LB Harrow are not the highway authority for) and further afield.
- It should be noted that the CMP (submitted with the application) should propose that no construction routes are on Harrow roads, with the majority of the routes keeping to the strategic highway network.
- Relevant construction related vehicles also meet CLOCS safety standard, as such vulnerable highway users have a suitable level of protection from dangerous vehicles in place.

Recommendation

Without detail relating to the access arrangements and traffic modeling for the Harrow strategic highway network, a recommendation for approval cannot be supported as no robust assessment of the developments impact on the Harrow highway network can be made.

Drainage Authority:

The proposals would not be acceptable to us. However, we are not convinced it would impact Harrow in any way.

Our detailed concerns:

- Firstly, CFS would be required for loss of floodplain. They claim that positive drainage will remove the risk (paragraph 4.10) but loss of floodplain should be restored.
- Secondly, sw discharge level should be restricted to a greenfield run-off rate of 5 l/s/ha max with total discharge at 27 l/s not 45 l/s as proposed.
- Thirdly, permeable paving should be used (even in clay) for all new hardstanding and laid on 250mm gravel layer minimum.

The Consultation Protocol agreed by the Association of London Borough Planning Officers agreed on 12 June 2008 sets out the requirements for notification by the determining Local Planning Authority. The Local Planning Authority (LPA) determining the application is responsible for notifying all those properties affected by the development and carrying out publicity in the locality. The Protocol outlines that if the determining LPA decides that properties in another London Borough are affected by the development and should be notified about it, the LPA are responsible for notification and publicity unless they agree alternative arrangements with a particular London Planning Authority.

RELEVANT POLICIES

When considering an application for planning permission or permission in principle, section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990) states that the decision-maker must have regard to the provisions of the Development Plan, so far as material to the application; whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The NPPF 2023 states that its content is to be a material consideration in the determination of applications. Guidance from the document emphasises that due weight should be given to the adopted policies of the Development Plan according to their degree of consistency with the 'NPPF' (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP]. The New Local Plan Proposed Submission (Regulation 19) Version (2021-2041) has now been through the required consultation stages and the LPA has considered all representations received. The New Local Plan Proposed Submission (Regulation 19) Version (2021-2041), along with all relevant supporting information, including representations received and any proposed modifications to the Plan, has been submitted to the Planning Inspectorate for Examination in Public. In general terms it is considered to have substantial weight in the determination of planning applications. Notwithstanding this, consideration of relevant New Local Plan Proposed Submission (Regulation 19) Version (2021-2041) policies and weight given are set out within this report, having regard to paragraph 49 of the NPPF 2024.

Planning Policy and Green Belt

Harrow Council objects to the development, on the grounds that the proposal is not considered to be acceptable with regard to, or comply with, the Green Belt provisions of the NPPF (2024). There are serious concerns regarding the harmful impact the development of this site will have on the openness and permanence of the Metropolitan Green Belt, as well as on the capacity of the existing infrastructure across the wider area, including within Harrow.

Site Location

The proposal is on a greenfield site in open countryside, consisting of farmland and is located outside of the built-up area of the settlement of Carpenters Park and within the existing strong Green Belt Boundary that is clearly defined by the A4008. Further, this site is located within a sensitive gap between the urban areas of Harrow, Bushey and Watford, near the areas of Hatch End and Pinner, and therefore makes a major contribution to the characteristic's openness and permanence of the Metropolitan Green Belt (para 142 of the NPPF).

Impact on the Metropolitan Green Belt

The NPPF (2024) emphasises that the determination of applications within the Green Belt should ensure substantial weight is given to any harm to this designation, including to its openness. It notes that inappropriate development, is by definition, harmful to the Green Belt and should only be approved in very special circumstances, which will not exist unless the potential harm to the Green Belt/other harms are clearly outweighed by other considerations (Para 153).

The NPPF (para155) sets out the policy approach for determining whether development would be inappropriate within the Green Belt and introduces a new concept of Grey Belt. This paragraph notes that development of homes, commercial and other development would not be inappropriate within the Green Belt if it "utilises grey belt and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan", as well as complies with all of the criterion included within this. The glossary of the NPPF (2024) defines Grey Belt Land 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".

We note the Three Rivers Stage 2 Green Belt Review (Part 2, page 349) was undertaken in 2019 and an update to this has been commissioned to ensure compliance with the NPPF (2024) and consider whether land would fall within the definition of Grey Belt, to inform their new Local Plan.

The Stage 2 Green Belt Review indicates the application site falls within Parcel SO3 South Oxey. This assessed the contribution this parcel makes to the NPPF Green Belt purposes and the potential harm of release/new development of this, to this designation. The key findings of this are.

Purpose (a): Check the unrestricted sprawl of large built-up areas. This parcel makes a significant contribution against this purpose, as it "lies on the edge of South Oxhey, which is contiguous with Greater London and forms part of the large built-up area. The A4008 and the landform provide strong distinction from the inset settlement edge and the parcel is open and uncontained therefore, development would constitute sprawl."

Purpose (b) - Prevent neighbouring towns merging into one another. This parcel makes a moderate contribution against this purpose as it "lies in the gap between Bushey and Pinner however, this is a relatively large and robust gap limiting the role of the parcel in maintaining separation."

Purpose (d) To preserve the setting and special character of historic towns. The Stage 2 Green Belt Review indicates the assessment of this purpose was not relevant, as it did not identify any historic towns that had a significant relationship with the Green Belt land and the historic aspects of a settlements setting.

Overall harm to the Green Belt:

The potential release of this will result in very high harm to the Green Belt purposes, as it would have a "significant impact on preventing urban sprawl (part a) as well as moderate impact on preventing the merging of settlements (Part b)". Further, it states it would result in a significantly weaker, less consistent Green Belt boundary than the A4008 by virtue of it representing an encroachment on the countryside (part c).The Green Belt study concluded that the parcel makes

a significant contribution to purpose c, as it “is undeveloped and uncontained, with strong distinction from the inset urban edge and a relationship with the wider countryside”.

While we generally agree with the findings of the Three Rivers Stage 2 Green Belt assessment of the contribution parcel SO3 makes to the NPPF purposes for this designation, Harrow considers that this parcel makes a significant contribution to purpose b and not a moderate contribution as indicated by this assessment. Based on the methodology set out in this assessment, the key reasons are that the application site is located within open countryside, outside of the existing built-up area of Carpender’s Park and forms a fragile gap between Hatch End and Pinner within the urban area of Harrow, and Watford. The potential release/development of the application site will result in the expansion of the intervening settlement between the former towns, along the A4008 that connects into Harrow and will significantly harm the visual and physical separation between these. Further, the application site has a sloping topography, which means development will have an adverse impact on the visual openness of the Green Belt across a wider area, including from areas within Harrow. Overall, it is considered the potential development of this site will have a significant impact on the contribution on purpose b, as it would result in physical or visual coalescence of towns and result in a reduced physical gap between them.

Therefore, we consider that the application site does not meet the definition of Grey Belt included within the NPPF (2024), as it is considered the site strongly contributes the Green Belt purposes a, b of the NPPF.

For this reason, it is considered the proposed residential development on the application site would constitute inappropriate development that will be harmful to the Green Belt and that para 153 of the NPPF should apply for determining this. In line with this, the applicant would need to demonstrate very special circumstances for it to be permitted and demonstrate that the very high harm to the Green Belt and other harms is clearly outweighed by other considerations.

On a separate note, were Three Rivers Council to accept the applicants’ view that their site is considered Grey Belt in line with the definition included within national policy, the balance of paragraph 155 of the NPPF (2024) will apply. In line with this, the proposal for residential and supporting uses on the application site would not be regarded as inappropriate development within the Green Belt, if the applicant can demonstrate compliance with the criteria a-d of this paragraph. The ‘In principle’ objections in relation to these are included below:

- 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.*

As noted above, it is considered that the potential development of the subject site will fundamentally undermine the purposes (taken together) of the remaining Green Belt because the application site will reduce the visual and physical sensitive gap, along the A4008 between the urban areas of Harrow, Bushey and Watford. It is considered to make a strong contribution to checking unrestricting sprawl of larger built area, preventing the merger of towns and encroachment of the countryside, as well as will result in a weaker Green Belt boundary. Due to this, the Three Rivers Stage 2 Green Belt review indicated the release of this site will result in very high harm to this designation.

- b) *There is a demonstrable unmet need for the type of development proposed.*

This is a matter for Three Rivers Council to determine if the proposal meets this requirement.

- c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.*

The above sections of the NPPF seek to ensure significant development is located within locations that sustainable or can be made sustainable, in order to reduce private vehicular use,

congestion and promoting the use of sustainable modes of transport for accessing local services, facilities. There are concerns in relation to whether the proposal that is of a significant scale will comply with these NPPF requirements. The key reasons are it is located on the edge of Carpender's Park that is categorised as a secondary centre that contains a limited range of facilities and services. This may result in the high reliance of private vehicular use for access day to day facilities, services. Further, it located off the A4008 and there are concerns whether this can be redesigned to be well linked/integrated to the existing built-up area of Carpender's Park. Further, the topography of the A4008 that has steep slopes may pose challenges to create safe, sustainable transport links with Carpenders Park. Harrow's Highways Authority would also address this matter.

- d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below*

In summary the golden rules for major housing development to include a sufficient level of affordable housing (. i.e. 15% higher than the highest existing affordable housing that is capped at 50% subject to viability), necessary improvement to local/national infrastructure, the provision of new/enhanced accessible green spaces.

The applicant planning statement indicates that the proposal will deliver 50% affordable housing (70% social rented housing and the remainder shared ownership) and new/enhanced green spaces. These are matters for Three Rivers Council to consider in detail.

In regard to ensuring the proposal is supported by new/enhanced infrastructure we note that the Three Rivers Draft Local Plan (Part 2) Reg 18 document (2021) indicates there is a need to identify a site to deliver a new secondary school to address the future pupil needs of Carpenders Park and surrounding areas. The applicant has not yet provided any evidence that this issue has been considered or will be addressed, in partnership with Hertfordshire County Council. Therefore, this application should be refused, until there is certainty in relation to the provision of a new secondary school or expansion of existing schools, either via the Local Plan or application process. Further, the applicant will need to demonstrate that the potential impacts of the development on the capacity of the existing infrastructure capacity within the wider areas such as Hatch End and Pinner have been adequately assessed and enhancements/new provisions (particularly public transport and highway, healthcare) are delivered (if necessary) to address additional needs and deliver sustainable development.

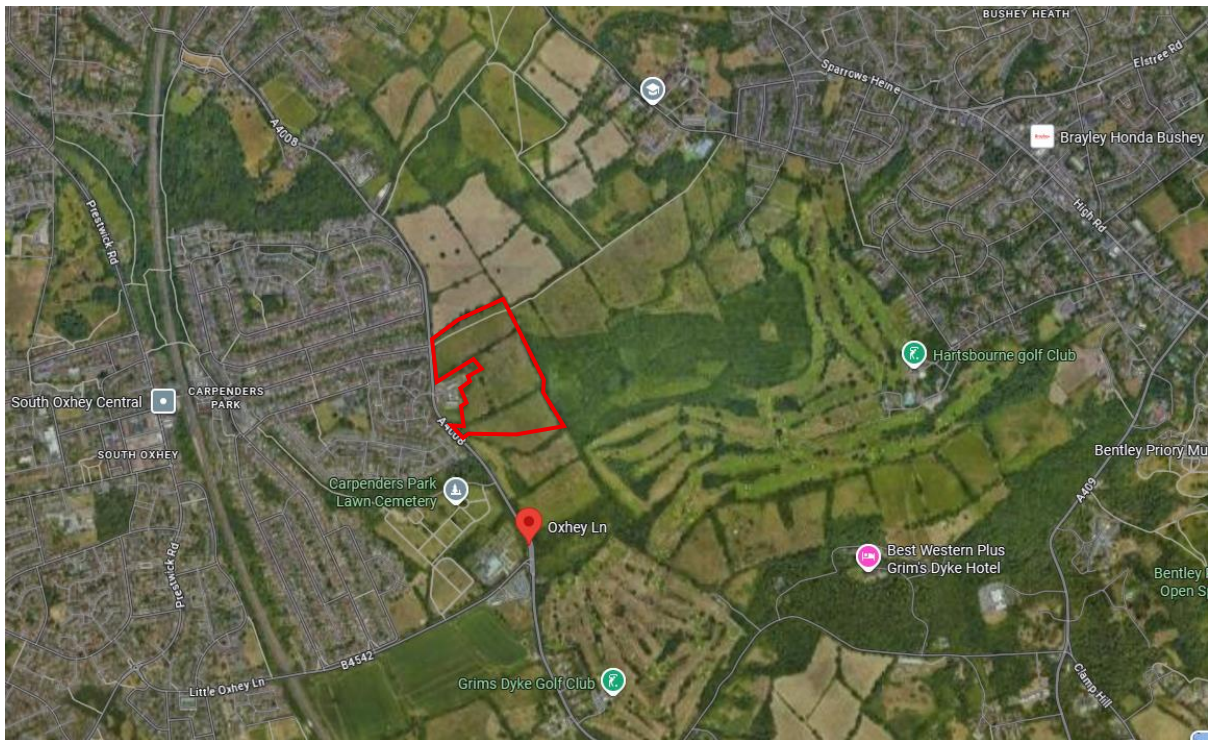
Conclusion

Overall, we consider that the proposal should be regarded as inappropriate development and contrary to para 155 of the NPPF. This is due to factors such as the potential harm of this on the Green Belt purposes included within the NPPF and adverse impacts on the essential characteristics of the designation that are its openness and permanence.

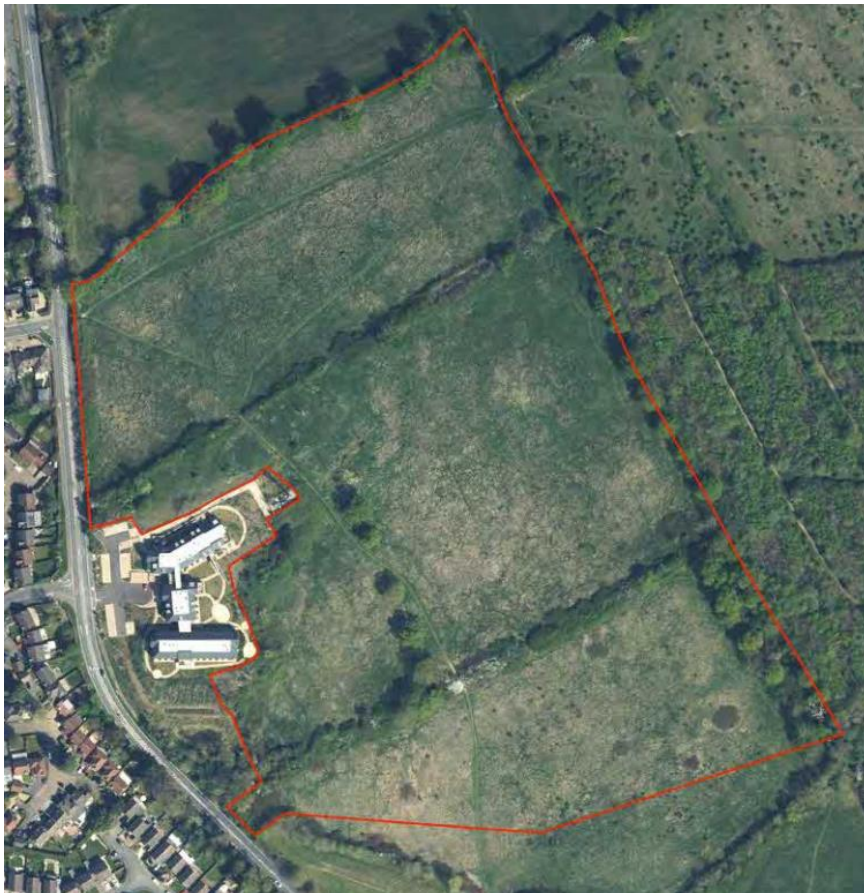
9.37	Watford Borough Council	No response received to date

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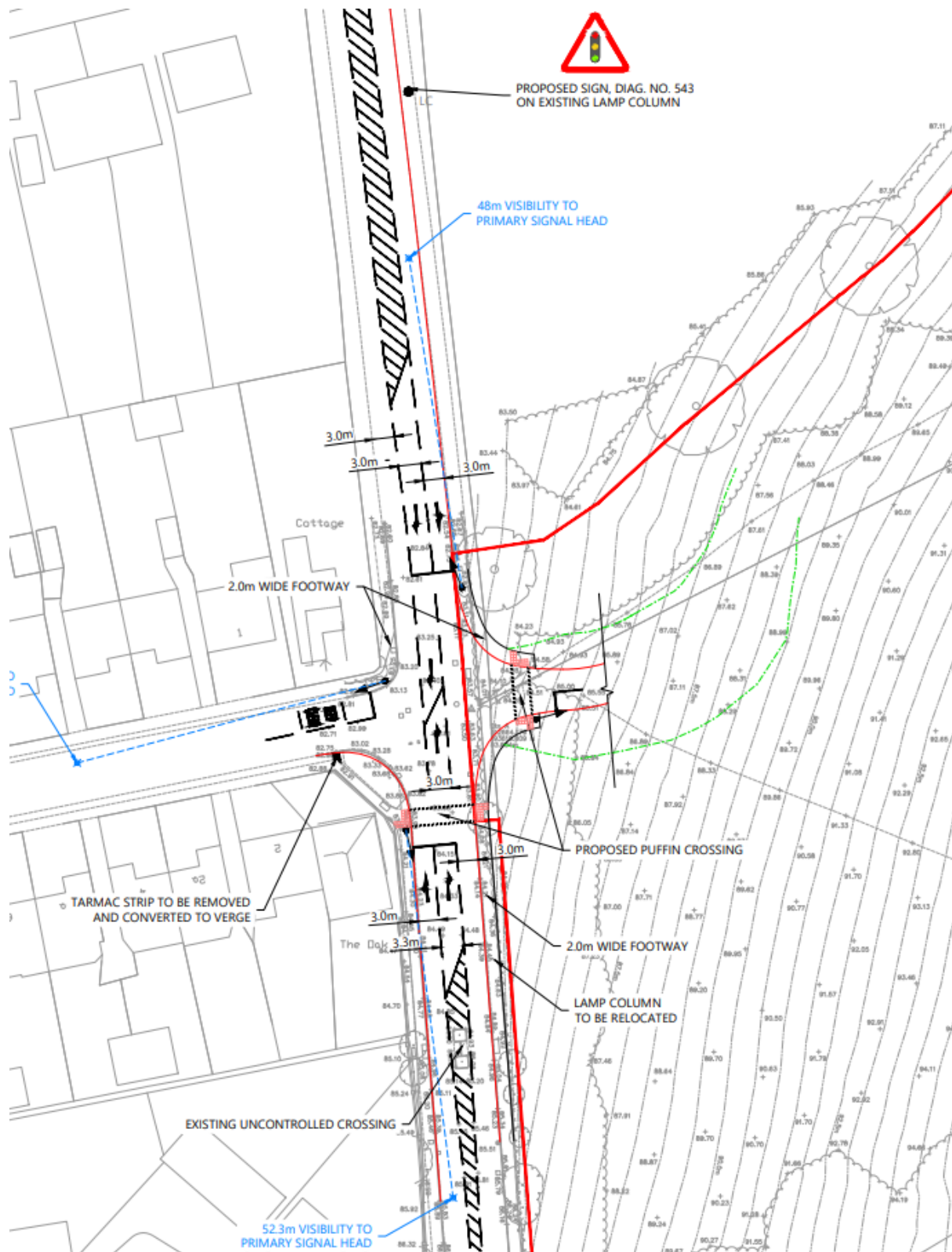
Illustrations and Photographs



Indicative location of site in a wider geographical context



Site Location provided within Design & Access Statement



Proposed signalised junction



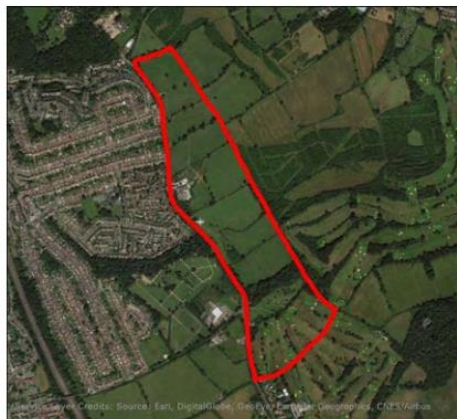
Parameter Plan



Landscape Masterplan



South Oxhey Parcel SO3



- Parcel
- Green Belt
- District Boundary
- Flood Zone 3b
- Local Nature Reserve
- Registered Parks and Gardens
- Scheduled Monument
- Ancient Woodland
- National Nature Reserve
- SSSI
- Common Land



0 0.6 1.2 km



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Left image

View from the A4008 south east across the parcel



Right image

View east from within the parcel

Parcel SO3 as taken from page 349 of Stage 2 Green Belt Assessment



Photo taken within 1st field parcel, north eastern corner of site looking towards Carpenders Park



Photo taken from within the 2nd field parcel looking south (direction of Harrow)



Photo taken of tree line belt within 2nd field parcel



Photo taken of telecommunications mast and Carpenders Park Care Home in the background



Photo taken of 3rd field parcel towards the south of the application site



Photo taken of Public Right of Way Footpath adjacent to the northern boundary



Photo taken of junction between Carpenders Avenue and Oxhey Lane



Photo taken within 1st field parcel (towards Oxhey Lane boundary) looking towards Carpenders Avenue

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PLANNING COMMITTEE - 23 OCTOBER 2025

25/1028/FUL – Erection of 20 dwellings (Use Class C3) with associated parking and landscaping, provision of new vehicular access to Church Lane and pedestrian link to public footpath at LAND REAR OF 76-78 CHURCH LANE, SARRATT, HERTS

Parish: Sarratt

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 11.09.2025

Case Officer: Claire Wilson

Extension agreed to 23.10.25

Application Type: Major Residential Development

Recommendation:

(1) Delegate to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA) and the inclusion of any conditions recommended by the LLFA and following referral to the Secretary of State and subject to them raising no objection, and following completion of a S106 Agreement (securing the affordable housing provision and a monitoring fee in relation to BNG) that Planning Permission is granted;

or (2) in the event that the LLFA maintain their objection, that Planning Permission refused on the grounds set out by the LLFA and in the absence of a S106 Agreement securing the above referenced contributions.

Reason for consideration by the Committee: This application has been called in to committee by Sarratt Parish Council. Their concerns are set out in full at paragraph 4.1.1 below.

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

[25/1028/FUL | Erection of 20 Dwellings \(Use Class C3\) with associated parking and landscaping, provision of new vehicular access to Church Lane and pedestrian link to existing public footpath. | Land Rear Of 76 To 78 Church Lane Sarratt Hertfordshire](#)

1 Relevant Planning History

- 1.1 21/2896/OUT: Outline Application: Construction of up to 20 residential dwellings (Use Class C3) with new access to Church Lane and proposed pedestrian link to existing public footpath. (appearance, landscaping, layout and scale reserved). **Application refused** for the following reasons:

The proposed development would not fall within any of the exceptions defined within paragraph 149 of the NPPF and thus would constitute an inappropriate form of development in the Green Belt. Furthermore, the development would result in a spread of urbanising development, thus resulting in actual harm to openness and would therefore fail to protect the countryside from encroachment, thus conflicting with the aims of Paragraph 138 of the NPPF. No very special circumstances have been presented which would outweigh the identified harm. Therefore, the development would be contrary to Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD

The proposed development of this site, as shown on the submitted site plan, would appear as an incongruous, and contrived form of development which would be significantly detrimental to the visual amenities of the wider area, the landscape character of the rural countryside and to the setting of the Chilterns Area of Outstanding Natural Beauty This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM7 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

The proposed development would fail to provide the tenure split for affordable housing as set out in Policy CP4 of the Core Strategy (adopted October 2011). In the absence of any supporting evidence, it has not been demonstrated why the proposed tenure split would be acceptable. Furthermore, in the absence of a S106 agreement, the provision of affordable housing has not been secured which would be contrary to Policy CP4 of the Core Strategy (adopted October 2011).

The proposed development would result in a net loss of biodiversity on site, and in the absence of a S106 agreement, compensation measures have not been secured to compensate for the loss of biodiversity which would be detrimental to the area. Consequently, the proposal fails to conserve, enhance or restore biodiversity and this would be contrary to Policy DM6 of the Development Management Policies LDD (adopted 2013).

In the absence of comments from the LLFA, the Local Planning Authority is not satisfied that an acceptable sustainable drainage strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted October 2013).

Appeal allowed July 2023.

2 Description of Application Site

- 2.1 The application site consists of a rectangular parcel of grassland located between and to the rear of nos.76-78 Church Lane, Sarratt and is located within the Metropolitan Green Belt.
- 2.2 Church Lane consists of mainly residential dwellings of varied scale and design, although it is noted that they are generally located on a linear building line fronting Church Lane. It is noted that there are some commercial buildings present within the wider area.
- 2.3 The land subject to the current application consists of grassland which does not appear to have a designated use at present. The land rises up from the front of the site at Church Lane towards the rear boundary. It is noted that there are a number of trees located within and immediately adjacent to the site which are covered by a Tree Preservation Order (TPO301). Beyond the rear boundary of the site is a public footpath (Sarratt 030) which runs from The Green to the north east, down to the south west. Sandfield Wood is located to the west of the site.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the erection of 20 dwellings (Use Class C3) with associated parking and landscaping, provision of a new vehicular access to Church Lane and pedestrian link to the public footpath.
- 3.2 The proposed development would be accessed via Church Lane. Alterations are proposed to the existing vehicular access to include a rearranged bellmouth access leading to a 5.5m wide access road.
- 3.3 The plans indicate that the development would be arranged in a cul de sac style layout with a turning head located to the rear part of the site. Plots 1-10 would front the internal access road. Plot 11 would front the turning head, with its front elevation facing towards the northern boundary. Plots 12-16 would be positioned at the top of the proposed turning head, fronting the turning head and Church Lane. Plots 17-18 would be located opposite plots 15 and 16, with their front elevations facing towards the northern boundary of the application site. Plots 19 and 20 would be located to the rear of Plots 17 and 18. The dwelling on Plot 20 would front the internal access road, whilst the dwelling on Plot 19 would front the proposed car

parking area and face towards Church Lane. The development would consist of a mix of terrace, semi detached and detached dwellings. There would be 10, 2 bedroom units, 6, 3 bedroom units, and 4, 4 bedroom units.

Plots 1 and 2: A pair of semi-detached dwellings. Cumulatively, these would have a maximum width of 10.8m and a maximum depth of 10.4m (including the bay window to Plot 2). The pair would have a maximum height of 7.9m. The plans indicate a gabled projection to the front elevation with the dwellings to be finished in a mix of dark cladding, brick work and stone.

Plot 1 would have 2 bedrooms.

Plot 2 would have 3 bedrooms.

Plots 3 and 4: A pair of semi-detached dwellings. Cumulatively, these would have a maximum width of 10.8m and a maximum depth of 10.4m (including the bay window to Plot 3). The pair would have a maximum height of 8.4m. They would be a similar design to the dwellings located on Plots 1 and 2. The plans indicate a gabled projection to the front elevation with the front elevations of the dwellings to be finished in a mix of dark cladding, brickwork and stone.

Plot 3 would have 3 bedrooms

Plot 4 would have 2 bedrooms.

Plots 5-7: A terrace of three dwellings. These would have a cumulative width of 15.4m and a depth of 9.3m. They would have a maximum height of 7.8m. The plans indicate that the front elevations of the dwellings would be finished with dark cladding, with storm style porches to the front elevation.

They would all be two-bedroom dwellings.

Plots 8-10: A terrace of three dwellings. These would have a cumulative width of 15.4m and a depth of 9.3m. They would have a maximum height of 7.8m. The plans indicate that the front elevations of the dwellings would be finished with dark cladding, with storm style porches to the front elevation. They would be of an identical design to the dwellings located on Plots 5-7.

They would be two-bedroom dwellings.

Plot 11: Detached dwelling. This would have width of 11.8m (including flank bay window) and a depth of 7.8m (including front bay windows). The dwelling would have a gable ended roof form with a height of 8.9m. The plans indicate that the dwelling would be finished with a mix of stone and brickwork.

This would be a four-bedroom dwelling.

The dwelling to be sited on Plot 11 would also have a detached, single garage which would be set back from the front elevation of the dwelling.

Plot 12: Detached dwelling. This would have a width of 7.3m, and a maximum depth of 14.5m including single storey rear projection.

The plans indicate that this dwelling would have a detached double garage located forward of the dwelling and would be located adjacent to the western boundary of the site. This would have a width of 6.1m, a depth of 6m and a hipped roof form with a height of 4.7m.

This would be a four-bedroom dwelling.

Plots 13-14: A pair of semi-detached dwellings. They would have a cumulative width of 11m and a depth of 10.3m. They would be gable ended with a height of 8.8m. The plans indicate that the front elevations would be finished in brick with storm style porches to the front elevations.

These would be three-bedroom dwellings.

Plot 15: Detached dwelling. This would have a width of 7.3m and a depth of 12.8m including single storey rear projection. It would have a pitched roof form with gabled feature to the front elevation. The plans indicate that the front elevation would be finished in a mix of brick and stone.

This would be a four-bedroom dwelling.

The block plan indicates that this dwelling would also have a detached, single garage, set back from the front elevation of the dwelling.

Plot 16: Detached dwelling. This would have a width of 7.1m and a maximum depth of 10m (including bay window to the front elevation). This would be gable ended to the flank elevations with a height of 8.6m. The plans indicate that the dwelling would be finished in brickwork.

This would be a four-bedroom dwelling.

Plots 17-18: These would be a pair of semi-detached dwellings. They would have a cumulative width of 11m and a depth of 10.3m and would be gable ended with a height of 8.8m. The plans indicate that the front elevations would be finished in brick with storm style porches to the front elevations. They would be of the same design as those dwellings to be located on Plots 13 and 14.

These would be three-bedroom dwellings.

Plots 19-20: These would be a pair of semi-detached dwellings. They would have a width across the front elevation of the dwelling on Plot 20 of approximately 10m. The building would have a cumulative depth of 10.9m. The plans suggest the front elevation of the dwelling on Plot 20 would be finished in tile hanging and brick work, with specific detail not provided in respect of Plot 19.

Both would be 2-bedroom dwellings.

- 3.4 Each dwelling would benefit from its own private amenity space. Allocated car parking would be provided and would take the form of parking forecourts, driveways and garages/carports. The plans indicate that a total of 45 car parking spaces would be provided (this also includes within single garages/double garages).
- 3.5 Located adjacent to Plot 11 would be an area of green space. Further, small pockets of soft landscaping are also proposed within the site. A new footpath link at the rear of the site to would be formed and link to public footpath no.SA30.

4 Consultation

4.1 Statutory Consultation

4.1.1 Sarratt Parish Council: [Objection]

Sarratt Parish Council (SPC) strongly object to this application on the basis that:

- The appeal (Appeal Ref: APP/P1940/W/22/3300083) for the outline application for this site (21/2896/OUT) was allowed in part due to the significant weight given to the fact that

all the proposed homes were to be affordable. This current application (25/1028/FUL) is now proposing 10 market and 10 affordable homes. This is a material change, and we believe means that this current application cannot rely on the permission gained by the outline permission. On that basis the current application is a standalone, separate and new application for something different and should be considered against local planning policies as a new standalone planning application.

- The current application does not include any community amenity which is typically required if the new homes are not all affordable.
- The mix of 2, 3 and 4 bed homes in the current application has also altered from the outline permission, with more of the larger properties. This altered mix does not match local need.
- We have significant concerns regarding the parking allocation in the light of the alteration of the type of homes. There are no suitable alternative or overflow parking options in that area, so this could lead to an unsustainable situation.
- There is a concern that parts of the proposed splay of the access road into Church Lane and the footpath extension are not owned or rights secured by the applicant, so there is some doubt these required components can be delivered.
- The public footpath running along the rear of the site is 3m away from the proposed site boundary. There is some doubt if the proposed access to this footpath in this application is deliverable as they do not own or have rights to the strip between the path and the application site.
- There may be an existing legal right of access for the neighbouring properties to the rear of their homes through the application site. There is no mention of accommodating existing rights in the application.
- There are significant concerns on privacy issues in relation to 2 storey buildings overlooking the rear gardens and windows of properties along the same side of that stretch of Church Lane.
- Although the application appears to cover the very minimum energy strategy planning policy requires, we are disappointed that this application does go far enough to contribute to net zero targets and set a higher standard demanded by the exceptional environmental setting. For example even though their own report classes it as feasible, there is no solar options of any type included in this application.
- The current application has up to the south west edge of the site which abuts the adjacent native woodland. There is concern that this woodland could be significantly impacted.

If officers are minded to approve, we ask that this application is called into the Planning Committee.

4.1.2 Hertfordshire County Council - Minerals and Waste: [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.

Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisation concerns.

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

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

Section 4.6 of the Planning, Design and Access 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).

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).

4.1.3 Hertfordshire County Council – Highway Authority: [No objection]

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

1. Provision of Internal Access Roads, Parking & Turning Areas

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

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

2. Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste);
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
- Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Informative: The Public Footpath should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or row@hertfordshire.gov.uk for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.asp>

Comments: The proposal comprises of the construction of 20 dwellings on land to the rear of 76 and 78 Church Lane, Sarratt. Church Lane is designated as an unclassified local access road, subject to a speed limit of subject 30mph and is highway maintainable at public expense.

Church Lane is classed as P2/M1 (residential street) on HCC's Place & Movement Network.

Public footpath Sarratt 30 runs adjacent to the north-west boundary of the site.

Church Lane does not have any existing footways on either side at the location of the proposed development.

Access: The proposals utilise an existing access point from Church Lane as shown on submitted drawing number 3245.PLN.201 F. The proposals include a rearranged bellmouth access leading to an approximate 5.5m wide access road, which would enable two vehicles to pass one another and considered to be acceptable to support of development of 20 dwellings (as documented in HCC's Place & Movement Planning and Design Guidance - PMPDG). Consideration appears to have been made to the fact parts of the internal access road would act as a shared access for vehicles, cyclists and pedestrians. Appropriate lighting and surfaces should be provided within the site to support the shared use areas and ensure accordance with the PMPDG and section 7.2.15 of Manual for Streets (MfS).

The overall works would need to be built to a design speed of 20mph in accordance with guidelines as documented in MfS and the PMPDG, which does appear to be the case when taking into account the proposed design.

The proposals do not appear to include any alterations or works on any existing highway land. None of the bellmouth access is with the area of highway maintainable at public expense. The level of vehicular to vehicular visibility to either side of the access onto Church Lane is considered to be acceptable and sufficient when taking into consideration the speed and nature of the highway.

If any works are necessary on highway land then this would need to be confirmed and subsequently the applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority following the granting of any planning permission (please see the following informative for more information).

AN) Works within the highway (section 278): If there are any works proposed within the existing highway land, the developer of the site would need 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>

A swept path analysis has been submitted as part of the application (drawing numbers 5725/20 A and 5725/203 B) illustrating that a 12m long refuse vehicle would be able to use the proposed access, the internal access road layout, turn around and egress to the highway in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The acceptability of any waste collection details would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The size of a fire tender used by Hertfordshire Fire & Rescue is shorter in length than that of the refuse vehicle as illustrated in the aforementioned swept path analysis. Therefore this would be sufficient detail to conclude that a fire tender would be able to safely access the site and would be able to get to within 45m of all parts of the proposed dwellings, turn around and egress to the highway in forward gear, which is acceptable and to ensure that the proposals are in accordance with guidelines as outlined in MfS, and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

The proposals include a pedestrian link to public footpath Sarratt 30 to the rear of the site, which would be supported by HCC as Highway Authority to improve pedestrian accessibility from the site and into the remainder of the village (including the nearest bus stops). Whilst it is acknowledged that there is not a footway along Church Lane nor a dedicated surfaced pedestrian route into the remainder of the village, on balance this is not deemed to be sufficient grounds to recommend refusal when taking into account the public footpath link, the appeal decision for the previous application for this site and also appeal decision APP/P1940/W/22/3311479, which was for 9 dwellings in a less sustainable location in Sarratt without any dedicated pedestrian access route.

HCC as Highway Authority would not agree to adopt any of the proposed internal access road as the route would not be considered as being of utility to the wider public. The developer would need to put in place a permanent arrangement for long term maintenance

of the road. At the entrance of the private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities.

Parking: The proposals include 44 car parking spaces for the proposed dwellings. HCC as Highway Authority would not have specific objections in respect to the level of parking. An appropriate level of electric vehicle (EV) charging provision to ensure that each dwelling has access to an active EV charger.

This is to ensure that the proposals are in accordance with LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future” and Building Regulations.

TRDC as the planning authority for the district would ultimately need to be satisfied with the overall proposed parking levels on site taking into account the use class, accessibility zone and the local area.

The parking spaces should be provided at a size of 5m by 2.5m to be in accordance with the PMPDG. This is considered to be achievable within the proposed layout of the site as shown.

Trip Generation: The number of vehicular trips associated with a development of this size at this location would not be considered to have a significant or severe impact on the surrounding highway network.

Conclusion: HCC as Highway Authority has considered that the proposals would not have an impact on the safety nor unreasonable or severe impact on the operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application and would wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions.

4.1.4 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 through financial evidence that this is not viable. As a guide, the tenure split should be approximately 70% rented (of which 70% should be social rent and 30% affordable rent) and 30% affordable home ownership.

The Local Housing Market Assessment (2024) 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 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 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 we would generally support this application, which currently proposes 50% affordable housing to be provided on site.

However, we note that whilst a 50% affordable housing provision is to be provided, it has not been confirmed whether the units to be available as rented (7) would be social rent or

affordable rent. We would encourage these units to be available at social rent, if this is not viable and affordable rent is proposed, this must be capped at the Local Housing Allowance available for the area.

- 4.1.4.1 Officer response: Officers queried the tenure split proposed and the applicant has advised the tenure split is proposed as follows:

10 open market dwellings.
3 shared ownership dwellings.
7 Social rent dwellings.

- 4.1.5 TRDC Housing Officer Second Comment: [No objection]

We have no issues with the proposed and would be inclined to support.

- 4.1.6 Hertfordshire County Council - Lead Local Flood Authority (LLFA): [Objection]

- 4.1.6.1 Initial comment: [Objection]

We object to this planning application in the absence of an acceptable Flood Risk Assessment or / and Drainage Strategy or / and supporting information relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or Three Rivers local policies including Policy DM8 – Flood risk and Water resources and Policy DM9 – Contamination and pollution control.

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) The applicant is required to calculate and submit the greenfield runoff rates in order to demonstrate the existing site runoff conditions in comparison to the proposed runoff rates, thereby supporting the improvements associated with the development.
- 2) A comprehensive justification is required to explain why gravity-based drainage is not feasible for the application and why the implementation of a pumped drainage system is necessary.
- 3) A comprehensive impact assessment addressing the potential failure of the pumped system is required, along with detailed emergency procedures for the on-site storage of water sufficient to cover a 24-hour period.
- 4) The applicant must ensure that finished floor levels are set at a minimum of 150mm above the designated design flood levels, and this provision must be clearly accounted for in the development proposal.
- 5) Appropriate easements in accordance with the adopting authority's standards must be clearly indicated on the drawings for SuDS features, with a minimum width of 3 metres.
- 6) Provision must be made for a designated vehicular access route and off-road parking area to facilitate the maintenance of the swale.

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-wasteandenvironment/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.

Officer comment: The applicant provided a further information in response to the above objections and the LLFA was re-consulted on 04.08.2025

4.1.6.2 Second comment: [Objection maintained]

Thank you for your consultation on the above site, received on 04 August 2025. We have reviewed the application as submitted and wish to make the following comments.

This is a full application which involves 20 number of dwellings (Use class C3) with associated parking, and new vehicular access to church lane within a site area of 0.73 ha.

We object to this planning application in the absence of an acceptable Flood Risk Assessment or / and Drainage Strategy or / and supporting information relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or Three Rivers local policies including Policy DM8 – Flood risk and Water resources and Policy DM9 –Contamination and pollution control.

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.

Whilst we note that many of the LLFAs previous objection points have been covered, we still have concerns over the proposed development. We will consider reviewing this objection if the issues below are adequately addressed:

1) We note that the drainage strategy states that surface water will be discharged to a combined sewer, but the drainage plan shows discharge into a foul sewer. The LLFA requires clarification that the proposed discharge point is to a combined sewer. The LLFA objects in principle to any connection of surface water into the foul sewer network.

2) Justification has been provided as to why the proposed drainage system in its current form cannot be a gravity system. We appreciate the clarification and would not want to see the proposed discharge rate increased to 10l/s. However, we require clarification that the permeable paving and other source control features are being maximised upstream. Storing more water in the upper part of the network could reduce the size of the attenuation feature.

3) It is noted within the calculations that half drain times have not been produced. Clarification over this is required to ensure the storage features have a suitable half drain time.

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-wasteandenvironment/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.

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.

4.1.6.3 Officer Response: The applicant has provided further information and the following comments provided by the LLFA as follows.

4.1.6.4 Third comment: [Objection maintained]

Thank you for your consultation on the above site, received on 04 August 2025. We have reviewed the application as submitted and wish to make the following comments.

This is a full application which involves 20 number of dwellings (Use class C3) with associated parking, and new vehicular access to church lane within a site area of 0.73 ha. We object to this planning application in the absence of an acceptable Flood Risk Assessment or / and Drainage Strategy or / and supporting information relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or Three Rivers local policies including Policy DM8 – Flood risk and Water resources and Policy DM9 –Contamination and pollution control.

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.

Whilst we note that many of the LLFAs previous objection points have been covered, we still have concerns over the proposed development. We will consider reviewing this objection if the issues below are adequately addressed:

We note that the drainage strategy states that surface water will be discharged to a combined sewer, but the drainage plan shows discharge into a foul sewer. The LLFA requires clarification that the proposed discharge point is to a combined sewer. The LLFA objects in principle to any connection of surface water into the foul sewer network.

2) Justification has been provided as to why the proposed drainage system in its current form cannot be a gravity system. We appreciate the clarification and would not want to see the proposed discharge rate increased to 10l/s. However, we require clarification that the permeable paving and other source control features are being maximised upstream. Storing more water in the upper part of the network could reduce the size of the attenuation feature.

3) It is noted within the calculations that half drain times have not been produced. Clarification over this is required to ensure the storage features have a suitable half drain time

4.1.6.5 Officer Comment: Additional information has been provided by the applicant and at the time of writing was being considered by the LLFA. The committee shall be verbally updated should any further comments be received.

4.1.7 Thames Water: [No objection]

Waste Comments: 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. 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.

Thames Water would advise that with regard to the FOUL WATER network 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: 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-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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

4.1.8 TRDC Environmental Health (Commercial): [No objection]

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

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

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

In addition to the below regarding contaminated land:

Air Quality: The proposed development exceeds the stage 1 criteria (10 or more residential units) given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area.

The proposed development may also meet the stage 2 criteria.

An air quality assessment is required. The suitability of the site needs to be assessed. It would therefore be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

4.1.8.1 Officer comment: The applicant advised that an Air Quality Assessment had been submitted and this was brought to the attention of the Environmental Health Officer and the following comments made:

I have reviewed the report submitted (Report Ref: ADO250 62 -R1-V1, dated 9/6/ 25) and am happy that air quality should not be a planning constraint.

4.1.9 Hertfordshire County Council - Water Officer: [No objection]

Please be aware that Hertfordshire Fire and Rescue Service (HFRS) will be seeking a condition for the Provision of Fire Hydrants, at no cost to ourselves.

4.1.10 Hertfordshire County Council - Growth and Infrastructure: [No objection]

Herts County Council's Growth and Infrastructure Unit do not have any comments to make in relation to financial contributions required by Herts Council Council's Guide to Developer Infrastructure Contributions 2021. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

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

Please note: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk who may request the provision of fire hydrants through a planning condition.

I trust this above is of assistance, if you require any further information please contact the Growth and Infrastructure Unit.

4.1.11 Herts Ecology: [No objection]

Overall Recommendation: Application can be determined with conditions and informatives.

Comments and recommended Conditions and Informatives:

Control of Schedule 9 Species: Japanese knotweed and cotoneaster horizontalis which are listed on Schedule 9 of the Wildlife and Countryside Act have been, in order to prevent a criminal offence I advise that a identified on a Method Statement outlining measures to prevent and control the spread should be included in the Construction Environmental Management Plan, CEMP (see below)

Protected Species: Bats: A Preliminary Roost assessment assessed the ash tree T4 as having moderate potential as a bat roost, subsequent emergence surveys were carries out on the 30/06/25 and 28/07/25). No behaviour indicating the presence of a bat roost has been reported from these surveys. I have no reason to dispute this finding, and the application can be determined accordingly. Precautionary soft-felling strategy for T4 is detailed in the Ecological Assessment, I advise these are secured by the following compliance Condition.

“The Recommendations in section 5.24 of the Ecological Assessment by Luscinia Ecology (report date 29/07/2025) relating to the removal of the ash tree T4 represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species.

Non licensable measures to prevent negative effects of lighting on bats during the operational phase of the development are outlined in the ecological assessment and should be followed in full. I advise this is secured by the following Condition or similar:

“A lighting design strategy for bats shall be submitted to and approved in writing by the LPA. This should be informed by section 5.10 of the Ecological Assessment by Luscinia Ecology (report date 29/07/2025) and accurately identify the features/areas of interest and the maximal illumination of these areas that will not compromise their existing use by bats. This should be shown in suitable contour plans and charts and accord with best practice (Guidance Note 08/23: Bats and artificial lighting in the UK, (BCT & ILP, 2023.)). No external lighting should be allowed to exceed these limits, unless agreed with by the LPA, either during (if important for long-term construction projects) or post-development.”

Other Protected species: In order to ensure that protected species are suitably safe guarded and that any permission granted for this application is consistent with the principles relating to the mitigation hierarchy embed within the NPPF. I advise that the mitigation/compensation measures outlined in the supporting applicant's ecology reports are secured by Condition.

To this effect, I advise method statements based on the mitigation within the Ecological Assessment by Luscinia Ecology (report date 29/07/2025) for but not limited to Reptiles, Nesting birds, non licensable mitigation for bats as well as standard best practice measures

to protect commuting and foraging mammals such as badgers and hedgehogs should be submitted for approval to the LPA. These are best demonstrated within an ecological section of a Construction Environmental Management Plan, such as below or similar

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the local planning authority. The CEMP shall include but not necessarily be limited to, the following.

1. A review of any ecological impacts and should be informed by the submitted ecological report (Ecological Assessment by Luscinia Ecology (report date 29/07/2025).
2. Risk assessment of potentially damaging construction activities.
3. Identification of 'biodiversity protection zones'
4. A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
5. The location and timings of sensitive works to avoid harm to biodiversity features. (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset).
6. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
7. A non-native invasive species protocol for Japanese knotweed and cotoneaster horizontalis.
8. The times during construction when specialist ecologists need to be present on site to oversee works.
9. Responsible persons and lines of communication.
10. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site.

Ecological enhancements

The Ecological report includes recommendations for species enhancements I advise the installation of these will allow the application to be policy compliant with section 187 d of the NPPF. I advise these are secured by the following Condition or similar.

Prior to the commencement of development A Biodiversity Species Enhancement Strategy /Plan for Protected and Priority Species shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should be informed by section 5.20 of (Ecological Assessment by Luscinia Ecology (report date 29/07/2025). With the exception that the swift boxes are replaced by universal swift bricks. Bat roosting features and Swift Bricks should be Integrated (built "into" rather than "onto" buildings). Features should be installed in a ratio of one for every two buildings and located according to ecological best practice.

The scheme/ plan shall include, but not be limited to, the following details:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- c) Detailed designs to achieve stated objectives.
- d) Materials and construction to ensure long lifespan of the feature/measure

- e) Proposed Locations shown by suitable maps and plans and where appropriate the elevations of the features or measures to be installed or undertaken.
- f) When the features or measures will be installed within the construction, occupation, or phase of the development,
- g) Persons responsible for implementing the enhancement measures
- h) Details of initial aftercare and long-term maintenance (where relevant). Thereafter, the biodiversity enhancement measures shall be carried out and maintained for their designed purpose in accordance with the approved details including timescales and shall be retained as such thereafter.

Biodiversity net gain (BNG)

BNG- Pre Determination: Minimum BNG information pre- determination: A base line habitat map and statutory metric sufficient meet the minimum requirements for BNG predetermination have been submitted

The metric calculation tool (Mandatory Metric) 09 June 2025 shows base line values of 19.51 Habitat Units and 0.3 Hedgerow units. I have no reason to doubt these values.

BNG- Determination: The Biodiversity Net Gain Plan should be prepared in accordance with the base line shown with in the metric completion date 09 June 2025 unless varied in agreement with the LPA and I advise this element is secured by Condition

Significant Onsite Enhancement: The proposed BNG includes areas of medium distinctiveness habitats. As a result, I advise that the On-Site enhancements should be considered Significant Enhancement. Given the scale and nature of these enhancements, in this case, it would be proportionate to secure these by Condition requiring:

A Landscape Ecological Management and Monitoring Plan demonstrating how the habitat will be created/ enhanced and maintained for 30 years.

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

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a thirty year period).
- g. Details of the body or organisation responsible for the implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

BNG-Post Determination: A net loss has been shown as not yet having been achieved, and the trading rules have not been met, in line with government guidance it would generally be inappropriate for concerns about the ability to discharge the condition to be used as a reason to refuse an application. However, the applicant should be made aware the general biodiversity condition is a pre commencement condition and that if the applicant chooses not to address these matters prior to determination they will need to

do so at the post determination stage.

At the biodiversity gain plan stage an updated metric will need to be submitted showing how a net gain can be delivered. This could be either by the provision of further onsite non-significant enhancements, onsite enhancements that can be secured at the post determination stage, or by the use of an off-site location. As a last resort if an off-site location cannot be found Biodiversity Credits would need to be purchased. In this latter case the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed

Biodiversity Gain Plan: The applicant has submitted a Biodiversity Statement and Draft Biodiversity Gain Plan with a un-completed version of the government template within Appendix C: I strongly advise that the net gain plan is submitted using the government template/ form as opposed to a any alternative bespoke version, this should be accompanied by supporting information as listed below attached as separate documents.

In order the Biodiversity Gain Plan to be discharged it should be submitted with the following minimum information either within the body of the plan or as supporting information.

- completed metric tool calculation
- pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale)
- a compensation plan if the development affects irreplaceable habitats
- biodiversity net gain register reference numbers if they're using off-site units
- proof of purchase if they're buying statutory biodiversity credits

Chilterns Beechwoods Special Area of Conservation (SAC)

The proposed development comprises the Erection of 20 Dwellings. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).

This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out. If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required. Effective mitigation will be best delivered by payment of the appropriate tariff(s) set by the Council that will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).

As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.

4.1.12 TRDC Tree and Landscape Officer: [No objection]

We would recommend approval subject to the following conditions:

Replacement planting for the removal of T4 Ash, with an appropriate species such as Oak, Sycamore or Beech. The tree should be at least 2-3 m height and/or 10-12 cm girth at the time of planting, and should be replaced if it fails to establish.

The submission of a detailed tree protection plan (for prior approval) which outlines the position of the tree protection fencing to be used, and any ground protection.

- 4.1.13 Affinity Water: No comments received.
- 4.1.14 Herts Footpaths: No comments received.
- 4.1.15 TRDC Environmental Protection: No comments received

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 44
- 4.2.2 No of responses received: 19 objections
- 4.2.3 Site Notice: Expiry: 18.07.2025 Press Notice: Expiry 18.07.2025
- 4.2.4 Summary of Responses:
- Unsure how this has made it past the appeal stage?
 - Previous planning application on this site has been declined already.
 - Previous reasons for refusal – impact on Green Belt, harm to local character and traffic and infrastructure concerns still apply.
 - There have been numerous applications for this unsuitable site including for a temporary building, all of which have been turned down due to the suitable nature of the site.
 - Numerous planning applications in Sarratt including the approved outline planning in Church Lane or the immediate vicinity, delivering 121 housing units including affordable housing in excess of local need
 - Use Class C3 (B and C) with the ability of up to 6 persons living together with or without care is not sustainable with the proposed allocated parking for the development. Concerns regarding emergency access.
 - Impact on the Green Belt, will harm openness of the Green Belt.
 - Scale of the development would erode green setting and contribute to creeping urbanisation
 - Unnecessary, inappropriate development.
 - Impact on the AONB
 - No very special circumstances presented.
 - Would destroy the village nature of Sarratt
 - Sarratt will no longer be a village. It will be a small town.
 - Sarratt is defined by its Green Belt and Conservation Area status.
 - Inconsistent with existing street patter. Additional massing and height would dominate landscape and erode character.
 - Sarratt's infrastructure cannot feasibly accommodate this development.
 - Schools, highways, doctors surgeries are already oversubscribed.
 - Water and sewage cannot cope already. Major sewage leak in gardens along Dimmocks Lane in January 2025.
 - Concern that water and drainage systems, particularly waste water handing may not be able to cope with sudden increase in housing density.
 - Cannot see indication of Sustainable Drainage Systems to manage surface water run off. There is already an issue on the road with lack of surface water drainage.
 - Development is unsustainable.
 - Cannot see sufficient energy or carbon reduction features outlined which would accord with the Council's declared climate emergency.
 - Loss of mature landscaping,

- Removal of hedgerows and mature planting will harm wildlife including nesting birds protected under the Wildlife and Countryside Act.
- Impact to wildlife such as badgers, bats, deer, foxes and conflicts with policies aimed at preserving the distinctive green corridor.
- No biodiversity or carbon gain. It lacks meaningful biodiversity compensation and mitigation.
- Development is suitable for Swift bricks to be integrated into the walls of the new houses. Ecology report proposes 2 externally fitted boxes to be installed. These are not enough and the chosen type does not comply with British Standards.
- Please condition swift bricks at a ratio of 1-2-1 per dwelling.
- Residents will erect high fencing for security and privacy which would fragment habitats.
- Lighting would cause light pollution in a rural area.

- Church Lane not suitable for further development
- Photographs submitted off gridlocked traffic along Church Lane.
- Church Lane is a narrow country lane with no passing places making HGV access impossible.
- Signs on Church Lane state it is not suitable for HGVs. How will lorries bring materials to build the houses?
- The Burlington development for 90 houses will cause major traffic problems and overstretch infrastructure,
- Will be dangerous for residents, horse riders and car drivers.
- Construction traffic would raise emissions and impact on air quality.
- Unlikely that construction traffic can access site due to parking on Church Lane.
- Parents taking children to school will not get past a HGV using the road.
- No funds to carry out repair works to existing highway.
- Transport links in the area are poor- there is only one bus service.
- Church Lane unsuitable for cyclists.
- Limited parking and visitor spaces will lead to parking on Church Lane which would be a hazard.
- Church Lane is an unlit road, although quiet the majority of the time, traffic speed and volume are high during rush hour.
- Proposed access is too narrow and unsuitable for two way traffic, would be unsafe for pedestrians, cyclists and horse riders.
- A secondary vehicle access should be required for a development of this size.
- Site layout shows pedestrian link from the rear of the site to footpath SA30. This is incorrect as footpath SA30 is set back from the site boundary by approximately 3m. The land in between is owned by the Diocese of St Albans.
- Pedestrian link is unfeasible; the path is unlit and for 9 months of the year muddy and unsuitable.
- Few residents have received notification and the timescale for objections is too short.
- All comments on previous application should be taken into consideration.
- 'Blown away' that all proposed developments in Sarratt cannot be looked at collectively and the negative impact on village infrastructure.

- The outline application was allowed on appeal on the basis that all of the homes were affordable. This application now proposes 10 market houses which is a material change.
- The mix of 2, 3, 4 bed homes in the current application has also been altered with more larger homes proposed. This does not match local need.
- Application should include land to rear of no.80 as it overhangs boundary

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 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 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.

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP3, CP4, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM7, DM9, DM10, DM12, DM13 and Appendix 5.

TRDC has published a Decision Statement in respect of the Sarratt Neighbourhood Plan 2024-2039 and on the basis that it is now proceeding to referendum in November 2025, in accordance with PPG Significant Weight can be given to the plan in Decision Making. Relevant Policies include Policies 1 3, 4.1, 4.2, 5.2, 5.3, 5.4, 6.1, 6.3, 7, 12.

6.4 Other

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

Affordable Housing SPD (June 2011).

7 **Planning Analysis**

7.1 Background

- 7.1.1 The application site was the subject of outline planning application 21/2896/OUT for the provision of up to twenty residential dwellings (Use Class C3) with new access to Church Lane and proposed pedestrian link to existing public footpath (appearance, landscaping, layout and scale reserved). This application was refused by the Local Planning Authority for the reasons set out in paragraph 1.1 of this report. However, the outline application was subsequently allowed at appeal. The Inspector deemed that the development would represent an appropriate form of development within the Green Belt, determining that it fell within the identified exception of 'limited affordable housing for local community needs'. In addition, whilst some harm was identified to both the character of the area and AONB, the Inspector concluded the following:

'Overall, it is clear that the benefits of the proposed affordable housing, economic benefits and BNG would outweigh the limited harm to the character and appearance of the area and the landscape and scenic beauty of the AONB and the loss of existing biodiversity on the appeal site. This is despite my placing great weight on the harm to the AONB because the harm would be limited, whereas the benefits from the proposed affordable housing would be substantial'.

- 7.1.2 This appeal decision is attached at Appendix A to this report. This outline permission remains extant.

- 7.1.3 The current scheme submitted is for full planning permission, and is also for the provision of twenty residential dwellings. However, the current scheme no longer proposes 100% affordable housing, with 50% affordable housing now proposed, and 50% market housing proposed. Whilst the previous scheme was in outline form, an indicative layout was presented which the Inspector did have regard to noting that 'layout is reserved but is likely to be similar in form to as depicted on the illustrate site layout'. The current scheme proposes a similar layout, although it is noted that there have been some minor changes to the siting of dwellings, with regards to their exact positioning on the plot.

- 7.1.4 Since the time of the appeal, there has been a material change to national planning policy, in that the NPPF now includes provisions in relation to Green Belt Land which must be considered. In addition, weight must also now be given to the Sarratt Neighbourhood Plan which is due to go to referendum in November 2025. The following analysis therefore considers the current proposal, with reference to the appeal scheme as a material consideration and with regard to the updated NPPF and with regard to the Sarratt Neighbourhood Plan.

7.2 Principle of Development

- 7.2.1 The proposed development would result in a net gain of twenty dwellings. The site is not identified as a housing site in the Site Allocations document and would be considered as a windfall site. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with the relevant national and local policies. Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:

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

7.2.2 Policy 1 of the Sarratt Neighbourhood Plan relates to development in Villages and Hamlets and advises that all development should respond positively to its local context. In addition, it sets out the following:

'Proposals for development on the edge of the village and hamlets will only be supported where they are small scale and meet an identified local need, with priority given to previously developed sites....

7.2.3 The application site is located within Sarratt, although it is noted that the main body of the site is located outside of the designated settlement boundary as defined within the Core Strategy. In addition, the application site is not located on previously developed land, contrary to Policy 1 of the Sarratt Neighbourhood Plan.

7.2.4 Whilst it is not considered that the site is located within a sustainable location, it is noted that the principle of residential development was found to be acceptable by an Inspector considering application 21/2896/OUT relating to the construction of up to 20 residential dwellings with new access to Church Lane and proposed pedestrian link to footpath. This outline consent remains extant, with the permission expiring on 19 July 2026. Whilst matters relating to appearance, landscaping, layout and scale were reserved, an indicative site layout was submitted at outline stage which suggested how the site could be developed with the Inspector noting the following:

'It is proposed to erect up to 20 homes, all within the rear, open part of the appeal site. The existing access would be altered and hard surfaced to provide vehicular access to the site. Layout is reserved but is likely to be similar in form to as depicted on the illustrative site layout, with homes lining a central 'spine road' and at the top of a turning head to the rear of the site'.

7.2.5 The layout plan submitted at the outline stage is similar to that currently being considered under the current application. The scheme still proposes the provision of twenty residential homes located around a central spine road with turning head to the rear of the site. A pedestrian link to the existing public right of way is still proposed as part of the current application. There have been some changes to the siting of dwellings. The submitted Planning Statement details the siting of units 12-15 have been adjusted, with nos.12-14 being located marginally closer to the National Landscape boundary, with unit 15 being no closer and unit no.16 slightly further away. Units 1-7 would also be slightly closer, with units 8-11 sited similarly. The submitted block plan 3245. PLN. 202 E shows an overlay of the extant scheme against that currently proposed. It is therefore considered the outline consent must be afforded significant weight within the decision-making process and as such the principle of residential development in this location is considered acceptable subject to assessment against all other relevant material planning considerations below.

7.3 Green Belt

7.3.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

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

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns from merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

7.3.3 Paragraph 153 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

7.3.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- 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; 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*

7.3.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. cy 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

- 7.3.6 At the time of the allowed appeal, the Inspector determined that the development would not be an inappropriate form of development as it would meet exception (f) limited affordable housing for local community needs. The Inspector noted the following:

'All the proposed homes would be for affordable housing, as secured through the S106. No direct link is provided to local tenants in the S106 but a Nominations Agreement would need to be entered into and the S106 secures that this retains all nomination rights with the Council. It would therefore be within the control of the Council to secure the affordable housing for local community needs.'

Policy CP4 of the CS states that there is an identified and pressing need for affordable housing within the District. The reasoned justification, at paragraph 5.30 finds that to completely satisfy affordable housing requirements, all future housing in the District to 2021 would need to be affordable. In addition, the Sarratt Housing Needs Assessment finds, at Paragraph 10, a need for 122 social rented and 48 intermediate affordable units in Sarratt in the Plan period of 2020-2046 and acknowledges that it is unlikely this need can be satisfied through conventional housing delivery and that exception sites might be required'.

I do not have to data on the most up to date situation, but given that the Council cannot demonstrate a five year supply of housing land, it is clear that delivery since the adoption of the SC would not have fully met this high level of need. I am therefore satisfied that the proposal would be for affordable housing for local community needs. No definition is provided in the Framework of 'limited' in relation to this exception. 20 homes are proposed and I view this as a relatively limited provision.

- 7.3.7 The development as currently proposed has altered the tenure split and it is now proposed that 50% affordable housing provision would be provided rather than 100%. The LPA considers that the reduction in affordable housing provision means that the development would now fail to fall within exception (f) as the development would now provide market housing and not just affordable housing.
- 7.3.8 The applicant has also suggested that the proposed development could also meet exception (e) Limited infilling in a Village. In response, the application site is not located within the defined village boundary of Sarratt and therefore is outside of any defined settlement boundary. However, the LPA has been in receipt of a number of appeal decisions where the Inspector has considered the locational circumstances of those sites and relationships with nearby settlements as relevant in cases where the site lies outside of the defined settlement boundary. In an appeal decision at land adjoining Notley Croft, Bedmond Road, Bedmond (APP/P1940/W/17/3187494) the Inspector allowed an appeal against TRDC'S refusal to grant outline planning permission for up to two dwellings. The Inspector stated that 'the Framework does not specify that a village must be designated as such in the development plan or specify what the limits of the village should be'. The Inspector considered, despite the LPA's defined village settlement boundary of Bedmond, 'given its locational circumstances, the appeal site lies within the village of Bedmond for the purposes of the NPPF. The site in that instance is some 650m from the centre of Bedmond and the Inspector concluded that the village centre is safely accessible on foot.
- 7.3.9 In this instance, whilst the majority of the site is not located within the defined settlement area, the site's vehicular access is located within the defined village boundary. Furthermore, the village boundary extends close to three sides of the application site. The south eastern part of the site is within the boundary, whilst the north eastern boundary of the site is located

68m from the village boundary and the south western boundary of the site is located 52m from the village boundary. The site is located approximately 0.4 miles from The Green which has a local shop, and a number of pubs. It is considered that given the location of the site, its proximity in relation to the village boundaries and its proximity to the Green that the site could be considered physically and functionally within the village of Sarratt.

- 7.3.10 However, notwithstanding the above, to fully meet this exception, one must consider whether the development constitutes 'limited infilling'. In this case, it is viewed that Church Lane has a linear building line with dwellings located along an established frontage with open fields beyond. Whilst the access itself is located between two existing buildings, the layout shows that the built form would project back into the open field land. Whilst it is acknowledged that the site is physically contained by the existing public footpath to the north west and existing woodland to the north east, given the lack of built form surrounding the site, it is not considered that the proposal would constitute 'infilling'. In addition, concerns are raised that the provision for twenty residential dwellings would not constitute 'limited' in relation to this exception. However, in any case, the proposed development would not constitute infilling. It is therefore concluded, that the proposed development would fail to meet exception (e).
- 7.3.11 As such, the proposed development would not meet any of the exceptions to inappropriate development as defined by Paragraph 154 of the NPPF. However, whilst the development would not be in accordance 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 sets out '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 framework.*
 - d) *Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157.*
- 7.3.12 In considering whether the site would constitute Grey Belt land, reference must be had to Annex 2 of the NPPF 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'.*
- 7.3.13 In this case, the site is 'any other land', as it is not 'previously developed land'. For it to be considered Grey Belt land, the land needs not to contribute to any of the purposes (a), (b) or (d) of paragraph 143 of the NPPF. These purposes 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.*
- 7.3.14 In considering whether the application site contributes to the purposes (a), (b) or (d) regard must be had to Planning Practice Guidance at paragraph 005 Reference ID: 64-005-2025022 which provides guidance in relation to informing judgements as to whether land can be considered as Grey Belt. In addition, Paragraph 007 of the PPG is also relevant and sets out the following:

After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.

- 7.3.15 A) To check the unrestricted sprawl of large built-up areas. The application site is located at the edge of the village of Sarratt which is not considered to be a 'built up area' and is classed as a village within the Three Rivers Settlement Hierarchy. As such, the site does not contribute towards this purpose.
- 7.3.16 B) To prevent neighbouring towns merging into one another. It is acknowledged from the PPG that this specifically relates to the merging of towns, rather than villages. In this case, given the location of the site, it is not considered that the parcel of land plays any role in preventing the merging of towns.
- 7.3.17 D) To preserve the setting and special character of historic towns. The PPG sets out that areas that make no or only a weak contribution are likely to include those that 'have no visual, physical or experiential connection to the historical aspects of the town'. Whilst the site is located adjacent to the settlement boundary of Sarratt, the parcel of land itself is removed and set away from the historic core of Sarratt and it is therefore considered that the site makes a weak contribution this purpose.
- 7.3.18 At the current time of writing, it has not been confirmed whether any footnote 7 areas/assets would provide a strong reason for refusal. It is noted that at present the LLFA have raised an objection in relation to flood risk commenting that 'the proposed SuDs are likely to increase the risk of flooding elsewhere'. However, providing that this is overcome, given that the application site is not considered to make a strong contribution to the above purposes, it is likely that the site would be considered to be Grey Belt.
- 7.3.19 Paragraph 155 of the NPPF also advises that where development utilises Grey Belt land, it must not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. In this case, it is not considered that the development would undermine the purposes of the remaining Green Belt across the plan area.
- 7.3.20 In addition, criteria (b) of Paragraph 155 of the NPPF sets out that development in the Green Belt would not be inappropriate where 'there is a demonstrable unmet need for the type of the development proposed'. In this case, the applicant is proposing a residential development for the provision of 20 dwellings. National Policy places great emphasis on the delivery of housing with paragraph 61 of the NPPF stating the following:
- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.*
- 7.3.21 The Council cannot demonstrate a five-year housing land supply as required by the NPPF, with the current housing land supply being at 1.7 years. Consequently, there is a significant need for housing within the District which must be afforded significant weight in the decision-making process. In this case, the scheme would deliver 20 residential dwellings of a range of unit sizes, providing an opportunity to meet different needs. In addition, it is noted that there is also a significant need for affordable housing within the District. In this case, 50% of the 20 residential units would be for affordable housing and at a policy compliant tenure split comprising 70% social rented dwellings and 30% shared ownership. Given the need for housing and affordable housing within the District, it is considered that the proposed development would be in accordance with criteria (b) of the Paragraph 155.

- 7.3.22 Criteria (C) of Paragraph 155 sets out that the development should be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF. The application site is not located within the settlement boundary and sits adjacent to the Sarratt village boundary. In this case, regard is had to the appeal decisions relating to applications 22/0601/OUT (appeal references APP/P1940/W/22/3311477) at Land rear of 17-49 Church Lane and 22/0602/OUT (APP/P1940/W/22/3311479) at Land adjacent to 97 Church Lane where the Inspector noted the following with regard to the sustainability of Sarratt:

'Sarratt is designated as a 'village' in the settlement hierarchy in the CS. The CS notes that villages provide a 'limited range of services and access to public transport is also limited. I agree with this appraisal. There is a Community Post Office and Store that sells a limited range of convenience products. There is a primary school and pre-school. There is a small doctors' satellite surgery. There are three public houses. There is a village hall, playing fields and a pavilion. It is not disputed that future residents would be able to walk or cycle to the services and facilities available. However, I consider the reality is that for most residents, it would be necessary to travel further afield for a range of essential shops, service, secondary schools and employment which is likely to result in trips by private vehicles'

- 7.3.23 With regard to sustainability, the Inspector (for applications 22/0601/OUT and 22/0602/OUT) considered that public transport in the area was limited, with limited bus services and no railway stations in the near vicinity with Chorleywood and Rickmansworth being located at 4.3km away and 5.4km away respectively. In addition, whilst cycle routes were available, the Inspector commented that this would; *'entail the use of rural lanes with narrow sections and passing bays and in sections subject to a 60mph speed limit. Some of the routes are hilly, with steep inclines and declines include the route to Chorleywood via North Hill'*.

- 7.3.24 In the current application, it is noted that the applicant is proposing to improve sustainability by providing a link to the nearby public footpath which would improve connectivity to Sarratt. However, it is still considered that Sarratt as a whole is not particularly sustainable. Indeed, this was noted by the Inspector referenced above who went on to note the following with regard to locational sustainability:

'I have found that Sarratt cannot be regarded as particularly locationally sustainable. On the other hand, as noted the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. A realistic approach is required, and residents of the appeal developments would be in no different position to other existing residents in Sarratt, nor in parts of the wider District. Furthermore, given the scale of the need for new housing, some development may need to take place in areas less accessible to public transport. Nevertheless, the relatively poor locational sustainability of Sarratt must weigh to a degree against the proposals'.

- 7.3.25 Consequently, when taken into consideration the location of the site and the Inspector's comments in relation to the village of Sarratt, it is therefore concluded that the site is not located within a sustainable location for the purposes of paragraph 155.

- 7.3.26 Finally, Criteria D sets out that the development must meet the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF as follows:

Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
- b. necessary improvements to local or national infrastructure; and

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces

- 7.3.27 With regard to criteria (a) of paragraph 156, the application does propose the provision of 50% affordable housing with a total of 10 out of 20 units proposed to be for the provision of affordable housing. As such, the proposed development would meet criteria (a)
- 7.3.28 With regard to criteria (b), the development includes a new link to the existing public right of way to the rear of the site which would be accessible to new and existing residents.
- 7.3.29 With regard to criteria (c), it is not considered that the development provides a new green space. Whilst the applicant does consider that a small green space would be provided on site, this measures approximately 0.03 hectares and is mainly occupied by a large tree, meaning that it would not provide a good quality green space. This area contributes moderately to the setting of the development but is surrounded by the access road/parking areas and is not considered to be useable. The development also does not make improvements to existing green spaces.
- 7.3.30 Summary: In summary, subject to no objection from the LLFA with regard to flood risk, officers are of the view that the site can be considered as Grey Belt as it does not strongly contribute to the purposes (a), (b) or (c). However, the development fails to comply with (b) of paragraph 155 of the NPPF which requires development to be located in a sustainable location. For the reasons set out in the analysis above, Sarratt is not viewed to be locationally sustainable. In addition, the development fails to meet the Golden Rules as it would fail to deliver green space or make improvements to existing green spaces.
- 7.3.31 As such, the proposed development represents an inappropriate form of development. Paragraph 153 of the NPPF sets out the following with regard to inappropriate development:
- When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness 55. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 7.3.32 Very special circumstances would therefore be required which will be considered at the end of this report.
- 7.3.33 Harm to openness: The proposed development would constitute an inappropriate form of development and therefore an assessment of the impact of the development on openness and actual harm to the Green Belt must be made.
- 7.3.34 The provision of twenty residential dwellings and associated access, access road and the creation of residential curtilages would result in spatial harm to the Green Belt as the existing field land is currently free of any built form. As such, there would be harm in this regard.
- 7.3.35 Visually, the provision of twenty, two storey dwellings would also result in visual harm to the openness of the Green Belt. The development would project rearwards into the site beyond the established, predominantly linear building line along the Church Lane frontage and would introduce a visible mass of built form into this location. As such, the development would be urbanising and therefore harmful to the openness of the Green Belt. Furthermore, it is noted that the development would be visible from the public footpath to the rear of the site, although as noted by the Inspector in determining the previous appeal at the application site in respect of application 21/2896/OUT, views of the development from Church Lane would be more limited due to the narrowness of the access.

- 7.3.36 In addition, to the built form, the proposed development would include a new access road which projects for a large proportion of the application site, with parking areas and driveways also proposed. The extent of hardstanding would also result in some harm to the visual appearance of the site particularly given that no built form exists on this site at present. Furthermore, the proposed development would result in an intensification of use of the site which would further impact on the open and rural character of the Green Belt. The introduction of residential development would also result in the provision of domestic paraphernalia including boundary fencing, outbuildings, washing lines and play equipment, all of which would have an urbanising influence. However, it is noted that the actual harm to openness would be minimised due to the location of the site with the Inspector noting the following in relation to the impact on the overall character of the area in allowing the previous appeal:

'However, the proposed encroachment would be confined to the rearwards area that is currently domestic, rather than rural, in character and appearance. The proposed built form would not breach the rear boundary created by the mixture of hedges and trees and the footpath to the rear, or the wooded area to the west. In addition, this part of the village of Sarratt forms a 'U' shape running along The Green and Dawes Lane. This, in combination with the wood to the west, creates a largely self-contained area. In addition, relatively thick boundary vegetation is proposed and the detail of this could be controlled reserved matters stage. The urbanisation that would be caused by the proposal would therefore be relatively visually contained'.

- 7.3.37 It is also noted that the Sarratt Neighbourhood Plan includes a number of important views which should be maintained, this includes view 11 as identified on Map 3 within the document. (SE towards Sandfield Wood from the West Village Conservation Area *behind the Village Shop*). *The Sarratt Neighbourhood Plan sets out that this view 'encompasses ancient farmlands and provides an open separation between the village and the surrounding area'.* It continues on to state that *'this view is enjoyed by residents and ramblers using a very frequently used right of way. Any development in this landscape would break the rural open setting of the village'.* Given the existing public right of way runs along the rear boundary of the application site, development would not encroach into the open land to the north of the footpath and therefore would not impact on views to Sandfield Wood.

- 7.3.38 In summary, it is acknowledged that the proposed development would result in both spatial and visual harm to the openness of the Green Belt, contrary to Policy CP11 of the Core Strategy. However, given the Inspector's comments regarding the contained nature of the site, it is considered that the proposed development would result in limited harm to the openness of the Green Belt. However, given the inappropriate nature of the development, very special circumstances would be required which would need to outweigh the identified harm to the Green Belt and any other harm and this shall be considered at the end of this committee report.

7.4 Housing Mix

- 7.4.1 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%

7.4.2 The applicant is proposing the following housing mix:

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	Total
Market Housing	-	2 (20%)	4 (50%)	4 (40%)	10 dwellings
Affordable Home Ownership	-	3 (100%)	-	-	3 dwellings
Social/Affordable Rented Housing	-	5 (71%)	2 (29%)	-	7 dwellings

7.4.3 The proposed development would not be in accordance with the recommended mix for Three Rivers. The accompanying Planning Statement sets out that 'whilst not strictly in line with CP3, the proportion of unit sizes identified as the most in demand in each tenure category are being provided in the largest quantity'. With regard to affordable housing, the Housing Officer has stated that the identified need for affordable housing based on the current housing register suggests that the greatest need is for 2 bedroom dwellings. The Housing Officer emphasises that 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. The submitted Schedule of Accommodation indicates that for social rented housing, family sized units would be being provided including 2 x 3 bed five person units, 4 x 2 bed four person units and 1 x 2 bedroom three person unit. Consequently, it is considered that the proposed mix would provide family sized affordable housing units which are needed within the District.

7.4.4 Since the time of the previous application and subsequent appeal, the Sarratt Neighbourhood Plan has been written and is due to go to referendum in November. Policy 4,1 sets out that development proposals should include a size mix consisting of 3 bedroom dwellings (50%), two bedroom dwellings (30%) and one bedroom dwellings (20%). It is acknowledged that the mix is different from that outlined above and from that proposed at outline phase which included more 3 bedroom units. However, given that the proposed development would still include family sized accommodation including 6 x 3 bedroom units and 10 x 2 bedroom units, it is not considered that this would result in significant adverse harm to justify refusal on this basis.

7.4.5 Furthermore, given the size of the proposed development, it is not considered that acceptance of this mix would prejudice the ability of the Council to deliver housing targets and therefore it is not considered reasonable to raise an objection. The proposed development is therefore considered acceptable and in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.5 Affordable Housing.

7.5.1 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

7.5.2 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. Policy 5.3 of the Sarratt Neighbourhood Plan sets out that affordable homes should be integrated into developments in design, layout and location so as not to be distinguishable from other homes in the development.

- 7.5.3 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.
- 7.5.4 In this case, the applicant is proposing that 50% of the units would be affordable, therefore, in excess of the 45% required by Policy CP4 of the Core Strategy. The Housing Officer has set out in their comments, that the provision of 50% affordable housing is welcomed, however, requested further information on the proposed tenure split. In response, the applicant has advised that 7 of the units would be for Social Rent (70%) and 3 of the units would be for Shared Ownership (30%). As such, this represents a policy compliant form of development in relation to the mix required by Policy CP4 of the Core Strategy and exceeds the requirements of Policy CP4 in terms of the overall percentage provided.
- 7.5.5 Comments received from Sarratt Parish Council and residents note that the proposal represents a departure from the previously allowed scheme which proposed the provision of 100% affordable housing. Whilst this is noted, the provision of 50% affordable units would still be in excess of the 45% requirement of the Core Strategy and in addition the 50% would provide a policy compliant tenure split with regard to social rented dwellings and shared ownership. Furthermore, whilst the previously allowed scheme proposed 100% provision, the Inspector allowed the scheme on the basis of securing the provision of 6 social rented dwellings, two first homes and one as intermediate with the remaining 11 units to be in a determined split in the control of the applicant. As such, whilst providing affordable housing, the remaining 11 dwellings could have been at a tenure which did not meet the needs of the District.
- 7.5.6 As such, taking into consideration the appeal decision, that 50% provision for affordable housing is proposed and at a policy compliant tenure split, it is not considered reasonable to raise an objection in this regard. The proposed development is considered to be in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and can be secured via a S106 agreement. The Section 106 Agreement would also secure that nomination rights are retained with the Council.
- 7.6 Impact on the Chilterns National Landscape.
- 7.6.1 Policy DM7 of the Development Management Policies LDD relates to the Chilterns Area of Outstanding Beauty, now known as a National Landscape. Policy DM7 advises that in considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposals would:
- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design, or external appearance of or the type or form of development
 - ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
 - iii. Detracts from the public enjoyment of the AONB landscape.
- 7.6.2 The application site lies adjacent to the National Landscape, to the north west. At the time of the previously refused application, it was considered that the proposed development would detract from the setting of the AONB through the introduction of an urbanising form of development which would extend towards this area. It was considered that the proposed

residential development would be visible from the AONB and consequently would detract from its setting, contrary to Policy DM7 of the Development Management Policies LDD.

- 7.6.3 This issue was considered by the Inspector in determining the appeal in respect of application 21/2896/OUT, and the following was noted:

'The appeal site lies adjacent to the AONB, to the north west. The AONB is characterised by a mixture of woodland, copses, pastures, fields, farms and villages. The proposal would not directly affect any of these characteristics. It would introduce an urbanising form of development to a currently open site but this would be largely visually separated from the immediately adjoining part of the AONB by the proposed boundary treatment, and from the wider AONB by existing woodland and the rest of Sarratt village. In addition, the existing properties along Church Lane and their associated gardens and outbuildings have already introduced domestic influences to the setting of this part of the AONB.'

Overall, the proposal would cause harm to the character and appearance of the area because of its urbanising influence on a currently open site and the introduction of smaller plot sizes out of keeping with the prevailing, if varied, character of this part of the village. However, the harm would be limited because of the relatively visually contained location and that the proposed built form would be within the domestic rather than rural character area. For the same reason, the proposal would harm the landscape and scenic beauty of the AONB but only to a limited degree.'

- 7.6.4 The submitted Planning Statement details the siting of units 12-15 have been adjusted, with nos.12-14 being located marginally closer to the National Landscape boundary, with unit 15 being no closer and unit no.16 slightly further away. Units 1-7 would also be slightly closer, with units 8-11 sited similarly. The submitted block plan 3245. PLN. 202 E shows an overlay of the extant scheme against that currently proposed. The differences in siting are minor and furthermore the ridge heights would be no higher. It is not considered that the proposed development would have a materially different impact on the National Landscape area to that considered at appeal by the Inspector.

- 7.6.5 It is noted that the Sarratt Neighbourhood Plan is now a material planning consideration. Policy 7 relates to landscape and sets out that there are a number of important views of the Chess Valley and of the open fields that surround habitations that should be retained. 'New development should ensure that there is no detrimental effect on the key features of these identified views'. View 16 relates to the view from Sandfield Wood towards Sarratt. Given development would be contained by the footpath located adjacent to the rear boundary of the site, it is not considered that there would be harm to view 16 as identified by the Sarratt Neighbourhood Plan.

- 7.6.6 As such, given the proposed development would be similar in terms of its scale and layout to that considered on appeal, it is considered that the proposed development would harm the landscape and scenic beauty of the AONB, albeit to a limited degree. The proposed development is therefore considered to be contrary to Policy DM7 of the Development Management Policies LDD.

7.7 Character and appearance.

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

enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.7.2 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).

7.7.3 The existing built form in Church Lane has a linear building line along the frontage with a mix of dwellings present, including terraces, semi detached and detached dwellings and as such, plot sizes do vary. As already set out, the application site currently consists of an undeveloped field which extends beyond the rear boundary of the properties fronting Church Lane. Whilst some structures are visible within the rear, these are generally ancillary structures, of predominantly domestic scale which do not have a significant impact on the character of Church Lane. The more domestic character of the land was also emphasised by the Inspector who noted the following in this regard:

'Significant built form does not extend westwards behind properties other than gardens and associated outbuildings and an area of equestrian land. However, there is a definitive boundary which runs along the footpath along the far north west boundary of the appeal site and also to the rear of the rear gardens and associated outbuildings and equestrian land. Beyond this boundary is an open field that is not a garden and does not contain ancillary structures or buildings. This field has a more countryside character and appearance compared to the ancillary domestic and partially developed character and appearance of the appeal site, rear gardens and equestrian area as described above'.

7.7.4 The proposed development would introduce a form of backland development, sited beyond the linear building line of this section of Church Lane, thus encroaching into this undeveloped location. Consequently, the proposed introduction of twenty residential dwellings would result in an inevitable change to the character and appearance of this part of Church Lane and would have an urbanising impact by introducing significant built form in this location. However, the Inspector's comments in relation to the impact of the development on Church Lane must be taken into consideration:

'However, the proposed encroachment of built form would be confined to the rearwards area that is currently domestic rather than rural, in character and appearance. The proposed built form would not breach the rear boundary created by the mixture of hedges and trees and the footpath to the rear, and the wooded area to the west. In addition, this part of the village of Sarratt forms a 'U' shape running along The Green and Dawes Lane. This, in combination with the wood to the west, creates a largely self-contained area. In addition, relatively thick boundary vegetation is proposed and the detail of this could be controlled at the reserved matters stage. The urbanisation that would be caused by the proposal would therefore be relatively visually contained'.

7.7.5 In addition, the Inspector continued, stating the following with regard to the visual impact of the development:

'The proposed access would be relatively narrow, but this is largely the same as existing and the narrowness would help to limit views of the proposed homes from Church Lane, limiting their visual impact'.

- 7.7.6 Given that the proposed layout is similar to that put forward at outline stage, it is considered that the Inspector's comments would remain applicable. It is therefore considered that whilst the proposed development would be urbanising, the proposed layout would have limited harm on the character and appearance of the area due to the contained nature of the site.
- 7.7.7 In terms of siting and design, the proposed development would consist of a range of terrace, semi detached and detached dwellings. Given the varied mix of dwellings within the immediate locality, this would not be considered uncharacteristic. It is acknowledged that due to the nature of the site, the plot sizes and amenity spaces would be smaller than that prevalent along Church Lane. This was also acknowledged by the Inspector, however, it was also emphasised by the Inspector that Church Lane is varied, with a *'variety of house sizes, types and plot sizes'*.
- 7.7.8 In acknowledgement of the smaller plot sizes and amenity spaces, it is considered necessary to remove permitted development rights in relation to the provision of extensions, roof alterations and outbuildings. This is necessary to ensure that the character of the locality is retained. It is acknowledged that the Inspector did not remove permitted development rights when determining the appeal at the application site. However, the appeal related to outline consent, whereas the current application is for full planning permission where the layout, design and siting of dwellings are specified. This would also further protect the openness of the Green Belt and the character of the National Landscape Area.
- 7.7.9 The designs of the dwellings would vary, with a range of external materials utilised. Were the development to be considered acceptable, a condition could be attached requiring a full schedule of external finishes to be submitted. This would ensure that the type of materials used would be sympathetic to the wider locality.
- 7.7.10 Appendix 2 of the Development Management Policies LDD does provide guidance on spacing and sets out that generally a distance of 1.2m from boundaries should be maintained in order to prevent a terracing effect, although this can be reduced in higher density areas, or increased in areas of lower density. The distances between dwellings vary, with a distance of 2m maintained between the flank walls of the dwellings on Plots 2 and 3, 2m between the flank walls of the dwellings on Plots 12 and 13 whilst a distance of 1.8m is maintained between the flank walls of the dwellings on Plots 15 and 16. This therefore would not retain the required 2.4m spacing between dwellings (given 1.2m is required to be retained from flank wall to boundary). Whilst this would not comply with the guidance distance of 1.2m to the boundaries and would be different to the more generous spacing between dwellings fronting this particular section of Church Lane, it is not considered significant harm would occur for the following reasons. The proposed development is a denser form of development than the existing linear form of development fronting Church Lane. The spacing between properties would not be readily discernible from the Church Lane frontage due to the proposed layout and the narrow nature of the access which helps to minimise views. Furthermore, future buyers would be aware of the nature of the proposed development and the relative distances between dwellings. As such, this in itself would not result in significant visual harm to the amenities of the streetscene.
- 7.7.11 The proposed layout indicates that a number of parking areas would be provided in the form of parking forecourts rather than individual driveways. It is acknowledged that the provision of hardstanding to accommodate car parking would result in urbanising features on the site. However, the Inspector at the time of the appeal noted the following:

'Parking forecourts are proposed but this is a common feature to existing homes along Church Lane and is in accordance with the prevailing character and appearance in that respect, although I acknowledge that they would further urbanise the appeal'

7.7.12 It is noted that a comprehensive hard and soft landscaping scheme could be conditioned as part of any decision to ensure that appropriate planting is provided to soften the visual impact of the development.

7.7.13 In summary, it is acknowledged that the proposed development would introduce a more dense form of development into this location and there would be an urbanising impact on the character and appearance of the area. However, the visual impact is considered to be limited due to the siting of the development and its relationship with existing built form, as was emphasised by the Inspector at the time of the appeal:

'Overall, the proposal would cause harm to the character and appearance of the area because of its urbanising influence on a currently open site and the introduction of smaller plot sizes out of keeping with the prevailing, if varied character of this part of the village. However, the harm would be limited because of the relatively visually contained location and the proposed built form would be within the domestic rather than the rural character.....'

7.7.14 Therefore, whilst the harm would be limited as set out above, the development is still considered to be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.8 Impact on amenity of neighbours

7.8.1 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'

7.8.2 It is acknowledged that the proposed development would result in an intensification of use of the site, given the proposed change to residential. The proposed vehicular access would be located between no.76 and 78 Church Lane, and therefore these residents would be aware of additional traffic activity to and from the site. However, the principle of the access was found to be acceptable at the time of the previous outline consent and subsequent appeal with disturbance not being considered harmful by the Inspector. Consequently, it is not considered that any harm to residential amenity would occur in this regard.

7.8.3 It is also acknowledged that the outlook from the neighbouring dwellings fronting Church Lane would be altered as a result of the proposed development. Plot 1 would be located to the rear of nos.78 and 80 Church Lane. With regard to back-to-back distances, Appendix 2 of the Development Management Policies LDD advises that back-to-back distance should be retained between dwellings. In this case, the relationship would not be back-to-back with the flank elevation of the dwelling located on Plot 1 facing towards these neighbours. However, the block plan indicates a minimum distance of approximately 36.5m to be retained between the flank wall of the dwelling which would be in excess of the 28m distance set out above and would be sufficient to ensure that there would not be significant harm to these neighbours. The submitted floor plans indicate that a first-floor flank window is proposed which would face towards these neighbours, however, this would serve a bathroom which is classed as a non-habitable room and therefore can be conditioned to be obscure glazed and top vent opening only. As such, it is not considered that significant harm would occur in this regard. The built form to the rear of no.76, Plots 19 and 20, would be set away from the rear boundary with this neighbour, and therefore given the separation distance as a result of the proposed layout, no harm would occur to this neighbour.

- 7.8.4 In summary, given the proposed layout and that the general principle of residential development has been previously found to be acceptable, no objections are raised. The development is considered to be 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.
- 7.9 Quality of accommodation for future occupiers.
- 7.9.1 Appendix 2 of the Development Management Policies LDD sets out amenity space standards for new development and as follows:
- 1 bed dwelling- 42 square metres
 - 2 bed dwelling- 63 square metres
 - 3 bed dwelling- 84 square metres
 - 4 bed dwelling- 105 square metres
- 7.9.2 Of the twenty residential dwellings, five would not benefit from policy compliant amenity space with the shortfall ranging from 1.7 square metres for plot 17 to 29.5 square metres for the dwelling located on plot 18. However, all of the residential dwellings would have useable, regular shaped amenity spaces and furthermore future occupiers would be aware of the size of the gardens. It is not considered that the shortfall on five plots would result in significant harm to justify refusal and thus no objection is raised in this regard. As set above, a condition removing permitted development rights in relation to the provision of extensions, roof alterations and outbuildings shall be attached, which would also ensure that sufficient amenity space is retained for future occupiers.
- 7.9.3 In order to ensure privacy, full details of boundary treatment can be reserved via a condition, likewise full details of planting could also be secured as part of a landscaping condition.
- 7.9.4 It is also noted that the submitted block plan, indicates the siting of proposed sheds to serve the dwellings. It is considered that they have been sited such that they would not result in harm to amenity, particularly taken into consideration their modest size. Full details of the elevational appearance of the outbuildings can be reserved via a condition to ensure that the residential amenity of future occupiers is protected.
- 7.9.5 In summary, it is not considered that any significant harm would occur to future occupiers to justify refusal of the application on these grounds. Subject to conditions securing further details of outbuildings and boundary treatment, the development is viewed to be acceptable and in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.10 Trees and Landscaping.
- 7.10.1 Policy DM6 of the Development Management Policies LDD 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.
- 7.10.2 The Landscape Officer has raised no objection to the application. The removal of T4 Ash is noted, however, the Landscape Officer raises no objection to this subject to the provision of replacement planting with an appropriate species such as Oak, Sycamore or Beech. The Landscape Officer advises that a replacement tree should be at least 2-3m in height and/or

10-12cm girth at the time of planting. Full details of a replacement tree should be submitted as part of a detailed hard and soft landscaping scheme via a condition.

7.10.3 The Landscape Officer has also advised that a condition should be added to any consent requiring the submission of a tree protection plan which outlines the position of the tree protective fencing and the use of any ground protection.

7.10.4 In summary, given the Landscape Officer's comments, and subject to conditions, the proposed development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.11 Wildlife and Biodiversity

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 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.

7.11.3 A Preliminary Roost Assessment has been submitted which has assessed Ash Tree (T4) as having moderate potential as a bat roost. In addition, subsequent emergence surveys were undertaken and no evidence of the presence of a bat roost was identified. The Ecology Officer has advised that they have no reason to dispute the findings and has suggested that the soft felling strategy for T4 set out in the Ecological Assessment is secured via a condition. In addition, the Ecology Officer suggests a condition should be attached in relation to the submission of a lighting design strategy in respect of bats. In addition, the Ecology Officer notes that a confidential mitigation strategy in respect of badgers should be secured via a condition.

7.11.4 With regard to other protected species, the Ecology Officer has advised that mitigation/compensation measures set out in the Ecology Report are secured via a condition. In addition, a Construction and Environmental Management Plan should be added to any consent to ensure best working practices are adopted to protect ecology on and adjacent to the site.

7.11.5 The Ecology Officer also sets out that the Ecological Report accompanying the application includes recommendations for species enhancements and advises that these should be secured through a condition requiring a Biodiversity Species Enhancement Strategy to be submitted via a condition.

7.11.6 It is also noted that the application site lies within the Chilterns Beechwood Special Area of Conservation (SAC) Zone of Influence and therefore the Ecology Officer recommends that a Habitats Regulation Assessment should be undertaken. This is due to the risk of impacts from the increase in recreational pressure on the SAC. Natural England note that the recreational pressures harming the biodiversity interests sought to be protected by the designation are as follows:

- The greatest pressure, noted in the Footprint Ecology report and experienced on the Chilterns Beechwoods SAC, in particular Ashridge Commons and Wood SSSI arises from recreational pressure.
- Natural England describe the damage caused by people using the designated site for recreation as including trampling and vegetation wear, soil compaction and erosion,

nutrient enrichment (dog fouling), litter, invasive species, increased incidence and risk of fire and other impacts

7.11.7 The location of the site within the Zone of Influence is acknowledged, however, the evidence relating to actual harm caused to the SAC by visitation from the public indicates that it is generally proportionate to the SAC. In this case, Three Rivers is located at the outer edge of the Zone of Influence and the District generates less than 2% of the visits to the SAC. Consequently, taking into the above evidence, and the scale of this development, it is considered that material harm to the SOC as a result of this development would be unlikely. As such it is not considered that any compensatory measures would be required.

7.11.8 In summary, subject to the conditions outlined above, no objection is raised. The development is considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.12 Mandatory Biodiversity Net gain.

7.12.1 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.

7.12.2 A baseline habitat map and statutory matrix has been submitted and shows the baseline values of 19.51 habitat units and 0.3 hedgerow units. The Ecology Officer has advised that there is no reason to doubt the values. The submitted matrix demonstrates that the proposed development would result in a net gain of 0.06 hedgerow units (20.9%) and a net loss of 1.83 habitat units (-9.40%).

7.12.3 It is noted that the Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions:

- First, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
- then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

7.12.4 The Ecology Officer advises that the proposed onsite BNG includes areas of medium distinctiveness and given the scale and nature of the enhancements a condition requiring an Ecological Management and Monitoring Plan demonstrating how the habitat will be created and enhanced for thirty years should be secured via a condition. A monitoring fee would also be required and would need to be secured via a S106 Agreement.

7.12.5 In addition, given that the development would result in a net loss in respect of habitat units, the applicant is proposing to secure the net gain through utilising Biodiversity Units/Credits. As set out above, the Biodiversity Gain Hierarchy requires adverse effects to be compensated by prioritising enhancing existing habitats, then creating new habitats, and after that the allocation of registered off-site gains. The Ecology Officer has advised that if biodiversity credits are proposed, then the applicant must demonstrate to the satisfaction that all other options have been explored. In this case, the submitted report sets out that it

was not deemed possible to enhance the retained habitats on the basis of the proposed use of the site and the proposed locations of retained habitats. This justification is accepted. Full detail would be required to be submitted as part of the discharge of the mandatory BNG Condition.

- 7.12.6 In summary, the proposed development would secure a 10% BNG through the creation of on site enhancements for which a monitoring fee of £5,060 would be secured via a S106 agreement, and through the purchase of off-site biodiversity units/credits, which the LPA has accepted as acceptable in this instance. Consequently, the proposed development would be in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

7.13 Highways: Access

- 7.13.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access.
- 7.13.2 Herts Highways have been consulted and consider the access arrangements to the site to be acceptable. They note that the development would utilise an existing access point from Church Lane and would include a re-arranged bellmouth access leading to a 5.5m wide access road. The Highways Officer notes that the width of the access road would enable two vehicles to pass one another and would be acceptable to support the development of 20 dwellings. In addition, the Highways Officer has confirmed in their comments that the level of vehicular- to- vehicular visibility to either side of the access onto Church Lane is considered to be acceptable and sufficient when taking into the consideration of the speed and nature of the highway.
- 7.13.3 A swept path analysis has accompanied the application and demonstrates that a 12m long refuse vehicle would be able to use the access road and would be able to turn around and egress onto the highway in a forward gear. In addition, the Highways Officer has confirmed that a fire tender (shorter than a refuse vehicle) would be able to safely access the site and be able to get within 45m of all parts of the proposed dwellings. This is viewed to be acceptable and in accordance with the guidelines as outlined in HCC'S Manual for Streets and Building Regulations 2010: Fire Safety Approved Document B – Dwellings (and subsequent updates).
- 7.13.4 The proposed development would also include a pedestrian link to existing Public Footpath Sarratt 30 to the rear of the site. The Highways Officer has advised that this is supported as it would improve pedestrian accessibility from the site into the village. The Highways Officer has confirmed that whilst there is no footway along this part of Church Lane nor a dedicated footpath link, this is not deemed sufficient grounds to recommend refusal taking into consideration the pedestrian link, the previous appeal decision relating to this site and also the appeal decision APP/P1940/W/22/3311479 relating to land adjacent to 97 Church Lane which was for 9 dwellings, located further from the village centre than the application site. It is noted that the deliverability of the link to the footpath has been queried by the Parish Council and residents. This has been raised with the applicant who has advised the following:

The definitive plan provided by Hertfordshire County Council illustrates Footpath 30 running along a south west/north east alignment between footpath 28 to the west and The Green to the east. The alignment of FP 30 abuts the rear boundary fences of all of the properties along Church Lane.

Whilst the actual route taken by walkers' meanders from the boundary fence and in places abuts the boundary fence of the development site such a route does not represent the actual defined footpath. Typically, vegetation or overgrown hedgerows restrict the right of way and pedestrians over time chose the less obstructive route. The current route therefore does not define the definitive route of the footpath along its entire length.

It is therefore my considered opinion that the footpath 30 does about the development site and a connection be made, and the footpath link can be delivered.

Notwithstanding this view, as will be known, a recent appeal decision granted (APP/P1940/W/22/3311479) for 9 dwellings without a footway or footpath links to the surrounding area was granted permission, it is evident that a footpath link is not essential for this scheme to be deemed acceptable, and planning permission granted

7.13.5 The applicant has also provided a land registry plan which indicates that the line of the footpath is located adjacent to the rear boundary of the application site and therefore it is considered a link can be provided. Furthermore, the Inspector found no reason why a link could not be provided at the time of the appeal which remains extant.

7.13.6 In summary, subject to the conditions suggested by Herts Highways including the submission of a construction management plan, the proposed development is considered acceptable and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

7.14 Car Parking Provision.

7.14.1 Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the following off street car parking requirements:

1 bedroom dwelling:	1.75 spaces	(1 assigned)
2 bedroom dwellings:	2 spaces	(1 assigned space)
3 bedroom dwellings:	2.25 spaces	(2 assigned)
4 or more bedrooms:	3 spaces	(3 assigned)

7.14.2 The proposal therefore requires the following off street car parking provision:

10 x 2 bedroom dwellings:	20 spaces (10 assigned)
6 x 3 bedroom dwellings:	13.5 spaces (12 assigned)
4 x 4 bedroom dwellings:	12 spaces (12 assigned).

Total: 45.5 spaces (maximum) (34 assigned spaces).

7.14.3 The proposed site layout indicates a total car parking provision of 45 spaces, therefore indicating a shortfall of 0.5 spaces.

7.14.4 Neighbours have raised concern in relation to car parking, and that the provision of twenty dwellings will lead to overspill on to Church Lane. Whilst these concerns are acknowledged, the proposed shortfall of 0.5 spaces is considered to be minor. The submitted plans demonstrate that all of the residential dwellings would have the appropriate number of assigned spaces, with the 2 bedroom dwellings, all benefiting from two off street car parking spaces. Given shortfall of 0.5 spaces it is considered there would be limited harm, particularly taking into consideration that all of the dwellings would benefit from the correct number of assigned spaces. The Highways Officer has also advised that the spaces are of an acceptable size. A condition shall be added to ensure that car parking should be laid out and provided in accordance with the proposed plans prior to occupation. In addition, full details of surfacing should be provided including details of the demarcation of the parking bays. In addition, taking into account the location of the site, a condition shall be attached requiring the garages to be retained for off street car parking purposes.

7.14.5 With regard to cycle parking, the submitted Planning Statement details that there 'is sufficient room within the curtilage of each dwelling to incorporate safe and secure cycle storage'. It is noted that outbuildings are proposed which would allow storage for bikes.

- 7.14.6 In summary, taking into consideration the proposed car parking provision including that all of the dwellings would have the correct number of assigned spaces, the limited shortfall of 0.5 spaces. car parking provision and that the site can accommodate secure cycle storage, it is considered unreasonable to raise an objection on these grounds. The development is acceptable and in accordance with Policy DM13 of the Development Management Policies LDD.
- 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 Highways Officer notes that a swept path analysis has been submitted which illustrates that a 12m long refuse vehicle would be able to use the proposed access, the internal access road layout, turn around and egress to the highway in forward gear, the arrangements of which are considered to be acceptable. Full details of refuse storage have not been submitted as part of the application. However, it is deemed that this matter can be reserved via a condition.
- 7.15.3 As such, the proposed development is considered to be acceptable and in accordance with Policy DM10 of the Development Management Policies LDD.
- 7.16 Contamination
- 7.16.1 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.
- 7.16.2 The Environmental Health Officer has assessed the submitted information and has raised no objection. The Environmental Health Officer had advised that a condition should be added to any consent requiring details of unexpected contamination to be submitted to the Local Planning Authority. Subject to this condition, the development is considered acceptable and in accordance with Policy DM9 of the Development Management Policies LDD.
- 7.17 Sustainability
- 7.17.1 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.
- 7.17.2 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.

- 7.17.3 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. Policy 12 of the Sarratt Neighbourhood Plan sets out that 'development proposals are encouraged to achieve the highest standards of sustainability, decarbonisation and energy efficiency'.
- 7.17.4 An Energy Statement accompanies the application and details that the development would result in a 63.2% reduction in CO2 emissions which would therefore exceed the policy requirements set out in Policy DM4 of the Development Management Policies LDD. The applicant has advised that this would be through measures within the fabric of the buildings including insulation to all heat loss floors, walls and roofs, high efficient double glazing, low energy lighting and efficient heating systems. In addition, individual air source heat pumps would be installed. It is noted that these are not illustrated on the submitted drawings and consequently a condition would be attached to the consent requiring full details of the ashp including details of their siting and appearance to be submitted and approved in writing prior to first occupation of the development.
- 7.17.5 Therefore, in summary, it is considered that the proposed development would be in accordance with Policy DM4 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the Sarratt Neighbourhood Plan.
- 7.18 Drainage
- 7.18.1 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.
- 7.18.2 The LLFA have raised an objection to the proposed details due to concerns that the proposed SuDs are likely to increase the risk of flooding elsewhere. The LLFA have requested further clarification in relation to the discharge of surface water, and justification as to why the proposed drainage system cannot be a gravity system. In response, further information has been submitted by the applicant and this is being considered by the LLFA who have informally advised that the further information overcomes their concerns/objection. Formal written comments and suggested conditions are awaited.
- 7.18.3 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.
- 7.19 Referral to Secretary of State

- 7.20 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 Very Special Circumstances
- 7.21.1 As set out in the analysis above, it is considered that the proposed development would fail to meet any of the identified exceptions to inappropriate development within the Green Belt. Furthermore, whilst it is viewed that the land is Grey Belt, the development fails to comply with paragraph 155 of the NPPF, in so far as the site is not located within a sustainable location, nor does the proposed development provide accessible green space for residents. As such, in accordance with paragraph 153 of the NPPF, very special circumstances are required which would outweigh the identified harm to the Green Belt.
- 7.21.2 In this case, it is considered that the proposed development would result in spatial and visual harm to the Green Belt. The provision of twenty residential dwellings would result in an urbanising form of development which would be detrimental to the openness and rural character of the Green Belt. However, and as set out by the previous appeal Inspector, the actual harm is minimised due to the contained nature of the site, being bounded by woodland and the public right of way. Furthermore, the narrow nature of the access does act to minimise the overall visibility of the development and the urbanising influence on the character of Church Lane and the wider Green Belt. In the context of decision making, harm to the openness of the Green Belt must be afforded significant weight.
- 7.21.3 In addition to the identified harm to the Green Belt, one must also have regard to any other harm caused as a result of the proposed development. As set out above, there would be harm to the character and appearance of the area, and to the National Landscape area. However, given the similarities between the two schemes, regard must be had to the Inspector's comments made in determining the appeal for application 21/2896/OUT as follows:
- I have found limited harm to the character and appearance of the area. I place moderate weight on this limited harm. I have also found limited harm to the landscape and scenic beauty of the AONB and I place great weight on this harm, limited though it is, as directed by Paragraph 176 of the Framework. There would be further harm from the loss of existing biodiversity on the appeal site.*
- 7.21.4 In addition, it is acknowledged that the proposed development would also fail to provide policy compliant amenity space for all residential dwellings. However, taking into consideration the regular shape and useable nature of the private spaces, limited weight is attached to this shortfall. At the current time, it is also noted that there is an objection from the LLFA in relation to the proposed drainage scheme which would be afforded significant weight in the decision making process until such time that this objection is overcome.
- 7.21.5 Whilst the applicant does not consider that the development would be inappropriate, they have set out very special circumstances within their Planning Statement should the LPA conclude that the development would not meet any of the identified exceptions to inappropriate development. In determining what weight should be attached to the

considerations put forward by the applicant, officers shall use a scale including significant, moderate and limited.

7.21.6 The LPA's lack of a 5- year housing land supply: The applicant sets out that the LPA's current housing land supply stands at 1.7 years (published in December 2024). This is a further reduction from the 1.9 years which was the position at the time of the appeal relating to this particular site. It is acknowledged that an updated housing supply figure will be published by the Council towards the end of 2025. The applicant sets out that the proposed scheme will deliver 20 residential dwellings, which should be afforded substantial weight in the planning balance.

7.21.7 When undertaking an analysis of the benefits against the harms in the context of two linked appeals scheme at Sarratt for a total of 92 new houses and a doctors surgery on two sites off Church Lane in Sarratt, the Inspector made the following observations about the general position of the District in the context of paragraph 11(d) of the NPPF (22/0601/OUT (appeal reference APP/P1940/W/22/3311477) at Land rear of 17-49 Church Lane and 22/0602/OUT (APP/P1940/W/22/3311479) at Land adjacent to 97 Church Lane):

94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.

100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development. The overwhelming lack of supply of diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.

101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.

7.21.8 It is acknowledged that the current scheme being considered is much smaller than that being considered by the above appeals. However, the commentary above sets out that the need for housing cannot be met in existing settlement boundaries and that development within the Green Belt is required. Furthermore, in this instance, the LPA note the extant outline permission which would deliver twenty dwellings in a similar manner to that now being considered. Significant weight should be attached to this fall back position. In summary, the LPA acknowledge the lack of 5 year housing land supply and it is therefore

considered that the delivery of twenty residential dwellings should be afforded **significant weight**. Likewise, **significant weight** should also be afforded to the fall back position of the extant permission.

- 7.21.9 The provision of affordable housing. The applicant sets out that the scheme would deliver 50% affordable housing. The Planning Statement notes the following:

'Policy CP4 of the Core Strategy requires that 45% of new housing on qualifying sites to be affordable. As a percentage of the annual 180 dwellings Core Strategy Targey, a minimum of 81 affordable dwellings are to be delivered per annum. This level of delivery has been achieved only once in 25 years within the District (App/P1940/W/22/3311477 and APP/P1940/W/22/3311479 both relating to sites at land read of 17-49 Church Lane and adjacent to 97 Church Lane, Sarratt as determined 3rd May 2024'.

- 7.21.10 The applicant goes on to state the following:

'Accordingly given the backdrop of a significant shortfall of housing of all kinds year upon year, this adds further to the very special circumstances evident in this application and is to be afforded substantial positive weight in the planning balance'.

- 7.21.11 Officers acknowledged the pressing need for affordable housing and note that the proposed development would provide 50% on site affordable housing provision, therefore in excess of the 45% Policy CP4 requirement. Furthermore, the development would provide affordable housing of a policy compliant tenure split of 70% provision for Social Rent, and 30% for Shared Ownership. The Inspector's comments at the time of the appeal are noted as follows:

'The proposal is for 100% affordable housing scheme in an acceptable mix, even if not fully policy compliant, as set out above. In the context of the lack of a five year supply of housing land and an acknowledged and pressing need for affordable housing, I place substantial positive weight on the proposed provision of up to 20 affordable homes'

- 7.21.12 Whilst it is acknowledged that outline consent granted on appeal was for 100% affordable housing, and this scheme therefore represents a reduction, officers consider that in light of the urgent need for affordable housing, and a provision in excess of the development plan requirement, that the 50% provision proposed should still be afforded **significant weight** in the decision making process, particularly taken into consideration the policy compliant tenure split.

- 7.21.13 The creation of a footpath link. The applicant sets out that as per the extant consent, a pedestrian link would be created through the rear boundary of the site and would provide an off road link to between the site and Saratt village and its amenities. The applicant states that the Inspector at the time of the appeal noted that the link would provide a 'genuine alternative' to walking down Church Lane. In addition, the link would be available for all residents of Sarratt (not exclusively future occupiers) and would provide a betterment- and as such, the applicant affords this moderate weight. In response, the benefits of providing a link to the existing right of way is noted. Whilst some residents do not consider that it is deliverable, the Inspector did not consider that this was the case at the time of the appeal and did find this to be acceptable. Officers consider that the provision of a footpath link would attract **limited weight** in the decision making process.

- 7.21.14 Economic benefits. The applicant states that there would be economic benefits during the build and post build programme. Furthermore, the new residents would utilise village amenities, thus contributing positively. These benefits are noted and it is considered that this would be afforded **limited weight** in the decision making process.

- 7.21.15 The removal of invasive species (Japanese Knotweed) and the net gain in Biodiversity. The applicant sets out that the proposal will entail the removal of Japanese Knotweed from the

site which would be a benefit. Likewise, the proposal would deliver a net gain in Biodiversity. These points are acknowledged, although, it is noted that the proposed development would only deliver an on-site net gain in hedgerow units, and there would be an on site loss of biodiversity habitat units. As such, these considerations are afforded **limited weight**.

7.22 Conclusion on Very Special Circumstances, The Planning Balance and overall conclusions.

7.22.1 In conclusion, and as set out above, it is considered that the proposed development would result in harm to the openness of the Green Belt by reason of the urbanisation of the site. The weight afforded to this harm would be significant. Likewise, there would also be harm to the Chilterns National Landscape and character of the area, albeit this would be limited by reason of the site circumstances. In addition, there would also be harm as a result of the development's failure to provide policy compliant amenity space, although the weight to be afforded to this consideration is limited for the reasons already set out above. Furthermore, it is noted at the current time, there is an outstanding objection from the LLFA in relation to sustainable drainage, which would be afforded significant weight in the decision making process until such time that this objection is overcome.

7.22.2 Taking into consideration the above identified harm, subject to the LLFA withdrawing their objection to the scheme, it is considered that the circumstances put forward by the applicant including the significant need for housing and for affordable housing, attract significant weight, such that they would comprise very special circumstances which outweigh the harm to the Green Belt and the other harms identified.

7.22.3 In addition, regard must also be had to the previous appeal decision at this site in respect of the harm identified by the Inspector as follows:

'I have found limited harm to the character and appearance of the area. I place moderate weight on this limited harm. I have also found limited harm to the landscape and scenic beauty of the AONB and I place great weight on this harm, limited though it is, as directed by Paragraph 176 of the Framework. There would be further harm from the loss of existing biodiversity on the appeal site

The proposal is for a 100% housing scheme in an acceptable mix, even if not fully policy compliant, as set out above. In the context of a lack of five year supply of housing land and an acknowledged and pressing need for affordable housing, I place substantial positive weight on the proposed provision of up to 20 affordable homes. There would be further economic benefits from the construction of the proposal and from further expenditure by future occupants on local services. The BNG as secured by the S106 would be of moderate positive weight'.

Overall, it is clear that the benefits of the proposed affordable housing, economic benefits and BNG would outweigh the limited harm to the character and appearance of the area, and the scenic beauty of the AONB and loss of existing biodiversity on the appeal site. This is despite my placing great weight on the harm to the AONB because this harm would be limited whereas the benefits from the proposed affordable housing would be substantial. The proposal therefore clearly passes the 'tilted balance' test that any adverse impacts would significant and demonstrable outweigh the benefits, and in fact weighted in the opposite direction'.

7.22.4 The harm to the Chilterns National Landscape and character of the area is as per the Inspector's comments viewed to be limited, although great weight to the harm on the Chilterns National Landscape is acknowledged. In addition, whilst it is again acknowledged that the current scheme is materially different in that only 50% affordable housing is proposed, it is still considered that given the pressing need for affordable housing and for housing of all types, that this would attract significant weight. Furthermore, the fall back position of the extant scheme must also be afforded significant weight in the decision making process. In addition, the benefits including the provision a footpath link, and

economic benefits would also attract limited weight. It is therefore considered that as previously, the development passes the 'tilted balance' test, in that the adverse impacts of the scheme are clearly outweighed by the benefits.

- 8 Recommendation: (1) Delegate to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA) and the inclusion of any conditions recommended by the LLFA and following referral to the Secretary of State and subject to them raising no objection, and following completion of a S106 Agreement (securing the affordable housing provision and a monitoring fee in relation to BNG) that Planning Permission is granted subject to the following conditions; or (2) in the event that the LLFA maintain their objection, that Planning Permission refused on the grounds set out by the LLFA and in the absence of a S106 Agreement securing the above referenced contributions.**

C1 Standard 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 In accordance with plans.

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

3245.PLN.200 REV B, 3245.PLN.201 REV F, 3245.PLN.202 REV E 3245.PLN.203, 3245.PLN.204, 3245.PLN.205, 3245.PLN.206, 3245.PLN.207, 3245.PLN.208, 3245.PLN.209, 3245.PLN.210, 3245.PLN.211, 3245.PLN-212, 3245.PLN-213, 3245.PLN-215,

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 CP1, CP2, C3, CP4, C9, CP10, DM11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Sarratt Neighbourhood Plan 2024-2039 (Referendum Version, 2025).

C3 Site Levels (Planning)

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).

C4 Site Waste Management Plan (Herts Waste Management)

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local 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 DM10 of the Development Management Policies LDD (adopted October 2011).

C5 Construction Management Plan (Herts 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);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

Reason: This is a pre-commencement condition 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).

C6 Sewerage Upgrade Works (Thames Water).

No part of the development hereby permitted shall be first 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 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 incident in accordance with Policy CP8 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Construction Environmental Management Plan (Herts Ecology).

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including a

section for ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not necessarily be limited to, the following.

1. A review of any ecological impacts and should be informed by the submitted ecological report (Ecological Assessment by Luscinia Ecology (report date 29/07/2025)).
2. Risk assessment of potentially damaging construction activities.
3. Identification of 'biodiversity protection zones'
4. A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
5. The location and timings of sensitive works to avoid harm to biodiversity features. (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset).
6. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
7. A non-native invasive species protocol for Japanese knotweed and cotoneaster horizontalis.
8. The times during construction when specialist ecologists need to be present on site to oversee works.
9. Responsible persons and lines of communication.
10. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C8 Biodiversity Species Enhancement Strategy (Herts Ecology)

Prior to the commencement of development a Biodiversity Species Enhancement Strategy / Plan for Protected and Priority Species shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should be informed by section 5.20 of (Ecological Assessment by Luscinia Ecology (report date 29/07/2025)). With the exception that the swift boxes are replaced by universal swift bricks. Bat roosting features and Swift Bricks should be Integrated (built "into" rather than "onto" buildings). Features should be installed in a ratio of one for every two buildings and located according to ecological best practice.

The scheme/ plan shall include, but not be limited to, the following details:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- c) Detailed designs to achieve stated objectives.
- d) Materials and construction to ensure long lifespan of the feature/measure
- e) Proposed Locations shown by suitable maps and plans and where appropriate the elevations of the features or measures to be installed or undertaken.

- f) When the features or measures will be installed within the construction, occupation, or phase of the development,
- g) Persons responsible for implementing the enhancement measures
- h) Details of initial aftercare and long-term maintenance (where relevant). Thereafter, the biodiversity enhancement measures shall be carried out and maintained for their designed purpose in accordance with the approved details including timescales and shall be retained as such thereafter.

Reason: This is a pre-commencement condition to protect and enhance ecology on and adjacent to this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C9 Landscape and Ecology Management Plan (Herts Ecology)

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

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a thirty year period).
- g. Details of the body or organisation responsible for the implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition in the interests of biodiversity in accordance with Policy DM6 of the Development Management Policies LDD.

C10 Biodiversity Net Gain Plan (Herts Ecology and Planning)

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Statement and Draft Biodiversity Net Gain Plan prepared by Luscinia Ecology (09.06.2025).

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).

C11 Habitat Monitoring and Management Plan (Herts Ecology and Planning).

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) 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) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency (years 2, 5, 10, 15 and 30) in respect of the created or enhanced habitat to be submitted to the local planning authority has been submitted to, and approved in writing by, the local planning authority.

Reason: This is a pre-commencement condition to ensure that the net gain for biodiversity 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.

C12 Habitat Management and Monitoring Implementation (TRDC)

Notice in writing shall be given to the Local Planning Authority when the agreed Habit Management and Monitoring Plan (HMPP) as secured by condition 11 has been implemented.

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

C13 In accordance with Habitat Management Monitoring and Management Plan (Herts Ecology and Planning)

The created and/or enhanced habitat specified in the approved Habitat Management and Monitoring Plan shall be managed and maintained in accordance with the approved Habitat Monitoring and Management Plan for 30 years from the date of first occupation of the development.

Reason: This is to ensure that the created and enhanced habitat is maintained for 30 years from the first occupation of the development and can be monitored and enforced by the Local Planning Authority, in accordance with 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.

C14 Monitoring reports as agreed (Herts Ecology and TRDC).

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP (as secured by condition 11).

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.

C15 Tree Protection and Arboricultural Method Statement (Landscape Officer)

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

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

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

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

C16 Hard and Soft Landscaping (Landscape Officer)

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 (including but not limited to tree(s) to be planted to mitigate against the removal of T4), and a specification of all hard landscaping including locations, materials and method of drainage.

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

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

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (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. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C17 Tree Removal (Herts Ecology)

The removal of the Ash Tree (T4) shall be undertaken in accordance with the recommendations in section 5.24 of the Ecological Assessment by Luscinia Ecology (report date 29/07/2025).

Reason: The recommendations represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C18 Reporting of Unexpected Contamination (Environmental Health)

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

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

C19 Fire Hydrants (Fire and Rescue)

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

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

C20 External Materials (TRDC)

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including hard surfaced areas) 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 buildings being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Internal Access Road and Car parking/turning areas (Herts Highways)

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

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

C22 Parking retained (TRDC)

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

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

C23 Garages retained (TRDC)

The garages and car ports serving the residential dwellings hereby permitted, shall be retained for the garaging of private cars. No alterations, either externally or internally shall be carried out to the garages and car ports such as to prevent their use for garaging private cars.

Reason: To ensure adequate parking provision is maintained in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C24 Boundary treatment (TRDC)

Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the 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).

C25 Refuse and Recycling (TRDC)

The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

C26 Before the first occupation of the dwelling on Plot 1, permitted the first floor flank bathroom window(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).

C27 Outbuildings (TRDC)

Prior to the construction of the proposed, ancillary outbuildings, as illustrated on plan 3245.PLN.202, full details of their size, siting and appearance shall be submitted and approved in writing by the Local Planning Authority. The outbuildings shall be constructed in accordance with the approved details prior to first occupation of the dwelling to which they relate.

Reason: To protect the character and appearance of the Green Belt and the residential amenity of neighbouring dwellings in accordance with Policy CP12 of the Core Strategy (adopted July 2013) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C28 External Lighting (Environmental Health and Herts Ecology).

Prior to the installation of any lighting on the site, full details and specification of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include heights of any lighting columns, spillage diagrams, and proposed hours of operations. The lighting shall therefore after be implemented only in accordance with the approved details.

Reason: To protect the openness of the Green Belt and to safeguard wildlife and ecology in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C29 Air Source Heat Pumps (TRDC).

Prior to the first occupation of the development, details including the siting and appearance of the proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The air source heat pumps shall be installed in accordance with the approved details and maintained thereafter.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and to protect residential amenity in accordance with Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C30 Energy Statement (TRDC)

The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C31 Removal of Permitted Development Rights (TRDC)

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

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

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

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site, the need to preserve the openness of the Metropolitan Green Belt, the need to protect the amenities of occupants of neighbouring properties, to ensure the protection of existing trees, and to ensure that future occupiers have sufficient available amenity provision and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

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

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

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The 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.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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>

- 15 The Public Footpath should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or row@hertfordshire.gov.uk for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.asp>

- 16 Works within the highway (section 278): If there are any works proposed within the existing highway land, the developer of the site would need 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>
- 17 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 into the sewer network.

- I8 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-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- I9 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.
- I10 The scheme shall also include replacement planting for the removal of T4 Ash with an appropriate species such as Oak, Sycamore or Beech. The replacement tree should be at least 2-3cm in height/ and or 10-12cm girth at the time of the planting.

Appeal Decision

Site visit made on 7 June 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/P1940/W/22/3300083

Land to the rear of 76 and 78 Church Lane, Sarratt WD3 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Clovercourt (Sarratt) Ltd against the decision of Three Rivers District Council.
 - The application Ref 21/2896/OUT, dated 6 January 2022, was refused by notice dated 8 April 2022.
 - The development proposed is the development of up to 20 residential dwellings (Use Class C3) with new access to Church Lane and pedestrian link to existing public footpath.
-

Decision

1. The appeal is and planning permission is granted for the development of up to 20 residential dwellings (Use Class C3) with new access to Church Lane and pedestrian link to existing public footpath at Land to the rear of 76 and 78 Church Lane, Sarratt WD3 6HL, in accordance with the terms of the application Ref 21/2896/OUT, dated 6 January 2022, subject to the conditions set out in the Annex.

Preliminary Matters

2. I have incorporated a reference to the proposed pedestrian link to an existing public footpath into the description of development because this provides a more comprehensive summary of the proposal than the description used on the application form.
3. The appeal is for outline planning permission with access applied for in full and all other matters reserved. An indicative site layout drawing has been provided. I have had regard to this as appropriate whilst reflecting its illustrative nature. It does not, therefore, form part of the formal drawing set for the appeal. Access has been applied for in full but the details of the proposed vehicular and pedestrian access are shown on a drawing which also includes the proposed layout, which is only applied for in outline. I deal with this as appropriate throughout my Decision.
4. The Development Plan for the area includes the Development Management Policies Local Development Document, adopted July 2013 (the DMP) and the Core Strategy, adopted October 2011 (the CS). The emerging Local Plan is still in the early stages of consultation and is likely to be the subject of modification, perhaps significantly. It therefore carries very limited weight.

5. The fifth reason for refusal is in relation to drainage. However, the appellant has since submitted additional information in relation to drainage and the Council has appointed a specialist consultant to review the drainage strategy. The Council considers that the drainage strategy would be acceptable, subject to control of the detail by condition, and it did not pursue this reason for refusal.
6. The third reason for refusal is, in part, because of the lack of a s106 Planning Obligation to secure the proposed affordable housing. The fourth reason for refusal is in relation to the failure to conserve, enhance or restore biodiversity in the absence of a completed s106 Planning Obligation to secure compensation for the proposed loss of biodiversity on the appeal site. The final s106 Planning Obligation, dated 6 December 2022 (the s106) responds to these concerns. The s106 secures:
 - all the proposed homes to be affordable housing, including six social rent and two shared ownership homes with the remaining mix to be confirmed;
 - a Biodiversity Net Gain (BNG) contribution of £27,000 towards the creation or enhancement of an area of grassland and its future management for 25 years in a location nearby to the appeal site; and,
 - a monitoring fee of £5,000 towards the Council's costs of monitoring compliance with the s106.
7. I am satisfied that the provisions of the s106 would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at Paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. The fourth reason for refusal is not therefore a main issue for the appeal. The third reason for refusal also relates to the proposed affordable housing mix and this remains a main issue. I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including whether or not the proposal would conserve or enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (the AONB);
 - whether or not the proposal makes adequate provision for affordable housing;
 - whether or not the proposal would be inappropriate development in the Green Belt and, if so, whether or not the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Character and Appearance

9. The appeal site is accessed from a thin slither of land between existing housing fronting Church Lane before opening up into a wider area, behind the existing properties, which is currently open land. The existing development is linear along Church Lane, in a varied mix of detached, semi-detached and terrace dwellings and a mix of plot sizes.

10. Significant built form does not extend westwards behind the properties other than gardens and associated outbuildings and an area of equestrian land. However, there is a definitive boundary which runs along a footpath along the far north west boundary of the appeal site and also to the rear of the rear gardens and associated outbuildings and equestrian land. Beyond this boundary is an open field that is not a garden and does not contain ancillary structures or buildings. This field has a more countryside character and appearance compared to the ancillary domestic and partially developed character and appearance to the appeal site, rear gardens and equestrian area as described above.
11. There is a large existing house located in this rearwards area to the south west of the appeal site, but this is behind a small patch of woodland and does not visually link to the appeal site or the other garden and other mostly open land to the north east.
12. It is proposed to erect up to 20 homes, all within the rear, open part of the appeal site. The existing access would be altered and hard surfaced to provide vehicular access to the site. Layout is reserved but is likely to be similar in form to as depicted on the illustrative site layout, with homes lining a central 'spine road' and at the top of a turning head to the rear of the site. The proposal would inevitably result in a change in character and appearance to the appeal site, urbanising the site. It would also introduce relatively significant built form to the rear of the existing homes that face onto Church Lane.
13. However, the proposed encroachment of built form would be confined to the rearwards area that is currently domestic, rather than rural, in character and appearance. The proposed built form would not breach the rear boundary created by the mixture of hedges and trees and the footpath to the rear, or the wooded area to the west. In addition, this part of the village of Sarratt forms a 'U' shape running along The Green and then Dawes Lane. This, in combination with the wood to the west, creates a largely self-contained area. In addition, relatively thick boundary vegetation is proposed and the detail of this could be controlled at reserved matters stage. The urbanisation that would be caused by the proposal would therefore be relatively visually contained.
14. The proposed access would be relatively narrow but this is largely the same as existing and the narrowness would help to limit the views of the proposed homes from Church Lane, limiting their visual effect. The proposed homes would have smaller plot sizes and gardens than is prevalent along Church Lane but there is already a variety of house sizes, types and plot sizes along the Lane. Parking forecourts are proposed but this is a common feature to existing homes along Church Lane and is in accordance with the prevailing character and appearance in that respect, although I acknowledge that they would further urbanise the appeal site.
15. The appeal site lies adjacent to the AONB, to the north west. The AONB is characterised by a mixture of woodland, copses, pastures, fields, farms and villages. The proposal would not directly affect any of these characteristics. It would introduce an urbanising form of development to a currently largely open site but this would be largely visually separated from the immediately adjoining part of the AONB by the proposed boundary treatment, and from the wider AONB by the existing woodland and the rest of Sarratt village. In addition, the existing properties along Church Lane and their associated gardens and

outbuildings have already introduced domestic influences to the setting of this part of the AONB.

16. Overall, the proposal would cause harm to the character and appearance of the area because of its urbanising influence on a currently open site and the introduction of smaller plot sizes out of keeping with the prevailing, if varied, character of this part of the village. However, the harm would be limited because of the relatively visually contained location and that the proposed built form would be within the domestic rather than rural character area. For the same reason, the proposal would harm the landscape and scenic beauty of the AONB, but only to a limited degree.
17. The proposal therefore fails to comply with Policies CP1 and CP12 of the CS and Appendix 2 of the DMP which require high quality design. It fails to comply with Policy DM1 of the DMP which requires new residential development to protect the character of existing areas of housing from backland development and Policy DM7 of the DMP which seeks to protect the special landscape and scenic landscape character of the AONB. It also fails to comply with Paragraph 176 of the Framework, which seeks to conserve and enhance the landscape and scenic beauty in AONBs.

Affordable Housing

18. Policy CP4 of the CS states that affordable housing should be provided with an overall provision of 45% of the total housing and a split of 70% social rented and 30% intermediate units. Planning Practice Guidance (PPG) is that 25% of affordable housing provision should be First Homes¹ and that within the remaining 75%, social rented units should be at the same percentage as set out in the Development Plan². Therefore, as applied to Policy CP4, the expected affordable housing split is 25% First Homes, 70% social rented and 5% intermediate.
19. The s106 secures all the proposed up to 20 homes to be affordable. Six would be social rented, two would be First Homes and one would be intermediate. The remaining homes, likely 11 units, would also be affordable but in a yet to be determined split in the control of the appellant. Therefore, at least 30% of the homes would be social rented. This is approximately the same as the 31.5% that would be the result if 45% of the total units were affordable and 70% of those were social rented. At least 10% of the total affordable homes would be First Homes. This is the equivalent of 22.2% if 45% of the total units were affordable ie 9 units.
20. Overall, the proposed affordable mix would not meet the requirements of PPG in relation to First Homes both because only 10% of the proposed homes would be First Homes and because even under an 'equivalent' calculation based on 45% affordable provision, the offer still falls short of the 25% required. The final split of social rented and intermediate units could also fail to meet the 70/30 split set out in Policy CP4. However, the mix is explicitly labelled as a 'guide' in Policy CP4 and can therefore reasonably be expected to change, based on the particular circumstances of each proposal. The overall affordable offer is strong, with all of the proposed units to be affordable housing and with a reasonable mix of First Homes, social rented and intermediate units already

¹ Paragraph: 012 Reference ID: 70-012-20210524

² Paragraph: 015 Reference ID: 70-015-20210524

secured by the s106. The proposal therefore makes adequate provision for affordable housing and complies with Policy CP4 of the CS. It does not comply with PPG, but I place limited weight on this conflict in the context of the 100% affordable housing offer.

Green Belt

21. It is proposed to construct up to 20 dwellings on the appeal site. New buildings are inappropriate development in the Green Belt unless they fall under a number of exceptions set out in Paragraph 149 of the Framework. Part f) of the paragraph is for limited affordable housing for local community needs under policies set out in the Development Plan. All the proposed homes would be affordable housing, as secured through the s106. No direct link is provided to local tenants in the s106 but a Nominations Agreement would need to be entered into and the s106 secures that this retains all nomination rights with the Council. It would therefore be within the control of the Council to secure the affordable housing for local community needs.
22. Policy CP4 of the CS states that there is an identified and pressing need for affordable housing in the District. The reasoned justification, at Paragraph 5.30, finds that, to completely satisfy affordable housing requirements, all future housing in the District to 2021 would need to be affordable. In addition, the Sarratt Housing Needs Assessment finds, at Paragraph 10, a need for 122 social rented and 48 intermediate affordable units within Sarratt in the Plan period of 2020 to 2046 and acknowledges that it is unlikely this need can be satisfied through conventional housing delivery and that exception sites might be required.
23. I do not have data on the most up-to-date situation but, given that the Council cannot demonstrate a five year supply of housing land, it is clear that delivery since the adoption of the CS would not have fully met this high level of need. I am therefore satisfied that the proposal would be for affordable housing for local community needs under policies set out in the Development Plan. No definition is provided in the Framework of 'limited' in relation to this exception. 20 homes are proposed and I view this as a relatively limited provision.
24. The proposal is therefore not inappropriate development in the Green Belt and complies with Policy CP11 of the CS, which has a general presumption against inappropriate development in the Green Belt. The proposal would fail to comply with Policy DM2 of the DMP which does not list the same exceptions to inappropriate development as set out at Paragraph 149 of the Framework. However, the DMP is inconsistent with the Framework and was adopted in 2013, significantly before the current version of the Framework which is therefore more up-to-date. I therefore place very limited weight on this conflict.

Other Matters

25. Several letters of objection have been submitted, including from the Sarratt Parish Council and the Chiltern Society. The letters of objection raise various concerns in addition to those addressed above, in particular: harm to biodiversity; increase in traffic and harm to the free-flow of traffic on Church Lane; highway safety in particular because of the lack of pavements on Church Lane and sightlines from the proposed access; harm to archaeology; excessive scale for the village; impact on local infrastructure eg schools; an approval

would make it more likely that further future proposals along the road might come forward; and, there are alternative sites on brownfield land that are more appropriate.

26. I have taken all of these factors into consideration. The Highways Authority has confirmed the visibility at the access would be acceptable as would be the increase in traffic, and that the lack of footpaths on Church Lane would be successfully mitigated by providing a link to the existing footpath to the village to the rear of the site, as is proposed. I acknowledge that this alternative footpath would likely become muddy in rainy conditions but it provides a genuine alternative to Church Lane in most circumstances. Hertfordshire Ecology has confirmed that the proposal would have an acceptable effect on biodiversity, subject to control of details by conditions and a contribution for BNG to be secured. I acknowledge that even with these protective and compensatory measures there would be a loss to existing biodiversity on the appeal site and I have allowed for this within my planning balance below. These and the other matters are addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. I must consider the proposal on its own merits and neither alternative sites for housing nor any future potential applications on other nearby land are before me for consideration.

Planning Balance

27. It is common ground that the Council cannot demonstrate a five year supply of housing land and the proposal is for housing. Therefore, as set out at Paragraph 11d and Footnote 8 of the Framework, the policies which are most important for determining the application are out-of-date. Although I have found some harm to the AONB I have also found this harm to be limited and the proposal is not inappropriate development in the Green Belt. Therefore, there are no clear reasons for refusing the proposal related to areas or assets of particular importance. Consequently, the 'tilted balance' is engaged in accordance with Paragraph 11dii of the Framework.
28. I have found limited harm to the character and appearance of the area. I place moderate weight on this limited harm. I have also found limited harm to the landscape and scenic beauty of the AONB and I place great weight on this harm, limited though it is, as directed by Paragraph 176 of the Framework. There would be further harm from loss of existing biodiversity on the appeal site.
29. The proposal is for a 100% affordable housing scheme in an acceptable mix, even if not fully policy compliant, as set out above. In the context of the lack of a five year supply of housing land and an acknowledged and pressing need for affordable housing, I place substantial positive weight on the proposed provision of up to 20 affordable homes. There would be further economic benefits from the construction of the proposal and then from expenditure by future occupants on local services. The BNG as secured by the s106 would be of moderate positive weight.
30. Overall, it is clear that the benefits of the proposed affordable housing, economic benefits and BNG would outweigh the limited harm to the character and appearance of the area and the landscape and scenic beauty of the AONB and loss of existing biodiversity on the appeal site. This is despite my placing great weight on the harm to the AONB because the harm would be limited

whereas the benefits from the proposed affordable housing would be substantial. The proposal therefore clearly passes the 'tilted balance' test that any adverse impacts would significantly and demonstrably outweigh the benefits, and is in fact weighed in the opposite direction.

Conditions

31. The Council suggested a number of conditions which I have considered and amended in the light of government guidance on the use of conditions in planning permissions.
32. In addition to the standard time limit and reserved matters conditions, a condition specifying the relevant drawings provides certainty. The conditions in relation to Japanese Knotweed, Ecology Management Plan, lighting and Preliminary Ecological Appraisal are necessary to protect and appropriately mitigate the effect of the proposal on biodiversity. The Construction Management Plan condition is necessary to protect the living conditions of neighbouring occupiers and with regard to highway safety and the free-flow of traffic. The drainage and access works conditions are necessary to ensure drainage is appropriately managed and to protect against surface water flooding. The access condition is necessary to ensure that adequate access and car parking is provided to protect highway safety and the free-flow of traffic. The fire hydrants condition is necessary to secure suitable fire hydrant provision with regard to fire safety.
33. The Japanese Knotweed, Ecology Management Plan, Construction Management Plan and Sustainable Drainage System conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Conclusion

34. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX: SCHEDULE OF PLANNING CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 3090.CHLS.100 Rev A, 101 Rev C, 102, 2675-001 Rev C (in relation to access only), 002 Rev B (in relation to access only).
- 5) Prior to site clearance, a Method Statement outlining measures to prevent and control the spread of Japanese Knotweed during any operations shall have been submitted to, and approved in writing by, the local planning authority. This statement should adhere to the 'Environmental Management Guidance; Harmful Weeds and Invasive, Non-native Plants: Prevent them Spreading (NE & EA, 2015)'. Development shall proceed only in accordance with the approved details.
- 6) No development shall commence until an Ecology Management Plan (EMP) detailing how the development works, ecological enhancements and subsequent management shall be undertaken to achieve the target condition outlined in the Updated Biodiversity Metric Version 3 Assessment, dated 31 January 2022, has been submitted to, and approved in writing by, the local planning authority. The EMP shall thereafter be carried out as approved.
- 7) No development shall commence until a Construction Management Plan (CMP) 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 CMP. The CMP shall include details of:
 - a) construction vehicle numbers, type and 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,
 - h) provision of sufficient on-site parking prior to commencement of construction activities.
- 8) No development shall commence until details of the Sustainable Drainage System, in accordance with the submitted details in the Flood Risk Assessment and Sustainable Drainage Strategy, dated November 2021,

and Sustainable Drainage Strategy Addendum No.1 Report No 21130-fce-XX-XX-RP-D-0002, have been submitted to, and approved in writing by, the local planning authority. The details shall include:

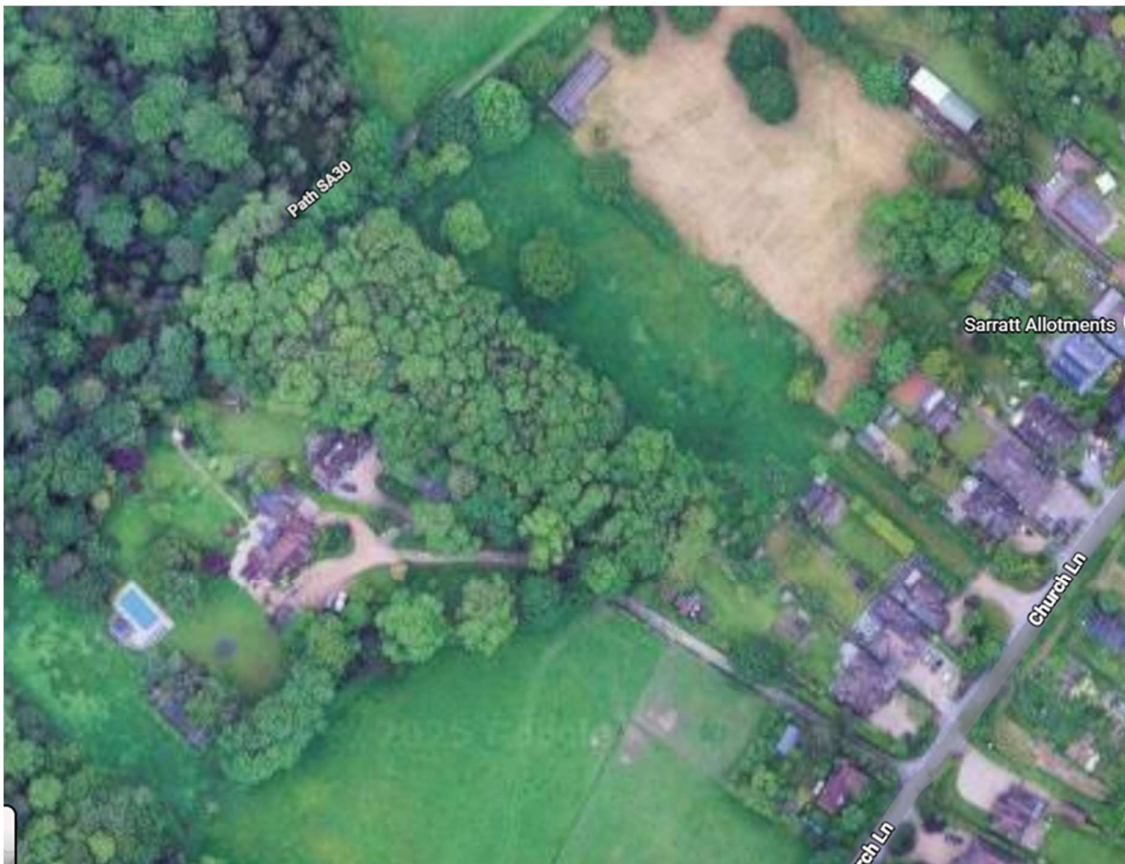
- a) an updated maintenance regime that is appropriate for a nominal 1l/s pumped discharge rate, including for regular inspection, maintenance and servicing of pumps and associated infrastructure for the lifetime of development; and,
- b) information on duty standby, telemetry and emergency responses required to ensure that exceedance flows do not impact off-site.

The drainage system shall thereafter be implemented and maintained in accordance with the approved details.

- 9) Prior to the installation of any lighting on the site, full details and specification of the proposed lighting shall be submitted to, and approved in writing by, the local planning authority. The specification shall include heights of any lighting columns, spillage diagrams and proposed hours of operation. The lighting shall thereafter be implemented only in accordance with the agreed details.
- 10) Prior to first occupation of the development, the proposed access works, internal access road, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter.
- 11) Prior to first occupation of the development, full details of the proposed bird and bat boxes as set out in the Preliminary Ecological Appraisal, dated January 2022, by Ecology.com, including where they will be inserted, shall have been submitted to, and approved in writing by, the local planning authority. They shall be installed in accordance with the approved details prior to the first occupation of the development and maintained thereafter.
- 12) Prior to first occupation of the development, details of the implementation, adoption, maintenance and management of the Sustainable Drainage System as approved under Condition 8 shall have been submitted to, and approved in writing by, the local planning authority. The Sustainable Drainage System shall thereafter be implemented in accordance with the approved details.
- 13) Prior to first occupation of the development, 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. The development shall thereafter be implemented in accordance with the approved details.

===== END OF SCHEDULE =====

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View from within site of
adjacent outbuilding



View from within site towards
Church Lane



PLANNING COMMITTEE – Thursday 23 October 2025

PRELIMINARY REPORT

25/1055/FUL - Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works at LAND TO THE REAR OF WOODLANDS COTTAGE, OXHEY LANE, CARPENDERS PARK, WATFORD, HERTFORDSHIRE, WD19 5RF.

Parish: Watford Rural

Ward: Carpenders Park

Expiry of Statutory Period: 28 November 2025
(Agreed Extension)

Case Officer: Suzanne O'Brien

Development type: 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 note 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.

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=SY392CQFGXY00>

1. Relevant Planning History

- 1.1 No relevant planning history.

2. Description of Application Site

- 2.1 The site is approximately 3.4 hectares in area and sited within the Metropolitan Green Belt located between the settlements of Watford Heath/Oxhey Village and Carpenders Park. The site subject to this application predominantly consists of open grazing land. A wooded area with a pond forms the south western part of the site adjacent to Oxhey Lane. Protected trees are sited along the front and part of the south eastern boundaries of the site. A 2m high brick wall forms the boundary treatment with Oxhey Lane. The site currently does not benefit from a vehicular access. A dwelling (which appears to be in a bad state of repair) is sited within the south western corner of the site.
- 2.2 The site is located next to a mix of development. Auburn Mere Residential Home is sited to the west of the site. Auburn Mere Residential Home consists of a two storey detached building with associated garden and parking. The north western boundary adjoins Elm Avenue, Watford which is a residential street consisting of detached bungalows located within Watford Borough Council. These properties are sited on higher ground.
- 2.3 The north east boundary adjoins open fields; a dense vegetation screen which is interspersed with Oak trees forms the north eastern boundary. The southern and south western part of the site adjoins Mayfair and Brickfield Farm which the planning history

indicates have residential and commercial uses and appear to be occupied by varied but sporadic low level built form and hard surfacing.

- 2.4 The north west boundary of the site adjoins Watford Borough Council's boundary, with Hertsmere Boundary sited further to the north east of the application site. The site is also a historic landfill site and a pipeline buffer runs through the northern part of the site.

3. Description of Proposed Development

- 3.1 This application seeks planning permission for the; 'Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works'.
- 3.2 The development would include a new access and internal access road and separate pedestrian path accessed via Oxhey Lane. The access and road would be sited to the south of the boundary with Auburn Mere Residential Home. The road would meander through the existing wooded area and contain traffic calming measures.
- 3.3 The proposed development would provide 96 residential units. Centrally within the site would be six rows of terraces that would contain a mix of two and three bedroom two storey dwellings (the two bedroom properties would make up the higher proportion of these units). The three and four bedroom units would make up the detached and semi-detached dwellings and would be located in the northern and southern aspects of the site. The terraced properties would be served by one road-side allocated parking space each whilst the detached and semi-detached dwellings would be served by two onsite parking spaces.
- 3.4 A three storey building would be provided to the south of the proposed access road at the main entrance to the proposed developed part of the site. The building would contain a community space at ground floor and two flats sited over two floors above. A single storey private gym and reuse building would be sited to the south east of the community building/flats.
- 3.5 The development would include the provision of a battery storage area (which will provide storage for the energy generated by the PV panels which are proposed to be installed on all of the buildings) bin store and two substations sited close to the wooded area and southern boundary.
- 3.6 The development would include hardstanding through the provision of internal road and footpath networks within turning heads. Areas of open space would be provided in the wooded area and two additional areas within the site one to the north and one to the south. The south eastern open space would contain the main sustainable drainage feature.
- 3.7 The application was accompanied by the following plans/reports:
- Application Form
 - Proposed plans – this application seeks full planning permission so is supported by detailed proposed plans
 - Air Quality Assessment (Logika Group, May 2025)
 - Arboricultural Survey (arbtech, June 2025)
 - Arboricultural Method Statement (arbtech, June 2025)
 - Archaeological Desk Based Assessment (HCUK Group, May 2025)
 - Biodiversity Net Gain Assessment (Ethos Environmental Planning, June 2025)
 - Biodiversity Checklist
 - Preliminary Ecological Assessment (Alder Ecology UK Ltd, November 2024)
 - Phase 2 Ecology Surveys and Assessment (Alder Ecology UK Ltd, December 2024)
 - Design and Access Statement and Design Code (GS8, June 2025)

- Car Parking Management Plan (SLR, June 2025)
- Flood Risk Assessment and Drainage Strategy Report (BWM, June 2025)
- Health Impact Assessment (iceni, May 2025)
- Heritage Impact Assessment (HCUK Group, May 2025)
- Landscape and Visual Appraisal (Open Spaces, April 2025)
- Battery Noise Impact Assessment (Clement Acoustics, June 2025)
- Outdoor Lighting Report (MMA Lighting Consultancy, May 2025)
- Private Lighting Impact Assessment (MMA Lighting Consultancy, May 2025)
- Ground Investigation (GEA, June 2025)
- Desk Study (GEA, June 2025)
- Planning Statement (Sphere25 Planning Consultancy, June 2025)
- Statement of Community Involvement (Foundation Communications, May 2025)
- Energy and Sustainability Statement (Klh Sustainability, May 2025)
- Circular Economy Statement (Inaconda, May 2025)
- Daylight, Sunlight and Overshadowing Report (Ansteyhorne, June 2025)
- External Building Fabric Report (Clement Acoustics, May 2025)
- Social Infrastructure Audit (iceni, May 2025)
- Transport Assessment (SLR, June 2025)
- Travel Plan (SLR, June 2025)

3.8 Amendments/additional information include:

- Response to Highways Comments (SLR, July 2025)
- Stage 1 Road Safety Audit & Designer's Response (SLR, June 2025)
- Great Crested Newts Potential Assessment (Alder Ecology)
- Private Lighting Impact Assessment (MMA Lighting Consultancy, September 2025)
- Financial Viability Assessment (DS2, September 2025)
- Desk Study (GEA, September 2025)
- Flood Risk Assessment and Drainage Strategy Report (BWM, September 2025)

4. Consultation

4.1 A summary is provided below, with the full comments set out in **Appendix 1**.

Watford Rural Parish Council	1.1.1	Objection
Three Rivers District Council – Tree and Landscape Officer	1.1.2	No objection
Three Rivers District Council - Conservation Officer	1.1.3	No objection
Herts County Council Highways Authority	1.1.4	Objection
Herts County Council Lead Local Flood Authority	1.1.5	Objection
Herts County Council Archaeology	1.1.6	No objection
Herts County Council Minerals and Waste	1.1.7	No objection
Herts County Council Water Officer	1.1.8	No objection
Transport for London	1.1.9	No comment
Network Rail	1.1.10	No objection
National Grid	1.1.11	Holding objection
British Pipeline Agency	1.1.12	No objection
Active Travel England	1.1.13	No comment
Thames Water	1.1.14	e
Affinity Water	1.1.15	Objection
Environment Agency	1.1.16	No objection
TRDC Local Plans Team	1.1.17	No objection

TRDC Housing	1.1.18	Comments
Herts Constabulary Safety Design Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	No objection
TRDC Environmental Health (Contamination)	1.1.21	No objection
National Highways	1.1.22	No objection
Herts County Council Ecology	1.1.23	Objection
Watford Borough Council	1.1.24	Objection
Hertsmere Borough Council	1.1.25	No objection
National Health Service	1.1.26	Commented
TRDC Environmental Protection	1.1.27	No comments received
TRDC Environmental Health (Residential)	1.1.28	No comments received
TRDC Transport and Parking	1.1.29	No comments received
TRDC Leisure Department	1.1.30	No comments received
Natural England	1.1.31	No comments received

4.2 Public/Neighbour Consultation

Number consulted: 37

No of responses received: 364 representations objecting to the proposed development

Site Notice(s): Displayed 09/07/25 Expired 30/07/25

Press Notice: Published 07/07/25 Expired 01/08/25

Summary of Responses:

Loss of Green Belt/impact on character of area: Unacceptable loss of Green Belt and long established green space; There are brownfield sites that should be built on; Area is semi rural; Green Belt should not be built on; Development will devastate the local area; Significant threat to low rise character of Carpenders Park; High density is out of keeping with areas established appearance; The multi storey flatted development with community space would represent a drastic and inappropriate departure from the existing character fo Carpenders Park which will undermine its identity, amenity and sustainability; Incompatible scale, massing, height and density; Inappropriate development and significant harm to openness; The land is meant to stop towns spreading and to protect countryside; Loss of green space would affect wellbeing; Gross overdevelopment; Will impact on Green Belt purposes – unrestricted sprawl, prevent towns merging and encroachment into countryside; Loss of natural walking options; Loss of natural aesthetics of the area; Maintaining the gap between Carpenders Park and Oxhey should be an important planning consideration; Multi storey block would not be in keeping with suburban atmosphere; Loss of identity of existing communities; Design of the development unacceptable; Will result in bins on the highway; Design of the dwellings are ugly and out of character; No very special circumstances exist; Merging the two settlements will impact on the communities of the settlements; Out of keeping with existing pattern of development; Overdevelopment; Carpenders will lose character; Will destroy rural character; Impact on areas heritage; Development should be considered in relation to application 25/1020/OUT as both developments would result in significant increase in the community of Carpenders Park; Application site has not been included in the recent Regulation 18 document due to the very high harm to Green Belt; Challenge the Grey Belt assessment set out in the Planning Statement; Should take into account of the impact of development to the south of Watford and its impact on the narrow gap between Watford and North London.

Infrastructure: Inadequate infrastructure; Not the infrastructure locally to deal with more housing; There are already unacceptable waiting times for doctors/dentist/hospitals which

are over already subscribed and overrun; Lack of school spaces; Schools are already oversubscribed; One local hospital; Proposed development will put extra pressure on existing services; No more investment into medical services; Will affect GP capacity; Overpopulation will impact on stretched resources; New Doctors Surgery already fails to provide services; No infrastructure proposed to serve development; Insufficient provisions for children as existing; Existing drainage cannot cope; Currently no police in this area extra housing will place additional pressures

Impact on Highway/Transport: Access would be on a precarious, fast bend in the road; Oxhey Lane is a busy thoroughfare heavily used by cars and lorries; will result in accidents; Access onto Oxhey Lane would be dangerous for drivers and pedestrians; Additional traffic would have huge impact on surrounding roads and Bushey Arches; Already difficult to exit onto Oxhey Lane from Carpenders Avenue and By The Wood; Traffic and lack of parking is already a problem, development will add to parking pressures; Development would hinder access for emergency vehicles; Site is not sustainable and access to schools would be by car; No bus service on Oxhey Lane; extra traffic will increase pollution; No cycle route, Oxhey Lane only has footpath on one side of the road; Would result in an isolated housing development; Tube stations approx. 15-20minute walk residents will drive; Existing footpath is not an attractive route for pedestrians with limited width, lack of light; Sustainable measures proposed would be unconvincing and object to reduced parking; Development combined with neighbouring proposed application would adversely affect highways through increased traffic; Lack of information on visibility splays; Is there sufficient bike parking spaces at the stations; Will result in parking in neighbouring roads; Shops will be accessed by car; Insufficient parking at existing services; No designated right hand turn will exacerbate existing highway pressures; Watford Heath and Bushey Arches not designed to deal with existing pressures proposal will make this worse; Oxhey Lane is poorly maintained; Sustainable transport exaggerated and impact on road infrastructure has not been assessed correctly; Pedestrian path is often impassable and fast traffic makes it undesirable for children, elderly and people with disabilities; Lack of parking will result in parking on local roads; Trains are already overcrowded; Watford only has narrow roads more cars will lead to more congestion and having to leave earlier to miss traffic

Residential Amenities: Why has a battery noise assessment been carried out; Development will negatively impact on residents living in Elm Avenue; Residents and neighbouring dwellings would suffer severe lack of light, overshadowing and loss of privacy from additional builds; large scale residential development would result in unacceptable levels of noise, air pollution and disruption; Loss of open space will impact on mental health of local residents; High levels of pollution have already been recorded in the area; Dwellings and balconies would result in significant invasion of privacy of neighbours who enjoy seclusion of their outdoor spaces; Construction phase will be disturbing and disruptive; Overshadowing will makes homes darker and colder; Will affect neighbouring land; Worried about health; Loss of natural light

Environment: Negative impact on wildlife; Notorious flood plane; building on site will make existing flooding problems worse; Carpenders Park residents are as existing subject to damage from flooding; The development should include integrated swift nests boxes to encourage swifts due to their decline; Additional traffic will lead to additional pollution; detrimental impact on the woodland, biodiversity and wildlife; Loss of biodiversity; Extra hardstanding would contribute to greater risks of flooding; Inadequate sustainable drainage; Loss of mature trees; Loss of hedgerows and trees will further impact the climate and environment; Site adjoins woodlands trust; Will not meet sustainability standards; Green space vital to protect against climate change; Development does not take into account Councils climate emergency declaration; Impact on the water table and lack of sewerage connections; Impact on air quality; Will provide off site BNG gains; Risk of pollution; Site has poor drainage; Increased pollution; Development is near a wildlife corridor; No plans provided for replacing loss of existing trees; Loss of wild growing fruit that residents can eat; Pollution will affect neighbouring allotments

Other: Who will be moving into houses; Community Centre is too large for the land; Need to hold a public consultation; Water pressure already affected by existing neighbouring development will be further affected by proposal; Human rights for existing residents and children are at risk; Procedural failures in consultation; Weak circular economy commitments; Lack of/missing documents such as fire and refuse strategies, heritage, archaeology; No affordable housing guarantees; Recent application for 8 houses was refused; Contradicts national and local policy with no justification; Site was not put forward at recent call for sites; Commercial space should be provided in the development; No air quality survey or cumulative impact assessments; No public footpaths now proposed; Use of community building is vague; Fields should be used for planting; Development of the site is premature and unsound; Not sustainable and building too fast; Development would be detrimental to the existing community; Use run down empty buildings.

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.

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), Appendix 4 (Noise Exposure Categories for Residential Development) and Appendix 5 (Parking Standards).

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).

Stage 1 Green Belt Review – Strategic Analysis (2017).

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

Draft Stage 4 Green Belt Review (2025)

7. **Planning Analysis**

7.1 Green Belt

- 7.1.1 The application site falls entirely within the Metropolitan Green Belt. Since December 2024, the context for assessing such sites has significantly changed with the concept of 'Grey Belt' introduced by the Government.
- 7.1.2 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.
- 7.1.3 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 weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.
- 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, seeks full planning permission for the ‘Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works’.

7.1.9 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.

7.1.10 In respect of paragraph 154, the proposed development does not fall into any of the categories.

7.1.11 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.

7.1.12 Grey Belt is defined within Annex 2 of the NPPF. It states:

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously development 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 or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

7.1.13 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. The Planning Practice Guidance (PPG) provides guidance in respect of consideration of the above matters.

7.1.14 The Stage 1 Green Belt Review Strategic Analysis (2017) identified that the role of the Green Belt for this site (parcel E5) makes a significant contribution to preventing neighbouring towns from merging into one another. Parcel E5 is a small parcel of which the application site occupies a large proportion of. The Stage 1 Review also identified that Parcel E5 plays a contribution in all of the other purposes of including land within Green Belt other than purpose e). The application site forms part of a larger parcel (Parcel SO2) of the Stage 2 Green Belt review where it was identified that this parcel again made a significant contribution to preventing towns merging and safeguarding the countryside from encroachment. It concluded that the harm to the Green Belt of releasing this parcel would be high, stating: 'Release of the parcel would have a significant impact on preventing the merging of towns and preventing encroachment on the countryside, and a relatively significant impact on preventing urban sprawl. Although the grassland makes a weaker contribution than the woodland to preventing countryside encroachment, its role in settlement separation means that its release in isolation would still constitute high harm.'

7.1.15 The contents of the Stage 1 and Stage 2 Green Belt Reviews are material considerations in the assessment of whether the application site contributes to the purposes of including land within the Green Belt. However, the Stage 1 and 2 Reviews were carried out prior to the updates to the NPPF which introduced the concept of Grey Belt, and prior to the publication of the related parts of the NPPG which provide guidance on how sites should be assessed against whether they strongly contribute to the purposes a), b) and d). The published advice in the PPG is also a material consideration.

a) to check the unrestricted sprawl of large built-up areas;

7.1.16 It is acknowledged by the PPG that this purpose specifically relates to the sprawl of **built-up areas**, and that villages should not be considered large built-up areas. The application site lies directly adjacent to the built up area of Watford Heath/Oxhey Village which are considered to form part of Watford. Watford is considered to be a large built up area. The site is detached from Carpenders Park, which is sited to the south and on the opposite side of Oxhey Lane to the application site. The site is located a substantial distance from other nearby large built-up areas such as Bushey and Harrow so they are unaffected by the development of the site.

Purpose a) - Contribution towards sprawl of large built-up areas?

7.1.17 The PPG identifies that assessment areas that contribute **strongly** to preventing the urban sprawl are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:

- be adjacent or near to a large built up area
- if developed, result in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt).'

7.1.18 The PPG states that assessment areas that contribute **moderately** are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose, such as (but not limited to):

- having physical feature(s) in reasonable proximity that could restrict and contain development
- be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
- contain existing development
- being subject to other urbanizing influences

7.1.19 In reviewing the criteria in the PPG, the site sits adjacent to Watford which is a large built up area. The site is considered to be detached from Carpenders Park as such it is not considered the proposal would result in sprawl associated with this settlement. The site itself is entirely free of existing development however there is the presence of built form along the western boundary that runs along Oxhey Lane for most of the length of the site. Taking into consideration the relationship of the residential development to the north west and development to the west that runs along Oxhey Lane the proposed development would not represent an incongruous pattern of development or result in an extended 'finger' of development. The site is contained by residential development to the north west and along the western boundary by both commercial and residential development and a wooded area.

7.1.20 Based on the analysis above the site is only considered to moderately contribute to preventing urban sprawl of Watford.

Purpose b) - to prevent neighbouring towns merging into one another;

7.1.21 The PPG states that assessment areas that contribute **strongly** are assessment areas that are likely to be free of existing development and include all of the following features:

- forming a substantial part of a gap between towns
- the development of which would be likely to result in the loss of visual separation of towns

7.1.22 The PPG states that assessment areas that contribute **moderately** are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):

- forming a small part of the gap between towns
- being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation

7.1.23 The site only occupies a small part of the gap between Watford and Carpenders Park. The land surrounding the site is not free of existing development with development running along the eastern boundary of the site providing a degree of continuous development between Watford and Carpenders Park. The proposed development would not bring the built form closer to Carpenders Park than that of the existing development. The site is also visually contained with only the access being the main visual reference as viewed from public vantage points along Oxhey Lane. Taking into consideration the existing built form within the vicinity of the site the application site does not form a substantial gap between towns and the development of the site would not result in the loss of visual separation of towns.

7.1.24 It is noted that the site maintains an element of openness to the south of Watford Heath/Oxhey Village between Watford and Carpenders Park. However, taking the guidance of the PPG into consideration which sets out what should be considered when assessing whether a site strongly or moderately contributes to purpose b) it is considered

the site only plays a moderate role in preventing the merging of Watford and Carpenders Park.

Purpose d) - to preserve the setting and special character of historic towns:

- 7.1.25 The Green Belt reviews identifies that are no identified historic towns within Three Rivers or Watford, as such purpose d) is not applicable to this assessment of Grey Belt.

Summary:

- 7.1.26 The Conservation Officer has confirmed that the proposal would not impact on heritage assets. There are however still outstanding matters regarding flooding. At this time, it is not known whether any footnote 7 areas/assets would provide a strong reason for refusal based on flood risk.
- 7.1.27 In the event the application site was concluded as Grey Belt, subject to no flood risk, this would therefore open up the ability for a future development to be appropriate development in the Green Belt, provided the scheme complies with NPPF155-157.

Other Matters

- 7.1.28 NPPF155 states “the development of homes...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 below.”
- 7.1.29 In respect of (a), if it is subsequently concluded that the site can be considered to be Grey Belt, the development must not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.
- 7.1.30** The application site sits in area 1 of the assessment area as set out in the recently publicly available Stage 4; Green Belt Review; this document is still only in draft form as such is of limited weight. The Stage 4 Green Belt Review identifies areas of fundamental importance. Area 1 is considered an area of fundamental importance. The explanation for this assessment states: ‘This area of Green Belt may be deemed of fundamental importance to the wider Green Belt as it checks the unrestricted spread of both the south-eastern edge of Watford at Watford Heath and at South Oxhey, containing the potential for sprawl across the A4008 into open land. It also checks the spread of South Oxhey southwards and so preventing a merger with the large built-up area extending out from Greater London at Pinner (Hatch End). The area therefore plays an important role in maintaining the wider gap between Watford, South Oxhey, Carpenders Park and Harrow and London’.
- 7.1.31 The site forms a small parcel on the outer part of Area 1 as identified within the Stage 4 Green Belt Review. The proposal would result in the redevelopment of an open undeveloped field. However, it would be contained by existing development and vegetation on all boundaries and due to its relationship with the existing built form to the north and west would not result in the appearance of encroachment into the open countryside (Purpose c)). As such, the proposal would not fundamentally alter the open rural character of the wider area through unacceptable encroachment into the countryside.

- 7.1.32 As such, it is not considered that the development of the 3.4 hectare site would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
- 7.1.33 In respect of (b) the council's published 1.7 year housing land supply position is material to this consideration in terms of the assessment of whether the development would meet unmet need.
- 7.1.34 In respect of (c), it is considered that if measures are put in place the site could be made sustainable thus could meet the requirements of (c); sustainability matters are still under review.
- 7.1.35 In respect of (d) para 156 of the NPPF states:
- 'Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) **until such policies are in place, the policy set out in paragraph 157 below;**
- b) necessary improvements to local or national infrastructure; and
- c) the **provision of new, or improvements to existing, green spaces that are accessible to the public.** New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.'
- 7.1.36 In respect of (a), the development is proposing 50% affordable homes, which in terms of tenure, equates to 60% rented (mix of social and affordable) and 40% shared ownership. A viability appraisal has been submitted in support of the proposed tenure mix – this is currently being independently reviewed.
- 7.1.37 In respect of (b), the development would provide infrastructure provisions which would be secured by S106 obligations as set out on Section 7.20 of this report.
- 7.1.38 In respect of (c), the development would provide new green spaces on site. Although the space would be open to the public taking into consideration the location of the site and that it would be enclosed by housing development the open space is likely to be mainly used by residents of the development.
- 7.1.39 Para 158: A development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission.
- 7.1.40 In summary, if members come to the view (at the time of a resolution) that the application site is not Grey Belt, then the development would be an inappropriate form of development which, by definition, would be harmful to the Metropolitan Green Belt. Paragraph 153 of the NPPF identifies that substantial weight is given to any harm to the Green Belt and development will only be considered acceptable if 'Very special circumstances' exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The overall balance of the other considerations put forward (including compliance with the Golden Rules) must decisively weigh in favour of the development. The 'other considerations' (referred to as 'Benefits') are be noted at the end of this report.

Openness of the Green Belt

- 7.1.41 If the view is reached that the application site is not Grey Belt, it will be necessary to consider the impacts on the openness of the Green Belt, one of its essential characteristics.
- 7.1.42 In terms of openness, the PPG states that a number of factors are relevant when making an assessment and these include spatial impacts, visual impacts, the degree of activity and the duration of development. Consequently, it is not solely the “visual” harm as referred to by the applicant that is important, there are multiple variables which must be considered. If applicable, this assessment would be set out in detail as part of the future report to committee.
- 7.2 Impact on Character
- 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'.
- 7.2.2 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'.
- 7.2.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii. The generation of excessive levels of traffic
 - iv. Loss of residential amenity
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).
- 7.2.4 Development Plan Policy DM7 requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure. In regard to Green Infrastructure Core Strategy Policy CP9 states: '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'.
- 7.2.5 The proposed development would primarily consist of terraced, semi detached and detached dwellings two storeys in height. The development would include the community building that would contain flats above and would be three storeys in height and the reuse/gym building which would be a single storey structure. It would contain road side

parking for the terraced properties and on site parking for the detached and semi-detached properties. The dwellings would be served by private amenity space.

- 7.2.6 The site is surrounded by mixed development. The immediate neighbours that front onto Oxhey Lane consist of a detached nursing home and a mixed residential and commercial unit that contains low level industrial built form. The neighbours adjoining the northern boundary of the site consist of detached bungalows located on spacious plots. The character of the wider residential development to the north is that of two storey detached or semi detached properties with some flatted development. The application site is located to the north east of Carpenders Park on the opposite side of Oxhey Lane. The residential development within the eastern edge of Carpenders Park is primarily characterised by detached, semi detached, terraced housing (some three storeys in height) and flatted development on modest sized plots.
- 7.2.7 The proposed development would result in a relatively high density form of development where the terraced housing would be served by roadside parking and amenity space provision under the indicative scale as set out in Appendix 2. The scale of development would be noticeably higher density in character than the residential development in both Watford and Carpenders Park. Whilst the development would fundamentally change the character of the site from an undeveloped green field to residential development, consideration of any wider impacts on character would be material in assessing the potential harm. Any formal assessment would take into consideration visual containment of the site and visibility of the proposed development from surrounding public vantage points. Although the housing would be high density in character with smaller gardens and roadside parking the proposal would include areas of open/undeveloped space. The woodland along the eastern boundary would be retained and open space would be provided to the eastern and southern aspects of the development.
- 7.2.8 The proposed development would introduce a new vehicular access onto Oxhey Lane. This would sit between the accesses serving Auburn Mere Residential Home and the access serving the commercial site. The access is still under highways review and we are awaiting additional information; a central reservation along Oxhey Lane to facilitate a right hand turn into the site is proposed which will part utilise the existing central reservation. The access arrangements would result in the part removal of the brick boundary wall that forms the existing boundary treatment fronting Oxhey Lane. The access, internal access road and pedestrian path would be visible from Oxhey Lane however it would meander through the existing wooded area where the built form would be set back from Oxhey Lane. Oxhey Lane contains a number of vehicular accesses of varied scales thus the addition of an access in this location may not appear out of context.
- 7.2.9 With the exception of the access point the site is considered to be well contained along its western boundary with a wooded area, commercial unit and Auburn Mere Residential home separating the proposed residential development and Oxhey Lane. The northern boundary adjoins residential development and the western and southern boundaries adjoin open land. A public bridleway runs to the south of the site. Currently a dense vegetation screen is sited along this boundary restricting views of the site. Part of the existing dense vegetation sits outside of the application site. The built form would be sited away from the southern boundary with a SUDs feature and turning head forming the southern part of the site.
- 7.2.10 The application is supported by a Landscape and Visual Appraisal. The assessment identifies that the site comprises of greenfield land for horse grazing which is overgrown in parts with native trees. The LVA identifies that the site is within Bushey Pastures Local Character Area and the development of the site for residential would result in a not-significant and neutral impact. The LVA also reviewed the site from 7 view points (set out in the appendices of the report) and considered that the impact of the development from these view points would be not-significant and neutral. The LVA comments that the retained mature vegetation would limit visual impact of the proposed development and where there would be some removal of vegetation, thus opening up views visible from an informal

footpath, the view of the proposed development would be visually embedded within retained vegetation. As the overall impact of the proposed development, as set out in the LVA, has been deemed as not-significant and neutral no mitigation measures have been proposed within the LVA.

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 development proposes the following housing mix (taken from the amended ground floor block plan):

	1-bed	2-bed	3-bed	4+ bed
Market Housing	0	5 (10%)	26 (55%)	17 (35%)
Affordable Home Ownership	0	10 (53%)	9 (47%)	0
Social / Affordable Rented Housing	0	21 (72%)	7 (24%)	1 (3%)

- 7.3.3 The table above provides the percentage breakdown per tenure. It identifies that the proposed development would provide a mix of housing with the exception of one bedroom units. The higher percentage of 2 bed social/affordable rented housing is to reflect the current housing register needs.

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 In light of the requirements of paragraph 155 of the NPPF (as referenced within the Green Belt Section above) the application proposes to deliver 50% of the dwellings as affordable units, with the remaining 50% being provided as open market dwellings. During the course of the application a request for a change to the tenure mix of affordable housing has been submitted. The scheme continues to propose 50% affordable housing provision with a split of 60% rented and 40% ownership products. The table below identifies the originally proposed and revised proposed mix:

Tenure	Original Proposal	Revised Proposal
Social Rent	29	9
Affordable Rent	0	20
Shared Ownership	19	19

- 7.4.5 The revised proposed affordable housing mix relates only to the rented tenure. The supporting evidence identifies that the affordable rented accommodation would be secured at LHA rate. The revised social/affordable rented mix is supported by a viability appraisal which is currently being independently appraised.

7.5 Community Facilities

- 7.5.1 In addition to the residential element (96 dwellings), the application proposes construction of a community building (Use Class F2b) and open space.

- 7.5.2 The agent has confirmed that the building would have a F2b (Halls or meeting places for the principal use of the local community) use. The supporting evidence identifies that the building would be 'run by the parish council for local meetings, presentations, community building events, educational events, local networking etc'. If permission were to be granted it would be conditioned to the effect that the building would only be permitted to be used as an F2b use as identified within the supporting evidence. Securing the use of the building, as stated in the supporting documents, by Watford Rural Parish Council would also need to be included within any Heads of Terms to ensure that any benefits associated with the development are secured.

- 7.5.3 The operating hours are anticipated to be 10am to 7:30pm Monday to Saturday and the supporting statement identifies that the building will be occupied by reservation only through the Parish Council. The occupation and running of the building would be secured within a Section 106.

- 7.5.4 The development would also include publicly accessible open space within the site. The gym and reuse building that would solely be occupied by residents of the development. The agent has advised that these facilities will be secured by fob access and the fobs will be allocated to residents only.

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 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.”

7.6.3 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.”

7.6.4 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...”

7.6.5 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.

7.6.6 There are no heritage assets, either designated or non-designated on the site however three heritage assets have been identified as having the potential to be impacted by the development of the Site:

- Oxhey Grange (Grade II, List Entry Number 1101593)
- Oxhey Grange Lodge (Grade II, List Entry Number 1174337)
- Watford Heath Conservation Area

7.6.7 The application is accompanied by a Heritage Assessment (HA). The Conservation Officer has confirmed that the proposed development would not result in any harm to any of the identified nearby heritage assets.

Archaeological Considerations

7.6.8 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.

7.6.9 Herts Archaeology have raised no objections to the development of the site subject to conditions.

7.6.10 In summary, in view of the specialist advice received, it is concluded that subject to conditions, there would be no adverse impacts on heritage assets of archaeological interest.

The proposed development in this respect complies with the NPPF (2024) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

7.7 Highways & Transport Impacts

- 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 An 20m wide access, with associated visibility splays, leading to an 5.8m wide internal road off of Oxhey Lane is proposed. The development also includes a central right hand turn along Oxhey Lane to facilitate turning right into the site, this would part utilise the existing central reservation. The impact of the proposed highway works are to be assessed by

Hertfordshire County Council as the Local Highway Authority. HCCHA have raised an objection to the application at this stage (comments set out in paragraph 1.1.4 of Appendix 1) advising that there is insufficient information to enable them to ensure the access would be safe from a highways perspective. The agent has advised that a response / additional information is currently being prepared. HCCHA will be reconsulted upon receipt. HCCHA have also noted that no offsite works are proposed to improve the connection of the site for pedestrians and cyclists.

7.7.8 HCCHA commented on areas that should be considered when assessing the internal road network and layout:

a. gates/doors that open out onto the proposed footways – concerns this will cause a potential obstruction and safety issue for users of the adjacent footways. HCCHA suggest gates /doors should be amended to open inwards into the properties.

b. The entrance road into the site (for the first approximately 80m from Oxhey Lane) is 5.5m wide, which is acceptable and in accordance with HCC's Place & Movement Planning and Design Guidance. As you move further into the site the width of the carriageway reduces to 4.8m fronting the main access road fronting the dwellings and then reduces to 3.7m further into the site. Consideration should be given to the following:

- i. The 4.8m wide carriageways are bordered by parallel car parking spaces. Has the potential for doors opening out into the carriageway been considered?, a carriageway which would be used by cyclists and therefore could be a potential barrier to encouraging cyclists to use the site.
- ii. Some of the 3.7m width carriage areas including the stretch providing access to plots 79 to 94 do not have separate footways and would therefore act as shared used areas. Whilst HCC as Highway Authority is not opposed to shared use access areas providing access to 25 dwellings or less, the 3.7m width carriageway could be a barrier to some pedestrians using this area particularly when refuse and other large vehicles are using the road where there would be limited space for pedestrians to pass.
- iii. Provisions would need to be considered to ensuring that the proposed turning areas for refuse vehicles, emergency vehicles and other service / delivery vehicles are kept clear of parked vehicles, which would be particularly important when taking into account the narrow carriageways in the site and lack of two way vehicle passing on the 3.7m width stretches.

7.8 Vehicle Parking and Sustainable Transport Measures

7.8.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions (for commercial development) set out in Appendix 5.

7.8.2 Appendix 5 of the DMP LDD identifies that residential developments should provide the following parking requirements per unit size:

- 1 Bed = 1 assigned space + 0.75 unallocated
- 2 Bed = 1 assigned space + 1 unallocated
- 3 Bed = 2 assigned space + 0.25 unallocated
- 4/5 Bed = 3 assigned spaces

7.8.3 Based on the residential units proposed a total of 220.5 parking spaces should be provided with 132 assigned spaces. The proposal seeks to provide a total of 147 available parking spaces to serve the residential units; a shortfall of 73.5 spaces. This includes a total of 61 on street assigned roadside spaces and 68 on plot spaces, 13 visitor spaces and five

disabled spaces. The ground floor block plan indicates the allocation of the roadside assigned spaces. The application is supported by a Parking Management Plan. The allocation of the parking spaces per unit is indicated in the Accommodation Schedule - **Appendix 2.**

- 7.8.4 The development would result in a notable reduction in parking provision compared to the standards as set out within Appendix 5 of the DMP LDD. The site is considered to be located within a reasonably sustainable location considering it is within reasonable walking distance of infant schools, bus stops, railway stations (Bushey approximately 20 minute walk and Carpenders Park approximately 23 minute walk; Carpenders Park Station is sited at the bottom of a hill from the site) and amenities. However, it is noted that although the site can be accessed via a footpath along Oxhey Lane (which only provides access on the eastern side of the highway) Oxhey Lane does not provide an inviting environment for walkers and cyclists. The footpath is narrow and although lit the lighting is sporadic. This would be unattractive for many potential users. Further there is limited safe connectivity to Carpenders Park. There is a traffic island along Oxhey Lane which currently just serves recreational walkers and the footpath opens out to a shared cycle route. HCCHA also note the reduced parking requirements and note that improvements should be made to improve the pedestrian and cycle routes to the site to encourage walking and cycling. HCCHA have raised concerns that, without measures supporting sustainable modes of transport to the wider area, the parking levels proposed could result in parking on Oxhey Lane.
- 7.8.5 To reduce reliance on private modes of transport the development proposes the provision of three car club cars (served by three dedicated parking spaces, three quadricycles and 10 electric bikes that can be hired by residents. The scheme proposes that these will be purchased at the outset of the development and residents can use the vehicles at a nominal cost to cover insurance. The long term costs would then be passed to the management company to cover maintenance and replacement cars. The revised block plan identifies that each allocated parking space would be served by an electric charging point. This EV Charging would be available to all residents.
- 7.8.6 Three parking spaces, including one disabled space would serve the community building. It has been confirmed that the proposed community building would have a F2b use which would be used as halls or meeting places for the principal use of the local community. Appendix 5 of the DMP LDD stipulates that public halls require 1 space per 9sqm gross floor area or 1 space per 3 fixed seats plus 3 spaces per 4 staff members. The community building would have a floorspace of approximately 91sq.m. Based on floorspace requirements alone 10 parking spaces should be provided (not including staff members). Although the site is considered to be relatively sustainable based on access to amenities taking into consideration that the site is to some extent detached from Carpenders Park and that the existing access routes for pedestrians and cyclists is not inviting it is not unreasonable to make an assumption that the predominant users of the community building would access the site by car.
- 7.9 Impact on residential amenity and Quality of accommodation for future residents
- 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. As the application site is sited close to a commercial development Paragraph 200 of the NPPF is applicable which advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in

its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 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 This application seeks full planning permission for the construction of 96 residential units, a community building and ancillary buildings including a battery storage area, reuse building and gym.
- 7.9.4 Five detached dwellings would be sited close to the northern boundary of the site. Amended plans have been received which reorientates dwelling on Plot 32 so that the rear elevation of the building would face south west and the proposed flank elevation would face the north western boundary which adjoins the rear boundaries of the neighbouring properties at Elms Avenue. The rear elevations of the other four dwellings would face in a northern direction at a slight angle to the north western boundary. The dwelling on Plot 32 (where the flank elevation would face the boundary with properties fronting Elm Avenue) would be sited a minimum of 5.4m from the north western boundary. Plots 33-36 which would have the rear elevations facing in the northern direction would be sited a minimum of 5.6m from the boundary to a maximum separation of 25.7m.
- 7.9.5 Plots 22-25 would have rear elevations that would face onto the south western boundary that adjoins Auburn Mere Residential Home. These properties would be sited a minimum distance of 7.4m from the boundary with the neighbouring care home. The flank elevation of Plot 25 would run parallel to the garden serving a property fronting Elm Avenue; the proposed dwelling would be sited 9.2m from this boundary. The access road would also run parallel to the boundary with Auburn Mere Residential Home; with a minimum distance of 12m separating the proposed access road and neighbouring boundary.
- 7.9.6 The commercial unit that adjoins the southern boundary of the site contains a mixture of residential and commercial units. The proposed residential dwellings would not appear to front the residential properties within the neighbouring site. The proposed dwellings would be sited a minimum of 8m from the south eastern boundary.
- 7.9.7 The boundary treatment plan identifies that part of the boundary treatment alongside the boundary with the commercial unit would consist of 3m high acoustic fencing to protect future residents from noise from the neighbouring unit.
- 7.9.8 The development includes a battery storage area which would be located approximately 15m from the closest boundary of the application site. The noise impacts and necessary mitigation measures generated from this feature is covered in the Noise and Vibration Section below.
- 7.9.9 Consideration of impacts on the neighbouring occupants in terms of overlooking, loss of light and impact on the residential amenities will be a material consideration. Factors such as orientation of the buildings and land levels changes will be considered as part of the formal assessment of the proposal.

Quality of residential amenities of future occupants

- 7.9.10 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved.

- 7.9.11 The guidance advises that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings or existing mature trees. Where space in the front of a house is assigned to that particular property, it should be defensible space in the sense of being enclosed as part of the original layout. Soft landscaped frontages also need to be carefully designed to avoid situations whereby future occupiers pave over front lawns to accommodate parking.
- 7.9.12 Amenity space requirements are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). The guidance advises that for each dwellinghouse the following amount of amenity space should be attained as either individual gardens or in part, as space forming settings for the buildings:
- 1 bed dwelling - 42 square metres
 - 2 bed dwelling - 63 square metres
 - 3 bed dwelling - 84 square metres
 - 4 bed dwelling - 105 square metres
 - Additional bedrooms - 21 square metres each
- 7.9.13 For flatted development the requirement is 21 square metres for one bedroom flats with an additional 10 square metres for each additional bed space. Communal space for flats should be well screened from highways and casual passers-by. It will be important to ensure that occupants of ground floor flats are provided with sufficient screening to ensure that use of the communal gardens does not harm their privacy.
- 7.9.14 The rows of terraced properties would have a back to back distance of approximately 21m. Plots 28/29 and 30/31 would have a back to back distance of 14m; this distance has been increased following submission of an amended plan.
- 7.9.15 Each dwellinghouse would be served by a private amenity space provision. No communal space serving the flats has been identified. Below sets out the minimum amenity space proposed to be provided however it is noted that the amenity space provision varies throughout the site. The table as shown in the Accommodation Schedule - **Appendix 2** identifies the amenity space provision serving each unit.
- 7.9.16 The amenity spaces would fall below the indicative levels for each unit type and size, however, the provision of on site open amenity space would be a material consideration when making a formal assessment of the proposal.
- 7.9.17 Consideration would be had to the internal arrangements and quality of accommodation for future occupants in terms of light, amenity and privacy.
- 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. The assessment states that it has been demonstrated that the emissions from the additional traffic generated by the proposed development will have a negligible impact on air quality conditions at all existing receptors along the local road network.

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 Battery Noise Impact Assessment. This is due to the site containing an onsite building for energy storage to store the anticipated excess energy generated through the proposed PV panels to meet the high carbon reductions proposed. The assessment sets out mitigation that would make the siting of the battery storage area acceptable. The mitigation measures include the installation of 3m high acoustic fencing around the building which should be set a maximum of 2m from the battery unit along the north edge and built of solid material with no gaps. The assessment further clarifies that the inside of the panels should be lined with 50mm Class A acoustically absorbent material. Further any directional components of the ESS battery or PCS should be orientated such that it is facing away from residential development.

7.11.4 Environmental Health (EHO) have been consulted on the proposed development and whilst not received at this time, their comments will be reported when this application returns to committee for a decision.

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 The application is supported by a Private Lighting Impact Assessment. This document does not include lighting within the proposed curtilages but impacts of lighting from within the site. It identifies that the impacts of the addition of lighting on this current undeveloped field would no harm has been identified. It notes that lighting should be positioned away from neighbouring sites and pointed into the development. The assessment also includes mitigation measures during the construction phase.
- 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 development site was a formerly used as landfill which the Environment Agency advised would contain sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Lambeth Group Secondary A aquifer and the deeper Chalk Principal aquifer, as a result of the proposed redevelopment of the site. The majority of the site is located within an Outer Source Protection Zone (SPZ2) associated with an Affinity Water public water abstraction approximately 2km west of the site (Eastbury Pumping Station). The application is accompanied by a Ground Investigation and Desk Study which has been reviewed by the Environment Agency, Environmental Protection/Health Officer and Affinity Water. No objections have been raised subject to conditions.
- 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 application site contains an open field no details of the agricultural classification of the land has been submitted in support of the application.
- 7.14.8 The proposed development would result in an approximate 40.29% biodiversity net loss. Baseline habitats comprise other neutral grassland, scrub (blackthorn, mixed, and bramble), ponds, ruderal, other broadleaved woodland, and rural trees. Most of the broadleaved woodland at the southwest section of the site would be enhanced..
- 7.14.9 Herts Ecology Officers comments notes that the site contains 10 out of 12 species for Local Wildlife Site criteria. However, the officer confirmed that following a site visit it was confirmed that, with the exception of Fleabane, all other indicators appeared rare. As such, the site is unlikely to justify LWS status. The development will include on site biodiversity units however due to the constraints of the site by virtue of its size offsite BNG is required to meet the overall 10% net gain. Herts Ecology raised no objections to this approach. They have however requested that on site compensation should seek to preserve the most abundant indicator 'Fleabane'. Any planning permission would include a condition requiring this.
- 7.14.10 In respect of protected species, there is currently a holding objection by Herts Ecology with regards to Newts. Herts Ecology consider that insufficient evidence has been submitted identifying that an off site pond 100m away would not be a constraint to development. Insufficient information has also been submitted within the lighting impact assessment. The applicant is reviewing these points.

7.15 Landscaping and Impact on trees

- 7.15.1 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.
- 7.15.2 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".
- 7.15.3 The site contains a wooded area at the entrance to the site. The Landscape Officer has confirmed that eight 'B grade' (good quality) trees and tree groups would need to be removed, and around 30 'C grade' (poor quality) trees to facilitate the development; which include a number of protected trees. The Soft Landscape Plan indicates that the site would include the planting of large, medium and small trees and shrubs and native hedgerows. The Landscape Officer has not raised any objections to the proposed removal of the trees, including protected trees as it is considered that any impact could be mitigated over time through the replacement planting.

7.15.4 As part of the formal assessment of the application consideration would be had to the proximity of the dwellings and gardens to existing trees to be retained in terms of future pressure to fell or lop.

7.16 Sustainability and 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 and Sustainability Statement. This sets out that the proposed development would provide 126.4% improvements over Part L Building Regulations. The proposed development would include sustainable measures including construction materials. The assessment states that the development would achieve a net zero operational carbon footprint by generating more renewable energy on-site through PVs than the projected annual consumption. The assessment states ‘the renewable energy generated by PVs is estimated to exceed the predicted energy demand of the homes on site. The drive for this significant surplus of energy generation comes from a desire to achieve guaranteed Zero Energy Bills for all residents using central battery storage to create a Smart Microgrid for energy sharing in partnership with Octopus Energy’.

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 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). It has been identified that the site contains some areas at high risk of surface water flooding.

7.17.3 The application is supported by a Flood Risk Assessment and Drainage Strategy Report (BWM, June 2025).

- 7.17.4 The submitted FRA and Sustainable Drainage Strategy have been reviewed by the Lead Local Flood Authority (LLFA) who currently have a holding objection. Additional information has been submitted which the LLFA are currently reviewing.
- 7.17.5 Thames Water (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 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. Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisation concerns.
- 7.18.5 In respect of domestic and commercial waste, no comments from Environmental Protection have been received at the time of writing.
- 7.19 Safety and Security
- 7.19.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.
- 7.19.2 No objection has been raised by the Designing Out Crime Officer in this regard.
- 7.20 Infrastructure Contributions

- 7.20.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the application site falls within Area C which has a nil (£0) charge.
- 7.20.2 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.
- 7.20.3 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 require contributions and highways works to be secured. Further details will be provided once received.
- 7.20.4 Currently the following monetary contributions are requested:
- HCC Education:
Secondary = £1,360,656 index linked to BCIS (Q1 2024)
SEND = £184,537 index linked to BCIS (Q1 2024)
- HCC Waste:
Waste transfer station = £11,046 index linked to BCIS (Q1 2024)
- 7.20.5 Offsite credits for Biodiversity Net Gain would be secured via a S106 Agreement, there would also be associated monitoring fee in association with 30 year monitoring period for the onsite net gain proposed.
- 7.20.6 Monitoring fees for various parts of the scheme would also be required to be secured.
- 7.21 Referral to Secretary of State
- 7.21.1 The Town and Country Planning (Consultation) (England) Direction 2024 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. 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.
- 7.22 Benefits of the Scheme
- 7.22.1 A number of benefits have been presented by the applicant which are summarised below (including commentary from the Planning Statement supporting the proposed benefits). The benefits are presented for information with no weighting or confirmation as to whether these elements constitute a 'benefit of any weight' being given by the LPA at this time:
- Social Benefits***
- Provision of Housing – The delivery of 96 homes will make a significant contribution to the Council's identified shortfall in housing delivery. The scheme is for family housing of either 2 bed, 3 bed or 4 bed homes.

- Provision of 50% Affordable Housing – The delivery of 48 affordable homes represents a substantial and urgently needed intervention.
- Provision of Community Building – The proposal would include a flexible space for the community.
- Immediately Deliverable – Application is purposefully a detailed full application to allow for quick transition if granted. Thus could make an immediate and meaningful contribution to the housing stock.

Environmental Benefits

- Low Carbon Development – The scheme seeks to optimise self-consumption of site renewable energy generation and reduce reliance on the grid. Onsite renewables will produce more energy than is needed for the homes on an annual basis which means that the homes are operationally zero carbon, with zero bills guaranteed for private and affordable homes in collaboration with Octopus Energy. The scheme overall achieves a 126.4% improvement in carbon reductions over Part L Building Regulations.
- Enhancement of the Natural Environment – The proposals deliver a transformative enhancement of the site. Central to the scheme is the preservation and revitalisation of the existing woodland, which will serve as both a natural play space, a key ecological corridor and the principal access route
- High Quality of Design – The scheme has been designed by collaboration of two award winning architects.

7.22.2 The benefits and weighting attributed to these benefits set out above would need to be considered by the decision maker.

7.23 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt) and Public Benefits (Heritage)

7.23.1 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).

7.23.2 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.

7.23.3 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, 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.

- 7.23.4 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.
- 7.23.5 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.
- 7.23.6 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.
- 7.24 Site Visit
- 7.24.1 Taking into consideration the siting, scale and sustainability principles proposed 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 location 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.

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Watford Rural Parish Council	1.1.1	Object
Three Rivers District Council – Tree and Landscape Officer	1.1.2	No objection
Three Rivers District Council - Conservation Officer	1.1.3	No objection
Herts County Council Highways Authority	1.1.4	Objection
Herts County Council Lead Local Flood Authority	1.1.5	Objection
Herts County Council Archaeology	1.1.6	No objection
Herts County Council Minerals and Waste	1.1.7	No objection
Herts County Council Water Officer	1.1.8	No objection
Transport for London	1.1.9	No comment
Network Rail	1.1.10	No objection
National Grid	1.1.11	Holding objection
British Pipeline Agency	1.1.12	No objection
Active Travel England	1.1.13	No comment
Thames Water	1.1.14	No objection
Affinity Water	1.1.15	Objection
Environment Agency	1.1.16	No objection
TRDC Local Plans Team	1.1.17	No objection
TRDC Housing	1.1.18	Comments
Herts Constabulary Safety Design Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	No objection
Environmental Health (Contamination)	1.1.21	No objection
National Highways	1.1.22	No objection
Herts County Council Ecology	1.1.23	Objection
Watford Borough Council	1.1.24	Objection
Hertsmere Borough Council	1.1.25	No objection
National Health Service	1.1.26	Commented
TRDC Environmental Protection	1.1.27	No comments received
TRDC Environmental Health (Residential)	1.1.28	No comments received
TRDC Transport and Parking	1.1.29	No comments received
TRDC Leisure Department	1.1.30	No comments received
Natural England	1.1.31	No comments received

Appendix 1:

1.1 Statutory Consultation

1.1.1 Watford Rural Parish Council [Object]

Watford Rural Parish Council formally objects to the above planning application. We strongly believe that the proposed development is inconsistent with national and local planning policies and would result in substantial and irreversible harm to the character, infrastructure, and environmental quality of the Carpenders Park area.

This objection draws upon the application's submitted documentation and identifies direct conflicts with the National Planning Policy Framework (NPPF, 2023), the Three

Rivers Core Strategy (2011), and Development Management Policies (2013). It also reflects the clear concerns of our local residents and councillors.

Summary of Objections

1. Highways Safety and Congestion

The site is accessed from a section of road that is fast-moving, with no designated right-turning lane. This raises significant safety concerns. The Transport Assessment fails to mitigate or realistically address these risks.

Policy Conflicts:

- NPPF paragraph 111 – Developments should be refused if they create unacceptable highway safety impacts.
- TRDC Policy CP10 and DM4 – Sustainable and safe transport access must be ensured.

2. Flood Risk and Drainage

Carpenders Park is already prone to surface water flooding. The submitted Flood Risk Assessment and Thames Water's response highlight inadequate drainage infrastructure and network capacity concerns.

Policy Conflicts:

- NPPF paragraph 167 – Development must not increase flood risk elsewhere.
- TRDC Policy DM8 – Requires robust SuDS and flood prevention design.

3. Green Infrastructure and Biodiversity

The Biodiversity Net Gain Assessment does not demonstrate a significant gain and involves the loss of mature vegetation that serves as a vital green buffer between Hertsmere and Watford.

Policy Conflicts:

- NPPF paragraphs 174 & 180 – Development must minimise impacts on biodiversity.
- TRDC Policy CP11 and DM6 – Protects green infrastructure and promotes biodiversity.

4. Visual Impact and Urban Sprawl

The proposed layout and massing lack sensitivity to the semi-rural fringe character of Carpenders Park. The development creates an impression of urban coalescence with Hertsmere due to the absence of any green transition zone.

Policy Conflicts:

- NPPF paragraph 130 – Developments must be sympathetic to local character.
- TRDC Policy DM1 and DM14 – Protect local character and important views.

5. Infrastructure Strain

No meaningful evidence has been submitted to demonstrate how local GP surgeries, schools, and community facilities will absorb the increased demand. The Health Impact Assessment lacks robustness.

Policy Conflicts:

- NPPF paragraph 8 – Strong, healthy, and well-serviced communities must be supported.
- TRDC Policy CP2 and CP6 – Requires demonstration of adequate infrastructure capacity.

6. Environmental Pollution (Air, Light, Noise)

There are cumulative effects identified across assessments that have not been sufficiently mitigated, particularly with regard to artificial lighting and air quality.

Policy Conflicts:

- NPPF paragraph 185 – Requires protection from pollution impacts.
- TRDC Policy DM9 – Pollution control and protection of residential amenity.

Conclusion

Watford Rural Parish Council urges Three Rivers District Council to **refuse** this application on the grounds outlined above. The scheme would significantly and unacceptably harm the character and sustainability of the local area and sets an undesirable precedent for development on this urban fringe.

We request that this letter be formally recorded as a **material representation**.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision.

1.1.2 TRDC Landscape Officer [No objection – Conditions suggested]

The Site is within Metropolitan Green Belt and there are trees on site protected by Tree Preservation Order (TPO181). A Public Right of Way (footpath 012 Watford Rural), also known as Merry Hill Green Way runs northeast /southwest along the southeast boundary of the site.

The submitted plans indicate that eight 'B grade' (good quality) trees and tree groups would need to be removed, and around 30 'C grade' (poor quality) trees to facilitate the development, this includes several trees protected by TPO. However, this removal of trees could be mitigated over time through the replacement tree planting indicated on the soft landscaping plans.

From a landscape perspective it would be desirable to see a pedestrian link through from the southeastern end of the site to the Right of Way, to give future residents

access into the wider countryside and an off-road commuting route to Bushey. If the application is approved, a compliance condition requiring the tree protection method statement and landscaping plans to be implemented in full.

1.1.3 Conservation Officer - [No objection]

The application is for Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works.

The application site is an irregular plot of land containing a vacant fire damaged dwelling and greenfield land for horse grazing to the northeast of Oxhey Lane between the Auburn Mere Residential Care Home and Any Skips commercial site. The site features the derelict Woodlands Cottage and associated garage (also derelict) but no other built form. In addition to the housing, the proposal would add a new pedestrian and vehicular accesses into the site, retain the undeveloped land fronting onto Oxhey Lane, remove the existing boundary wall and add additional landscaping.

There are no heritage assets, either designated or non-designated on the Site and the submission has identified three heritage assets which have the potential to be impacted by the development of the Site:

- Oxhey Grange (Grade II, List Entry Number 1101593)
- Oxhey Grange Lodge (Grade II, List Entry Number 1174337)
- Watford Heath Conservation Area

Oxhey Grange has architectural interest from the building's high-quality detailing, form and surviving historic fabric, in a high Victorian Gothic style. It has historic interest due to its association with architect Willima Young and illustrative interest as part of Oxhey Grange Estate. There is a strong physical separation between the Site and Oxhey Grange and they are not historically associated, with the setting of the Grange set within its own grounds to the southwest. As a result, the Site does not currently contribute to the significance of Oxhey Grange, and the proposal would not have a harmful impact on its significance.

The Site is located approximately 150m to the southeast of Oxhey Grange Lodge. The Lodge dates from the early twentieth century and has architectural interest in relation to its stone and brick construction and historic fabric. It has historic interest due to its association with Oxhey Grange Estate. The Site is part of its wider setting but there is no historic association between the two and only limited intervisibility. The proposal may result in a small degree of intervisibility with the Lodge. However, due to the circumstances described above the proposal would not result in harm to its significance. Due to the potential limited degree of intervisibility, a strong boundary treatment on the northwestern boundary is encouraged and this appears to be form part of the proposal.

Watford Heath Conservation Area is located approximately 300m to the southeast of the Site. Its significance and special interest relate to its architectural and historic

interest, connected to the buildings and the landscaped setting of the central village green and associative links to the Oxhey Grange Estate. There is extensive modern built form separating the Site from the Conservation Area and other open space areas as well. The Site does not appear to contribute to the significance of the Conservation Area and the proposal would not appear to harm the significance of the Conservation Area. However, the Conservation Area is in a neighbouring borough and appropriate consultation should be undertaken with the relevant authority.

This response has been provided in the context of Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 199 and the National Planning Policy Framework (NPPF) Chapter 16 'Conserving and Enhancing The Historic Environment'.

1.1.4 Herts County Council Highways Authority – [Objection; Objection maintained following receipt of additional information]

1.1.4.1 **First Comments received 3 July 2025:**

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council (HCC) as Highway Authority recommends that permission be refused for the following reasons:

1. Insufficient details have been submitted to demonstrate that the proposed transport and access arrangements are acceptable and sufficient. The proposals have therefore not been demonstrated to be in accordance with policy guidelines as outlined in the National Planning Policy Framework (NPPF), specifically paragraphs 115 and 117 and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

The site is proposed to be accessed via one new access from Oxhey Lane (A4008). Oxhey Lane is designated as a classified A main distributor roads, subject to a speed limit of subject 30mph (changing to 40mph to the south-east of the proposed access point) and is highway maintainable at public expense. Oxhey Lane is classed as P2/M2 (multi-function road) on HCC's Place & Movement Network.

A Transport Assessment (TA) has been submitted as part of the current application.

It has been considered that there are insufficient details submitted at this stage in order for HCC as Highway Authority to consider the proposals acceptable from a highway and transport perspective.

Therefore it is recommended that further details are provided and amendments taking into account the following points:

1. Proposed Access and Road Safety Audit

In the context of the nature and location of the proposed new access and associated works onto a main distributor A road, a Stage One Road Safety Audit and Designers Response would be required to be submitted for all of the proposed highway works.

This would be required to assist in identifying any considerations or amendments that may be required from a safety perspective.

Clarification is also sought in respect to the point made in the TA, section 4.11, which states that “the junction spacing (offset) between the proposed and existing accesses complies with HCC’s requirements (i.e. 43m separation for adjacent junctions). These offset distances are achievable to the existing access to Auburn Mere Residential Care Home to the north and a site known to sell Christmas Trees to the south (Appendix B)”. Drawing number 425.065707.00001.PD01 A shows the junction space between the site access and the Christmas Tree site as being 35m.

2. While HCC as Highway Authority would not object, in principle, to the level of vehicle parking as proposed (which is lower than that as outlined in Three Rivers District Council (TRDC)'s parking standards), this should be supported by appropriate infrastructure improvements to support the maximisation and promotion of sustainable travel alternatives. Consideration has not been given to:

- a. Providing improved crossing point(s) for pedestrians and cyclists from the development side of Oxhey Lane (north side) to the Carpenders Park on the south side of Oxhey Lane.
- b. Providing a safe crossing point for pedestrians across the large vehicular access opening into the Christmas Tree site.
- c. Improving cycling provision to and from the site e.g. through the provisions of an extended shared use cycleway/footway into the site to link to the existing shared use pedestrian /cycle path on the northeast of Oxhey Lane (to the southeast of the site) and provide a link to public bridleway Watford Rural 031.
- d. The potential for vehicles to park on the highway footway and/or carriageway on Oxhey Lane, particularly for the proposed community use or other visitors to the site, which links into the lack of consideration to improve sustainable and active travel options as outlined above.

Whilst HCC as Highway Authority is supportive of the suggested on-site cycle hire, this should be supported by appropriate infrastructure considerations and improvements on the surrounding highway network.

Please note that TRDC as the Local Planning and Parking Authority for the district would need to take a view on any parking proposed levels and be satisfied with any parking restrictions that may be needed on the adjacent highway, dependent on the submission of other details as outlined in this response.

3. Internal layout points – not necessarily a reason to recommend refusal from a highways perspective but lack of details at this stage to suggest that the following points have been sufficiently considered.

- a. Many of the proposed dwellings have gates/doors that open out onto the proposed footways. This would cause a potential obstruction and safety issue for users of the adjacent footways and the gates /doors should be amended to open inwards into the properties.

b. The entrance road into the site (for the first approximately 80m from Oxhey Lane) is 5.5m wide, which is acceptable and in accordance with HCC's Place & Movement Planning and Design Guidance. As you move further into the site the width of the carriageway reduces to 4.8m fronting the main access road fronting the dwellings and then reduces to 3.7m further into the site. Consideration should be given to the following:

i. The 4.8m wide carriageways are bordered by parallel car parking spaces.

Has the potential for doors opening out into the carriageway been considered?, a carriageway which would be used by cyclists and therefore could be a potential barrier to encouraging cyclists to use the site.

ii. Some of the 3.7m width carriage areas including the stretch providing access to plots 79 to 94 do not have separate footways and would therefore act as shared used areas. Whilst HCC as Highway Authority is not opposed to shared use access areas providing access to 25 dwellings or less, the 3.7m width carriageway could be a barrier to some pedestrians using this area particularly when refuse and other large vehicles are using the road where there would be limited space for pedestrians to pass.

iii. Provisions would need to be considered to ensuring that the proposed turning areas for refuse vehicles, emergency vehicles and other service / delivery vehicles are kept clear of parked vehicles, which would be particularly important when taking into account the narrow carriageways in the site and lack of two way vehicle passing on the 3.7m width stretches.

Emergency Vehicle Access

Following consideration of the size of the development, details of the proposals and have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Conclusion

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. Insufficient details have been submitted to demonstrate that the proposals are acceptable and in accordance with the NPPF and LTP4 at this stage specifically in relation to providing safe and suitable access to all users. Therefore the above details and information are being recommended to be provided and/or considered.

1.1.4.2 **Second set of comments received following review of additional information, comments dated 5 August 2025 – objection maintained:**

Proposal

Supplemental details submitted including Road Safety Audit.

Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an

access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works

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 reason:

1. The proposed transport and access arrangements have not been demonstrated to be acceptable or sufficient. The proposals are therefore not in accordance with policy as outlined in the National Planning Policy Framework (NPPF), specifically paragraphs 115 and 117 and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

Please see comments / highways response below for more detail.

Comments

The site is proposed to be accessed via one new access from Oxhey Lane (A4008). Oxhey Lane is designated as a classified A main distributor road, subject to a speed limit of subject 30mph (changing to 40mph to the south-east of the proposed access point) and is highway maintainable at public expense. Oxhey Lane is classed as P2/M2 (multi-function road) on HCC's Place & Movement Network.

A Transport Response (TR) (SLR No. 425.065707.00001) and Stage 1 Road Safety Audit & Designers Response (RSA1) have been provided in response the original Highways consultee response dated 24/07/2025, which recommended refusal. A Transport Assessment (TA) was submitted as part of the original documents submitted.

Following a review of the supplemental details submitted, there are still insufficient details and provisions to enable HCC as the Highway Authority to consider the proposals acceptable from a highway and transport perspective. In order to be considered acceptable, further details would need to be provided and amendments taking into account the following points:

1. Proposed Access and Road Safety Audit

The Highway Safety Team at HCC has provided a Road Safety Review of the submitted RSA1. The reviewer has concerns in relation to problem 3.2.1 "Possible risk of side impact or rear end shunts due to insufficient forward visibility". It is not clear that there is a design solution which addresses this forward visibility concern. Therefore visibility splays from the right turn lane should be provided for review at the current design stage.

The reviewer also has concerns that in response to problem 3.3.1, the right turn lane may not be sufficiently wide enough based on the curvature, although this could potentially be mitigated by minor widening of the lane.

The designers response is considered acceptable for problems 3.1.1, 3.1.2, 3.3.2.

The Highway Safety Team identified one additional problem in respect to Road Signage. The reviewer notes that several signs associated with the development are shown to be relocated rather than renewed. While relocation may retain their functional positioning, it does not guarantee that the signs will meet current standards for visibility, condition, or conspicuity, particularly where the signs are worn, dirty and partially obscured. Given that the junction lies on a transition into a lower speed limit area, the use of yellow backing boards on terminal speed limit signs would enhance driver awareness and reinforce the change in environment.

Additionally, vegetation clearance is recommended to ensure that visibility to signage remain unobstructed. The inclusion of speed limit roundels on the carriageway surface at terminal positions would further reinforce the speed limit change and improve compliance.

Following consideration of the review, particular attention should be made to points 3.2.1 and 3.3.1 at this planning application stage to ensure that sufficient mitigation has shown to be achievable and sufficient.

2. SLR Response 3 in the TR refers to the points made in respect to appropriate infrastructure improvements to support the maximisation and promotion of sustainable travel alternatives . Despite the points made in the TR, it is considered that insufficient consideration has been given to:

a. Providing improved crossing point(s) for pedestrians and cyclists from the development side of Oxhey Lane (north side) to the Carpenders Park on the south side of Oxhey Lane. The TR states that “there is a shared pedestrian / cycle crossing to the immediate south of By the Wood”. This is incorrect as it is not designed as a shared use facility and would therefore need to be upgraded to a shared use facility in accordance with Cycle Infrastructure Design: Local Transport Note 1/20 (LTN 1/20) if this is intended to be part of the cycling route between the site and Carpenders Park.

b. Providing a safe crossing point for pedestrians across the large vehicular access opening into the Christmas Tree site. Points 2.10 to 2.13 of the TR refers to this and states that the existing “access has operated without any recorded pedestrian, cycle or child casualties between 1999 and 2023”. This does not however mean that the arrangement is sufficient to support the new development which would be required to be able to provide safe and suitable pedestrian accessibility to and from the site for a larger number of pedestrian users. Any provision and design should be taking into account DFT’s Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (IM) , LTP4 and the NPPF, which is not currently the case. At the very least, tactile paving should be provided and a refuge island considered.

The TR makes reference to the Christmas Tree site access width as being “shorter than the equivalent configuration to the south that serves Braeside and The Old Brickworks”.

This point has limited weight as parts of it serve a residential driveway with low levels of vehicle movements and the overall design is more pedestrian friendly with clear

priority given to pedestrians using the highway footway and a more favourable angle and visibility for all users. Nevertheless this section would also need to be improved if it were to act as the cycling route to and from the site as referred to in point c of this response.

c. Improving cycling provision to and from the site. Point 2.6 of the TR states that “the site is connected to Carpenders Park via the existing footway / shared use facility along the north side of Oxhey Lane”. This is incorrect as the shared use facility does not commence until approximately 300m southeast of the proposed site access. Insufficient details and plans have therefore been provided as to how cyclists would safely travel between Carpenders Park and the site and between the site and public bridleway Watford Rural 031.

Point 2.16 states that cycle flows to/from the site connecting to the existing shared use facilities (and existing facilities) “are not considered substantial enough to justify physical widening of the footway. Such widening would also adversely impact the existing right-turn facilities at the accesses between the site and Carpenders Park.” Whilst this may well indeed have an impact on whether or not the right turn facilities can be safely provided, the onus is on the applicant to demonstrate that a safe and suitable access to and from the site can be made for all users, including vehicles and cyclists.

Point 2.18 states that “It is considered that cycle signage and cycle road markings between the Site and public bridleway Watford Rural 031”. This has not been demonstrated to be a safe nor suitable option at this stage and is not in accordance with LTN1/20 or IM and has not been included in the submitted safety audit.

d. The potential for vehicles to park on the highway footway and/or carriageway on Oxhey Lane, particularly for the proposed community use which links into the lack of consideration to improve sustainable and active travel options as outlined above. This point is still relevant when taking into account the above points.

Whilst HCC as Highway Authority is supportive of the suggested on-site cycle hire, this should be supported by appropriate infrastructure considerations and improvements on the surrounding highway network. Without an appropriate level of off-site provision, it is limited as to how feasible it is to promote cycling as a safe and easy travel option for all future residents of the site. One of the justifications made for not requiring improvements to the existing footway (which is also proposed to function as the route for cyclists) is that flows would not be high enough which is counter to the site’s objectives to promote sustainable travel options (which in itself is being used to justify the lower level of on-site vehicle parking). The points made are therefore quite contradictory in this respect.

Please note that TRDC as the Local Planning and Parking Authority for the district would need to take a view on any parking proposed levels and be satisfied with any parking restrictions that may be needed, dependent on the submission of other details as outlined in this response.

3. Internal layout points – as previously stated these are not necessarily a reason to recommend refusal from a highways perspective and the applicant has indicated that

they do not intend to offer the internal road(s) to be dedicated as highway. Nevertheless as a responsible authority, the points raised are deemed to be reasonable and require consideration by the applicant and TRDC as the Local Planning Authority.

In respect to the gates/doors that open out onto the proposed footways, HCC as Highway Authority would recommend amended plans at the consultation and/or suitably worded condition in this respect, as suggested in the TR.

HCC as Highway Authority would be supportive of the suggested Parking Management Plan, to be secured via an appropriately worded condition which should also include provision to ensure that all necessary turning areas and pedestrian footways are kept free from any parked vehicles.

Emergency Vehicle Access

As referred to in the Highway Authority's previous response, details of the proposals have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Conclusion

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. Insufficient plans have been submitted to demonstrate that the proposals are acceptable and in accordance with the NPPF and LTP4 specifically in relation to providing safe and suitable access to all users.

1.1.5 Herts County Council Lead Local Flood Authority – [Objection]

Thank you for your consultation on the above site, received on 3 July 2025. We have reviewed the application as submitted and wish to make the following comments.

This is a full application which involves demolition of existing structures and construction of 96 number of dwellings (Use class C3) with associated infrastructure within a site area of 3.48ha.

We **object** to this planning application in the absence of an acceptable Flood Risk Assessment or / and Drainage Strategy or / and supporting information relating to:

- The development is not in accordance with NPPF, PPG or Three Rivers local policies including Policy DM8 – Flood risk and Water resources and Policy DM9 – Contamination and pollution control.

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.

A summary of the main points of this are:

- 1) As per the Environment Agency flood map, there is a flow path forming across the site in the 'Yearly chance of flooding between 2040 and 2060' scenario. This has not been assessed by the applicant, who has only considered the current day 'Yearly chance of flooding' scenario.
- 2) A surface water drainage scheme that prioritises the reuse of rainwater in line with the National Standards for SuDS, so correctly addressing the drainage hierarchy required shall be provided. Interception of the first 5mm of water must be shown to be managed by the drainage strategy without leaving the site.
- 3) It is noted that there is a pond proposed in the Flood Risk Assessment and Landscape Strategy which is not included in the drainage drawings or drainage calculations. The pond can provide water quality, biodiversity and amenity benefits.
- 4) LLFA notes that Thames Water has confirmed available capacity within their storm network which is an alternative discharge location. However, the applicant is required to provide in principle agreement for the outfall arrangements to the watercourse. Additionally, the drainage calculations do not provide information for 1% AEP event plus climate change water level of the watercourse and a surcharged outfall scenario may need to be provided.
- 5) It has been noted that the runoff coefficient (C_v) of 0.75 has been used in calculations. The applicant should revise the calculation with C_v value of 1.
- 6) The applicant should provide the calculation for 50% AEP and 3.33% AEP plus climate change allowance scenarios.
- 7) The applicant must ensure that finished floor levels are set at a minimum of 300mm above the maximum design water levels and 150mm above finished ground level, and this provision must be clearly accounted for in the development proposal.
- 8) The applicant is required to provide the biodiversity and amenity benefits; it has been noted that the central area of site needs more biodiversity and amenity elements.
- 9) The applicant must demonstrate water quantity benefits in open and above ground SuDS, since 57% of attenuation occurs underground.
- 10) LLFA acknowledges the inclusion of the exceedance flow route; however, the drawings show a flow path across the northwest buildings.
- 11) The applicant is required to provide the half drain down time for proposed Geocellular tanks.
- 12) Appropriate easements in accordance with the adopting authority's standards must be clearly indicated on the drawings for SuDS features, with a minimum width of 3 metres.

13) Provision must be made for a designated vehicular access route and off-road parking area to facilitate the maintenance of the attenuation tank / rain gardens.

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-and-environment/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.

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.

1.1.6 Herts Archaeology - [No objections – pre-commencement conditions requested]

ARCHAEOLOGICAL IMPLICATIONS

Thank you for consulting me on the above application.

No heritage assets of archaeological interest are known from within the proposed development site. However, as noted in the Archaeological Desk Based Assessment (HCUK 2025) report submitted with the planning application, there is an underlying potential for prehistoric, medieval and post-medieval activity. The earliest findspots within the study area originate from the Neolithic period with flint tools and representing 'the typical Chiltern surface industries of the Neolithic or Early Bronze Age' as described in Table 4. The remains of medieval ridge and furrow have been identified to the north, suggesting a broader agricultural landscape during this time, according to para. 4.28.

The site has not been subject to significant development or other disturbance, and according to the same Desk Based Assessment, cartographic evidence shows the development site has remained largely untouched since at least 1842. As a result, it is likely that if any archaeological remains are present on the remainder of the site, they are well preserved.

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.

1.1.7 Herts County Council Minerals and Waste Team - [No objection – pre-commencement conditions requested]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters.

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.

Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisation concerns.

Waste

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

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is

acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

Section 6.3 of the 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.

It should be taken into consideration that the proposed site is located on an area of Historic Landfill (reference: EAHLD09974, Auburn Mere). It is also located adjacent to another area of Historic Landfill (reference: EAHLD12361, Oxhey Lane). The presence of and risk from contaminative materials should be a consideration in the proposal at this site.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). Section 5.1 of the Circular Economy Statement notes that a SWMP will be prepared prior to commencement of the project. The county council welcomes this commitment.

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).

- 1.1.8 Herts County Council Fire and Rescue Department – [No objections – condition suggested]

Please note there is no main concerns from the HFRS water team but please note that HFRS will be seeking a condition for the provision of Fire Hydrants, at no cost to ourselves.

- 1.1.9 Transport for London – [No comment]

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

This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

- 1.1.10 Network Rail – [No objection]

Network Rail Ltd has no objections.

- 1.1.11 National Grid – [Holding Objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team reviews the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision.

What you need to do

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at box.eaplantprotectionops@cadentgas.com

1.1.12 British Pipeline Agency – [No objection]

Thank you for your correspondence regarding the above noted planning 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.

1.1.13 Active Travel England – [No comment]

In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.

1.1.14 Thames Water – [No objection – pre-commencement condition requested]

Waste Comments:

Waste Comments: 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. 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.

Public sewers are crossing or close to your development. Build over agreements are required for any building works within 3 metres of a public sewer and, or within 1 metre of a public lateral drain. This is to prevent damage to the sewer network and ensures we have suitable and safe access to carry out maintenance and repairs. Please refer to our guide on working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Please ensure to apply to determine if a build over agreement will be granted.

Thames Water would advise that with regard to the FOUL WATER network 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:

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

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

1.1.15 Affinity Water – [No objection]

1.1.15.1 **Initial comments received, dated 21 July 2025, objecting:**

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 near an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) and on land marked as historical landfill, corresponding to our Pumping Station (EAST). 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 the submission of a Controlled Waters Risk Assessment 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 include but not be limited to the following:

- i Identification both the aquifer and the abstraction point as potential receptors of contamination (including turbidity generation from groundworks).
- ii The depth to water of the lower aquifer.
- iii Considered sampling of groundwater to inform the risk assessment
- iv Proposed construction measures (e.g. piling) that consider the risk to the aquifer and abstraction point.

A plan for this can be checked with us prior to submission to ensure all areas of concern for us are covered.

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.

1.1.15.2 Second response received on 6 October 2025 removing objection subject to conditions:

Following on from our response dated 21/07/25 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 should be noted that due to the proximity of the proposal on or within landfill, the foundation risk assessment (FRA) requested below will need to be specific to our concerns (e.g. it will need to be fully demonstrated that PAH and other contaminants from the landfill will not be drawn down into the aquifer and will need to consider the need for monitoring during the works) in order for us to recommend discharge. We can accommodate meetings with the developer prior to the development and submission FRA to ensure all our concerns have been covered if requested.

Condition 1

Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- **A Foundations Works Method Statement and Risk Assessment** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation**

measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent 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.

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 2

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- **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 3

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

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

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.

1.1.16 Environment Agency – [No objection – pre-commencement conditions requested]

Thank you for consulting us on the above planning application on 03/07/2025. As part of the consultation, we have reviewed the following submitted documents:

- Desk Study prepared by GEA, dated June 2025 (ref.: J24293);
- Ground Investigation prepared by GEA, dated June 2025 (ref.: J24293A);
- Flood Risk Assessment and Drainage Strategy Report prepared by BWM, dated June 2025 (ref.: 5951-BWM-XX-XX-RP-C-0001-ISSUE 2).

Environment Agency Position

Considering the information provided, **we have no objection to the proposed development given the inclusion of the following conditions on any grant of decision notice**. Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

The proposed development site's former use as a landfill means it contains sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Lambeth Group Secondary A aquifer and the deeper Chalk Principal aquifer, as a result of the proposed redevelopment of the site. The majority of the site is located within an Outer Source Protection Zone (SPZ2) associated with an Affinity Water public water abstraction approximately 2km west of the site (Eastbury Pumping Station). We note in section 4.5.1 of the submitted Ground Investigation by GEA (ref.: J24293A) that groundwater will not be a critical risk receptor. Because piled foundations are yet to be ruled out, nor the target depth/geology should they'd be installed to confirmed, we cannot rule out the creation of preferential pathways for contaminant migration to more sensitive groundwater receptors. The Lambeth Group beneath the London Clay is variable in terms of permeability and therefore could be in hydraulic connection with the Chalk, which is a Principal aquifer; there has been no discussion on this and we therefore are of the opinion that groundwater cannot be ruled out as a receptor.

Environment Agency Recommended Conditions

Condition 1 – Remediation Strategy No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:

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.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason for Condition 1 To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs 187, 196, and 197 of the National Planning Policy Framework.

Advice for Condition 1 The submitted Desk Study by GEA (ref.: J24293) will satisfy (1), and their subsequent Ground Investigation (ref.: J24293A) will satisfy (2). The recommendations outlined in section 7.1 in the latter should be carried out in accordance with LCRM guidance, as the site still exhibits unacceptable levels of contamination. It is recommended that controlled water receptors are considered more within any scope of future works. We recommend that developers should:

- follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination;
- refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as
 - human health;
 - consider using the National Quality Mark Scheme for Land Contamination Management, which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
- refer to the contaminated land pages on gov.uk for more information.

Condition 2 – Unexpected Contamination If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has

been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Condition 2 To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 187, 196, and 197 of the National Planning Policy Framework.

Condition 3 – Monitoring The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason for Condition 3 To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 4 – Investigative Boreholes A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason for Condition 4 To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with paragraph 187 of the National Planning Policy Framework. 4

Advice for Condition 4 Redundant boreholes that are not intended for monitoring should be decommissioned as soon as practicable as to not act as pathways for contaminants – either already present or associated with the construction phase – to migrate to sensitive groundwater receptors themselves. The decommissioning of boreholes at the site should be undertaken in line with the guidance presented in *Good practice for decommissioning redundant boreholes and wells (Environment Agency, 2006)* available at the following website: [ARCHIVED CONTENT] (nationalarchives.gov.uk).

Condition 5 – Verification Report Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The

report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason for Condition 5 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 6 – Piling Piling, deep foundations, or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason for Condition 6 To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. A foundation works risk assessment will be required, prepared with reference to Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention.

Advice for Condition 6 Piling has the potential to create preferential pathways, aiding the vertical migration of contaminants towards sensitive groundwater aquifers. We consider it prudent to include geotechnical investigation within the scope of any further intrusive ground investigation in order to inform foundation design. Continuous Flight Auger (CFA) piling is our preferred piling method, if piling is indeed deemed necessary. If the proposed strata for piles to terminate in is a Principal aquifer, **we strongly recommend exploring the feasibility of shallower foundations as much as possible**. If penetrative techniques are indeed to be used during the construction of this development, information to address these issues will need to be included as part of a risk assessment and should consider the following:

- identification of relevant receptors and baseline monitoring;
- determination of contaminants of concern and establishment of trigger values;
- a monitoring strategy to be implemented during and after piling;
- mitigation measures to be implemented should the agreed trigger values be breached.

Advice to Applicant

Waste

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

- Duty of Care Regulations 1991;

- Hazardous Waste (England and Wales) Regulations 2005;
- Environmental Permitting (England and Wales) Regulations 2016;
- The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information. Additionally, the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2), often referred to as "DoW:CoP", provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution;
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically. Refer to the Waste Classification Technical Guidance and the waste suitability page on gov.uk for information about what each type of waste comprises and what it can be used for. 6

Permitting

The construction of this project may be subject to a number of activities regulated through Environmental Permits (EPR), including (but not limited to):

- dewatering;
- Deposit for Recovery (DfR);
- Flood Risk Activity Permit (FRAP);
- use of drilling fluids;
- abstraction license;
- surface and groundwater discharge consent(s).

We recommend contacting the National Permitting Team for permitting matters and any issues likely to be raised as early as possible as the processing times vary depending on the type of permit and can be long in some cases.

Water Resources

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

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

Residential developments

The supply of water in the area is under serious water stress (as identified in our report: Water stressed areas – 2021 classification). All residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within the Building Regulations &c. (Amendment) Regulations 2015. This standard **or higher** may already be a requirement of the local planning authority.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Advice to Local Authority

The current drainage strategy as presented in the submitted Flood Risk Assessment and Drainage Strategy Report by BWM (ref.: 5951-BWM-XX-XX-RP-C-0001-ISSUE

2) is deemed acceptable. If it changes during another stage of planning, we request to be reconsulted, especially if it is to include infiltration drainage features.

Final Comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

In accordance with the planning practice guidance, please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

1.1.17 TRDC Local Plans Officer – [No objection]

Representation: The application relates to the development of 96 residential dwellings, associated flexible community floorspace, access, vehicle and cycle parking, sustainable urban drainage systems and landscaping. The application site is located wholly within the Metropolitan Green Belt.

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 is located in close proximity to the settlement boundary of Carpenders Park) and is not previously developed land. The development would result in the net gain of 96 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 96 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

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”.

The site is proposing the creation of flexible community floorspace. Policy DM12 (c) of the Development Management Policies Local Development Document states “Where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport”.

Whilst not located within a conservation area, the site is located relatively close to two Listed Buildings (to the west of the site). Paragraph 215 of the NPPF sets out that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. Policy DM3 of the Development Management Policies Local Development Document sets out that “applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment”.

The site is located relatively to a Local Wildlife Site to the south. 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.*

1.1.18 TRDC Housing Officer – [Commented on scheme noting mix is not in accordance with 70/30 split]

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 through financial evidence that this is not viable. As a guide, the tenure split should be approximately 70% rented (of which 70% should be social rent and 30% affordable

rent) and 30% affordable home ownership (with an indicative split of 50% First Homes and 50% shared ownership).

The Local Housing Market Assessment (2024) 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 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 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.

The proposed split is 50% affordable housing, with 60% allocated for social rent and 40% for intermediate housing. While our preference would be for a 70% social rent and 30% intermediate split, we are generally supportive of this proposal, provided the dwellings are of an appropriate size to meet our needs—specifically, family-sized units.

1.1.19 Herts Constabulary Safety Design Officer – [No objection]

Hope all is well , thank you for sight of planning application 25/1055/FUL, Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works, Land To The Rear Of Woodlands Cottage Oxhey Lane Carpenders Park.

I can see it is the client's intention to build this development to the police preferred minimum security standard Secured by Design, as detailed in the Design and Access statement Chapter 10 (page 94). I would ask that if this application is granted I could meet with the architect and developer to review the development from a security and designing out crime perspective .

1.1.20 Herts County Council Growth and Infrastructure Department – [No objection – advised infrastructure contributions required]

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **96 dwellings** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	15	21
3	37	6
4+	15	0
Total	67	27

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	0	0
3	0	2
4+	0	0
Total	0	2

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	0	48	48	0	0	0

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Secondary Education Contribution towards the delivery of a new secondary school at Carpenter's Park and/or provision serving the development £1,360,656 (which includes land costs of £26,246) index linked to BCIS 1Q2024)

Special Educational Needs and Disabilities (SEND) Contribution towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£184,537 index linked to BCIS 1Q2024)

Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development (£11,046 index linked to BCIS 1Q2024)

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 £420 (adjusted for inflation against RPI January 2024). 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”.

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: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#). In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.”

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, 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.

1.1.21 Watford Environmental Health Officer – [More information requested]

The following documents have been reviewed:

Report Ref. GEA. Land to the Rear of Woodland Cottage, Oxhey Lane, Carpenders Park, WD19 5RE. Desk Study. Dated: June 2025. Ref. J24293 Rev 1.
Report Ref. GEA. Land to the Rear of Woodland Cottage, Oxhey Lane, Carpenders Park, WD19 5RE. Ground Investigation. Dated: June 2025. Ref. J24293 Rev 1.

Please find below a summary of the findings of the reports, comments and recommendations.

Report Ref. GEA Desk Study. Ref. J24293. Rev 1 Dated June 2025.

Introduction

A Desk Study has been prepared by GEA to support the planning application (Ref. 25/1055/FUL) for the Site 'Land to the Rear of Woodland Cottage, Oxhey Lane, Carpenders Park' (hereafter named "the Site"). The proposed development comprises 90-100 residential dwellings with a community centre, new roadways and associated soft landscaping.

Summary of the Desk Study

The report provides the site boundary and a current site description with details of a site walkover undertaken in November 2024. The walkover indicates the northern sections of the Site comprised open fields, with sections in the south comprising evidence of fly-tipping and former industrial activities perhaps associated with the

adjacent land-uses. It is noted an aerial photograph from 1999 indicates the southern sections of the Site comprised former yards areas associated with the adjacent land parcel. The presence/absence of invasive species are not mentioned in the report.

The report provides a summary of the site history and states it previously comprised agricultural fields at the dates of the early maps with a pond denoted at the south-western corner. By 1935 a number of buildings are noted at the southern-western corner. It should be noted that the aerial imaging from 1999 indicates the Site at the south has expanded over into the site boundary. A number of unnamed buildings are denoted at the north in 1959.

Historical activities off-site comprise the Clay Brick Works at the south, which is denoted by a large excavation and a series of buildings, which was backfilled by 1959. The Brick works is denoted as a factory 1970s, and then Brickfields Farm by 1992.

The report states the superficial geology is likely to be absent at the Site, with the solid geology anticipated to be London Clay (Unproductive Aquifer). However, it should be noted that the Envirocheck mapping indicates the Lambeth Group encroaches onto the southern boundary, designated as a Secondary A Aquifer. A thickness of Made Ground should be anticipated due the landfilling and former industrial activity at the south of the Site.

The report states that the Site is located within a Zone II Outer Source Protection Zone. However, it should be noted that the southern tip is located within a Zone I Inner Zone Source Protection Zone, associated with the change in geology (Lambeth Group).

A large landfill is denoted at the Site across the eastern section. The report states the licence was held by Aubern Mere Residential Care Home, which was developed adjacent to the Site. The report also states that information from the planning portal indicates the landfilling involved infilling and recontouring of the land.

The report also states a landfill is also located at the immediate boundary of the Site at the south associated with the former Brickworks, with filling understood to have been undertaken between 1939 and 1957.

The risk from unexploded Ordnance (UXO) is stated to be Low.

The Site is not located in a Radon Affected Area.

The presence of invasive weeds including Japanese Knotweed is not included in the report.

The report states that the Oxhey Brook flows across the southeastern corner of the Site flowing north-east-southeast direction.

No consultations with the relevant departments of Watford Borough Council (WBC) & the Environment Agency have been undertaken in the preparation of the report.

The report presents a conceptual site model with a number of sources stated to include infilling associated with the landfill designation; fly-tipping noted at the south of the Site. The unnamed buildings at the north of the Site should be included, together with the apparent expansion of the Site to the south into the Site boundary. The report identifies the proposed end-user as a critical receptor. The report rules out groundwater as a receptor due to the underlying Unproductive Strata. This is considered an oversight due to the presence of the Lambeth Group at the south of the Site and the associated Source Protection Zone I, together with the Site falling into a Source Protection Zone II. Groundwater should be included as receptor.

The Oxhey Brook, located at the south of the Site, is not included as a receptor. This is also an oversight and should be included as a receptor.

A tabulated preliminary conceptual model is included, with potential sources, pathway and receptors identified. The report concludes a Moderate risk to the proposed end-users from the existing site soils (including asbestos). A moderate risk from ground gas to the proposed end-uses. Controlled waters have been excluded from the conceptual site model.

Assessment of compliance with LCRM

We are in broad agreement with the findings of the report and the requirement for a ground investigation, with the following additional information requested to be included:

- Controlled waters should be included in the conceptual site model. Both the surface water of the Oxhey Brook and the groundwater associated with the Source Protection Zone II and I;
- Recognition of the expansion of the site to the south into the southern sections of this site;
- The migration of ground gas onto the Site from the adjacent sources should be considered.

It is recommended that the following points are incorporated in the ground investigation planning and are included with the subsequent Phase 2 Report submitted for the Site:

- Invasive weeds are not included in the report scope. Prior to completing any intrusive works, the potential for invasive weeds to impact the Site should be confirmed;
- We are in agreement with the requirement for an intrusive investigation at the Site, please ensure the ground investigation conforms to the requirements of BS10175:2011+A2:2017. In addition, should the Site be proposed to be reprofiled/

increased and / or reduced in level, the chemical testing of the Site soils should be suitable to characterise the existing Site and the Site soils following reprofiling.

- Potential ground gas is considered to be a moderate issue at the Site from a number of sources, please ensure correctly installed monitoring wells are located at the Site and subject to a suitable frequency of monitoring in accordance with current regulations and best practice.
- Consultation should be undertaken with the Environment Agency and Watford Borough Council Departments Environmental Health and Building Control to gain publicly available information regarding the Site. Prior to the ground investigation commencing this information should be reviewed.

Report Ref. GEA Ground Investigation. Ref. J24293A. Rev 1 Dated June 2025.

A Phase 2 Ground Investigation Report has been submitted by GEA in support of the planning application for the proposed residential development.

The ground investigation comprised 3No. cable percussive boreholes to depths of between 15m and 19m bgl; 8No. window sampling probeholes; 7No. trial pits advanced to depths of up to 3m (18No. exploratory hole locations) together with the installation of 5No. ground gas and groundwater monitoring wells. The rationale behind the location and position of the exploratory holes is absent from the report. It is noted that the coverage of the ground investigation is sporadic and sections of the site to the north, east and south remain un-investigated, particularly in areas of the southern boundary (where expanded industrial activity is noted) and where the Lambeth Group is expected. In addition, areas to the north area absent (where unnamed buildings were historically present).

The recorded ground conditions comprised Made Ground to depths of between 0.40m and 2.90m bgl, underlain by London Clay to depths of between 11m to 12.40m. The Lambeth Group was recorded underlying the London Clay. It is noted that the soil samples collected were not subject to a headspace screen using a Photo Ionisation Detector (PID) in the field nor were the samples scheduled for BTEX testing or volatile organic contaminant (VOC) testing.

The report does not detail visual or olfactory evidence of contamination recorded. A review of the exploratory hole logs notes the following visual and olfactory evidence of contamination at the following locations:

- BH05 between 1.0-1.25m bgl. Black tarmac fragments with bituminous odour
- TP03 between 1.10 and 1.25m bgl black tarmac gravel;
- TP06 between 0.40m and 1.90m bgl – bituminous odours

Refuse type waste is denoted in trial pit TP03 & TP05, TP06 between ground level and 1.10m and 2.90m bgl, described as whole bricks, plastic sheeting, concrete slabs, plastic rubbish, tile, fabric rubbish electrical waste including wires and circuit

boards, metal scaffolding, metal rubbish. Refuse type waste would suggest PFAS as a contaminant of concern.

The report states groundwater was encountered in each of the boreholes at the base of the Made Ground. 5No. monitoring standpipes were installed in the boreholes. No groundwater samples were collected for laboratory analysis and an assessment of controlled waters risk is not included in the report.

A total of 12No. soil samples were scheduled for chemical testing. The suite of testing included PAHs, TPH total, cyanides, asbestos and metals. Trial pit TP06 (as noted to contain visual and olfactory evidence of contamination) but was not subject to chemical testing.

It is noted that total TPH was scheduled for the majority of samples. TPH C8-40, is a total test not allowing distinction between the carbon bands and does not include the more volatile fraction. Total TPH testing is considered an outdated approach to TPH testing and does not follow industry best practice. On a number of occasions total TPH concentrations are recorded to be greater than <10mg/kg.

The laboratory data has been compared to 'GACs for a residential with plant uptake end-use at 1% SOM. The report states significantly elevated concentration of lead, PAHs, Sulphate and TPH together with asbestos fibres, have been recorded in the site soils.

The report includes 4No rounds of ground gas monitoring undertaken at the Site. The monitoring was undertaken in 5No. exploratory hole locations, all with response zones targeting the CLAY strata. No monitoring wells are installed targeting the Made Ground, particularly the deeper landfilled material recorded centrally and to the south of the Site. The report states that the site is designated as CS1 and requires no ground gas protection measures.

The report presents a waste disposal section and indicates the use of the Definition of Waste Code of Practice (CoP) might be applied at the Site. Please be aware that to re-use materials at the Site, within the areas of former designated landfill, may require specialist waste permitting from the Environment Agency.

A tabulated final conceptual model is not included in the report and an assessment of risk not included. The report recommends that suitable engineered cover systems will be required in areas of gardens and landscaping to prevent contact with the underlying soils. An assessment of the risk to controlled waters risk assessment has not been included. The report recommends further ground investigation and the preparation of a Remediation Strategy.

Summary and Conclusions

In general, we consider that the site **has not been characterised** sufficiently with areas of the Site not subject to ground investigation, inadequate chemical testing and key receptors omitted from the assessment.

Recommendations

A Desk Study and Ground Investigation report have been submitted in support of planning application Ref. 25/1055/FUL. We are in broad agreement with the findings of the Desk Study, however, further site characterisation will be necessary.

We recommend the inclusion of standard planning conditions relating to ground conditions to include Phase 2 Ground Investigation and Risk Assessment, Remediation Strategy and Verification Plan, Verification Reporting, and monitoring for unidentified contamination during redevelopment works. The works and reporting shall be undertaken in accordance with Environment Agency Land Contamination Risk Management (LCRM) guidance.

We recommend the following are incorporated into future contaminated land works/submissions for the site:

- Prior to completing any intrusive works, the potential for invasive weeds to impact the Site should be confirmed;
- Ensure the ground investigation conforms to the requirements of BS10175:2011+A2:2017. In addition, should the Site be proposed to be reprofiled/ increased and / or reduced in level, the chemical testing of the Site soils should be suitable to characterise the existing Site and the Site soils following reprofiling;
- Potential ground gas is considered to be a moderate issue at the Site from a number of sources. Ensure correctly installed monitoring wells are located at the Site and subject to a suitable frequency of monitoring in accordance with current regulations and best practice;
- Consultation should be undertaken with the Environment Agency and Watford Borough Council Departments Environmental Health and Building Control to gain publicly available information regarding the Site. Prior to the ground investigation commencing this information should be reviewed;
- Rationale behind the location of the exploratory holes should be included. There are areas of the site that remain un-investigated and key areas of the Site, identified in the Desk Study not subject to ground investigation. Further ground investigation will be necessary to provide a more comprehensive coverage of Site and provide suitable site characterisation. This
- should include a review of the Desk Study sources and targeting anomalous areas recorded during this first phase of ground investigation;

- Refuse type deposits were recorded centrally within deeper areas of Made Ground. PFAS should be included as a Contaminant of Concern with regard to the soils and groundwater at the Site;
- Groundwater and surface water samples have not been collected as part of the ground investigation, nor are controlled waters included in the conceptual model. The risks to the surface water and the Source Protection Zones should be established.;
- Visual and olfactory evident of contamination was recorded however not all locations were scheduled for chemical testing. Further delineation and chemical testing of these areas will be necessary;
- Total TPH only has been scheduled for the majority of site soils. Total TPH C8-C40 does not include the more volatile fraction, is an outdated test and does not follow industry best practice. Please provide a further assessment of risk from TPH at locations in which total TPH is recorded above <10mg/kg;
- It is noted that soils sampled in the field were not subject to headspace screening for volatile contaminants, nor were samples scheduled for VOCs or BTEX. Please provide a further assessment of risk with regard to potential volatile contaminants at the Site;
- Ground gas monitoring was undertaken in 5No. exploratory hole locations, all with response zones targeting the CLAY strata. No monitoring wells are installed targeting the Made Ground, particularly the deeper landfilled material recorded centrally and to the south of the Site. It is considered that the ground gas assessment does not target the potential sources of ground gas at the Site and therefore does not present an accurate assessment. Monitoring wells should be installed within the deeper landfilled materials;
- Consideration has not been given within the conceptual model for the migration of ground gas from the off-site landfill associated with the historical brickworks at the south. This should be included in the conceptual site model and subject to suitable investigation

1.1.22 National Highways – [No objection]

No objection.

1.1.23 Herts County Council Ecology Department – [Objection – objection maintained following submission of additional information]

1.1.23.1 Initial comments dated 27 August 2025, raising objection.

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

The planning officer should either:

1. Refuse the applicant or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

Summary of Advice:

- **Insufficient information on great crested newts to advise determination of the application** – Despite one of the reports stating that the onsite pond is dry, the BNG assessment states that this pond holds water. We have records of:
 - great crested newts breeding in the vicinity, and there are additional ponds within 250m of the site. Given the amount of terrestrial habitat to be removed, I do not consider the current ecological report has adequately addressed whether GCN will be affected by the development. **One of the two options should be demonstrated prior to determination:** 1. Confirmation of joining the DLL scheme (by submitting the IACPC). 2. Traditional survey route. More details below under s1.3.
 - The Lighting Impact Assessment report is insufficient to properly address the impact of the development on foraging and commuting bats – **Either the report should be amended prior to determination, or re-submitted as a Condition of approval.** Details relating to amendments under s1.2.
 - LEADS Ecology undertook a site visit on 07/08/2025.
 - The site meets the criteria for Local Wildlife Site status for mixed habitats;
 - However, the only abundant indicator species onsite was Fleabane, which was not listed on any of the species lists submitted.
 - Given the rarity of most other indicator species present, we do not consider that the site in its current state meets the standards of a Local Wildlife Site. **However, conservation efforts should be made to preserve the Fleabane onsite.**
 - Seed Harvesting & Compensation Plan **Condition.**
 - CEMP Condition.
 - CEMP should include mitigation for nesting birds, mammals, bats, reptiles, and invasive species.
 - Badger pre-commencement survey **Condition.**
 - Species Enhancement Plan **Condition.**
 - Minimum requirement for BNG has been demonstrated.
 - Offsite BNG required – HMMP **Condition.**

Supporting documents:

- Preliminary Ecological Appraisal (Alder Ecology, November 2024).
- Phase 2 Ecology Surveys and Assessment (Alder Ecology, December 2024).
- Private Lighting Impact Assessment (MMA Lighting Consultancy, May 2025).
- Biodiversity Net Gain Assessment (Ethos, June 2025).
- Biodiversity Metric (April 2025).

Comments:

1. The application site is of high ecological importance mostly because of the mosaic of habitats present including woodland, scrub, ponds, and grasslands. Whilst this site is not a statutory or non-statutory designation, the adjacent woodland to the south is a local wildlife site, and this connects to further woodland habitats to the west which is designated as ancient woodland. The habitats currently onsite will be important for a variety of protected species, and these habitats will act as a corridor for wildlife to reach the further woodland and grassland habitats to the north and northeast. We have no fundamental objections to the development however there is currently insufficient information on great crested newts to advise determination of the application. Creating a cleaner, greener, healthier Hertfordshire

A Preliminary Ecological Assessment report and Phase 2 Ecology Surveys and Assessment report have been submitted as part of the application (Alder Ecology).

1.1 Bats: The original ecology survey identified some roosting opportunities for bats in the onsite building, and trees. Further surveys were recommended and subsequently carried out. Initial inspection surveys of the onsite trees were undertaken in May 2024. Various trees were subject to emergence surveys, which were carried out between May and September whereby no bats were seen emerging from any of these trees, confirming the likely presence of bats at the time of the surveys. The two structures onsite were also subject to emergence surveys during the same time period, and no bats were seen emerging from these buildings. Bat detectors were also used across the site to determine general activity levels, which confirms the site is being utilised by a range of bat species.

1.2 Bats & lighting: A Lighting Impact Assessment has been submitted as part of the application, and the Phase 2 Ecology Surveys document also contains the results of a lighting baseline assessment undertaken onsite. Currently, the site sits with the E2 Environmental zone, whereby a change in lighting will affect the movement or feeding patterns of fauna but the receptors can adapt.

The ecology report notes that the most prevalent bat activity was at the eastern section of the site, which is currently the area that is subject to the lowest light levels. It also states that lux levels will need to be kept low at this boundary to ensure there are still dark corridors for bats to utilise for foraging and commuting. Slower-flying species such as brown long-eared and Daubenton's are confirmed to be using the site, which are generally more likely to be affected by illumination. The lighting impact assessment report refers to the baseline of the current lighting conditions, how light spill will be reduced, minimising upward light, limiting light pollution and sky glow, and reducing glare. Mitigation measures are listed in s11 of the report.

However, whilst there is reference to the baseline lux levels in the Phase 2 ecology report, this has not been included in the lighting impact assessment. Furthermore, there is no map of the predicted post-development lux levels in each area of the site to compare the new levels of light to the current levels. Given the species of bat found

on site, I consider this should be included in the assessment report. Additionally, the Bat Conservation Trust Guidelines state that a lighting impact assessment should generally show a plan of illumination from all existing light sources.

Consequently, **I consider that this report is currently insufficient for LEADS Ecology to properly assess the impact of the development on foraging and commuting bats. Therefore, we advise that one of the below options should be demonstrated:**

1. The lighting impact assessment report should be amended **prior to determination**, and a plan showing modelled illuminance lux levels from all proposed and (and existing) sources of light should form part of this amended report.

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1. The lighting impact assessment report should be **re-submitted as a Condition of approval**, and the newly updated report should contain a plan showing modelled illuminance lux levels from all proposed and (and existing) sources of light.

1.3 Great crested newts: Great crested newts have been considered in the initial ecological assessment, however since the onsite ponds were dry at the time of surveying, no further action has been taken. However, this is contrary to the BNG assessment report which has a photo of the woodland pond holding water. The condition assessment also states that the pond has clear water. The report also states that the site is suitable for foraging and commuting amphibians. We can see on both magic and GIS that there is a pond roughly 100m north of the site, and another couple of ponds 350m southwest of the site. We would expect these ponds to at least be mentioned in the report, and further assessment to be carried out if the ecologist deems necessary. The site is also within a great crested newt ring data point on our database, which suggests that there are breeding great crested newts within 500m of the site.

A large amount of potential terrestrial habitat is being removed onsite, and there is not only a pond onsite, but ponds in the close vicinity. Therefore, I do not consider the risk to great crested newts has been adequately addressed. **I would recommend that this development joins the District Level Licensing (DLL) scheme for great crested newts. If this option is sought, then the cosigned Impact Assessment & Conservation Payment Certificate should be submitted to the LPA prior to determination as proof of entering the scheme.**

If DLL is not joined, then the application should go down the traditional survey route, whereby the two ponds (and any additional ponds if present) should either be subject to a Habitat Suitability Index (HSI), or eDNA surveys. It should be noted that eDNA surveys may still be required subsequent to the HSI depending on the results. If presence is confirmed, population surveys will be required which will inform a license application. **If this option is sought, then the results of the surveys should be submitted to the LPA prior to determination.**

Great crested newts are protected under national and international law. Therefore, sufficient information should be submitted to the LPA prior to determination, to enable them to sufficiently address the potential impacts of the development on this species, and discharge their legal obligations under the Conservation of Habitats and Species Regulations 2019 (as amended).

1.4 Reptiles: Reptile surveys were carried out across the site between May and October 2024. No reptiles were found onsite during any of the survey visits. There were some limitations to the surveys since there was some disturbance from grazing horses which may have affected the results, however this was not considered significant.

1.5 Nesting birds: Common bird species were confirmed to breeding onsite, and three priority species (song thrush, starling, and house sparrow) were present, but not breeding. Recommendations have been made in the report for nest boxes to be included in the development plan.

1.6 Badgers: Badger dung was recorded onsite, and a live badger was observed on the stealth cam. However, no setts were recorded onsite, therefore it was concluded that the site is being utilised by foraging and commuting badgers.

1.7 Invasive species: Two non-native species were located onsite during the PEA: *Rhododendron ponticum* and Japanese rose. The report has stated that these will need to be eradicated from the site.

1.8 Habitats: There are two parcels of other neutral grassland onsite (A4 & A5). The original PEA outlines a species list for the grassland, and so does the BNG assessment report. The species lists are varied, although some species remain the same. This is likely due to the different time of year in which the surveys were conducted.

Looking at the site as a whole, there are 9 out of 12 species present from Appendix 5 of the Local Wildlife Site Criteria for mixed grasslands. Therefore, whilst the site falls slightly short of Local Wildlife Site status, there is no quadrat data available to support the assessment. Furthermore, it seems the species list in the report is not an exhaustive list, since the condition sheet assessment page states that indicator species such as bird's foot trefoil are present, but there is no mention of this species in any of the given lists. With the addition of bird's foot trefoil, this would increase it to 10 out of 12 species for the Local Wildlife Site Criteria, therefore given this discrepancy, we were not confident that LEADS Ecology had the full picture of the site's habitats.

Because of the above, LEADS Ecology decided to undertake a site visit on 07/08/2025.

The grassland is clearly species-rich semi-improved damp neutral grassland. The community is characteristic of damp grassland on slightly acid clays. It supports a

reasonable range of Local Wildlife Site indicators such as Fleabane, Meadow buttercup, Meadow vetchling, Bird's-foot trefoil, Germander speedwell, Tufted vetch, Red clover, and Black knapweed. Additional LWS indicators recorded previously by the consultants were Lesser stitchwort, Common sorrel, Bugle and Common sedge. If correct, this means that the grassland is sufficient to meet the threshold for a mixed grassland Local Wildlife Site. Surprisingly one of the most abundant species and characteristic of damp grasslands - Fleabane – was not previously recorded during the BNG assessment or PEA undertaken.

However, other than the Fleabane, all other LWS indicators appeared rare, perhaps occurring as only a few individuals. Whilst clearly the site is not without value and includes a small damper area dominated by sedges and rushes, it is considered that whilst it has potential, the site is unlikely to justify LWS status given the very limited abundance of most of the indicator species. However, conservation efforts should be focussed on trying to conserve the Fleabane where possible on-site if conditions are suitable. This could be done by seed collection and will be referred to below in the BNG section.

The most significant aspect influencing the site's current ecology is grazing by horses, although only one was seen during the visit. Grazing has created very tight lawns where open areas exist between bramble patches. This means the open vegetation is closely cropped making identification very difficult. Perhaps up to at least half of the site is dominated by dense clumps of bramble, which whilst adding to the diversity of the site, represent a thoroughly degraded former grassland site.

Anecdotal information from a local resident also indicates the site was subject to considerable spoil dumping 20+ years ago, indicating the site has been highly disturbed in the past. This is consistent with at the most degraded areas and general ruderal nature of much of the vegetation. However, the site still supports a characteristic damp grassland flora largely dominated by Fleabane which is itself relatively unusual and could be more valuable under better management.

1.9 Biodiversity net gain: This application is subject to mandatory biodiversity net gain. A biodiversity metric and assessment has been submitted.

The metric is currently showing a net loss of 40.29%. Baseline habitats comprise other neutral grassland, scrub (blackthorn, mixed, and bramble), ponds, ruderal, other broadleaved woodland, and rural trees. We are pleased to see that most of the broadleaved woodland at the southwest section of the site is being enhanced. The original PEA was undertaken within the optimal survey season, however the BNG assessment was undertaken in April. This has been listed as a potential limitation to the survey, albeit given that two surveys have now been completed, this was not considered significant.

There are two parcels of other neutral grassland onsite (A4 & A5), and A5 refers to the wetter grassland. Most of the site in the PEA has been mapped as scrub, which

from seeing the site, this is not accurate. However, the BNG assessment has a more accurate map.

Given the size of the development, there are limited onsite habitat proposals, which is the reason for the net loss. There are some very small patches of proposed other neutral grassland, which in theory, will be hard sustain. Prior to the submission of the gain plan, the onsite proposals should be reassessed given the above. Albeit this is not required at this stage.

Whilst there is no quadrat data to justify habitats described, LEADS Ecology have visited the site, and we consider that the classification of “other neutral grassland” is appropriate in this case. As mentioned, the site technically does meet local wildlife site criteria, but the only abundant indicator plant is fleabane, and the rest of the indicators were found in very small numbers.

Given the net loss, offsite BNG is required. Whilst we do not object to the principle of the development despite the site meeting LWS criteria, we consider that compensation should be in place to preserve the most abundant indicator plant onsite, Fleabane. **Consequently, given that some areas of other neutral grassland will be created onsite, we advise that the seeds from the existing fleabane should be collected at the appropriate time of year, and these should be sown to create the new areas of other neutral grassland. Consequently, we advise that a Seed Harvesting and Compensation Plan should be submitted as a Condition of approval.** Condition wording at the end of the letter.

The minimum requirement for determination has been demonstrated. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. We advise that the government template for the biodiversity gain plan should be used, and a metric which corresponds with the gain plan should be submitted alongside this.

Whilst the biodiversity gain condition is a post determination matter, given that an offsite location has not been found, presently we cannot advise the LPA that they can have confidence at this stage that the general biodiversity gain condition can be discharged. Nevertheless, in line with government guidance it would generally be inappropriate for concerns about the ability to discharge the condition to be used as a reason to refuse an application.

However, the applicant should be made aware the general biodiversity gain condition is a pre-commencement condition and that these matters will need to be addressed either now or at the post determination stage.

At the biodiversity gain plan stage an updated metric will need to be submitted showing how a net gain can be delivered using an off-site location, with the provision of the Biodiversity Gain Site Register reference number for that site. As a last resort if an off-site location cannot be found biodiversity credits would need to be purchased. In this latter case the applicant must demonstrate to the satisfaction of the LPA that

all other options have been fully explored and that the BNG hierarchy has been followed.

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.

Given that BNG for this site is significant, if the LPA were minded granting permission, a Habitat Management and Monitoring Plan (HMMP) should be secured via the legal agreement. 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.

Conditions:

Condition 1: Construction Environmental Management Plan (CEMP): Creating a cleaner, greener, healthier Hertfordshire

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:

- 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 timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The CEMP shall also include mitigation measures for the following:

- i) Reptiles*
- j) Nesting birds*
- k) Bats*
- l) Invasive species*
- l) Mammals*

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: Badger pre-commencement survey

A pre-works badger survey shall be undertaken by a suitably qualified ecologist no more than 3 months prior to the commencement of works. The results of this survey shall be incorporated into a badger report, which shall be submitted to and approved in writing by the LPA.

Condition 3: Species Enhancement Plan

Prior to commencement of the development (including vegetation clearance, demolition and ground works), a Species Enhancement Plan shall be prepared. It will include a graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority. The plan shall include the following:

- *At least 96 integrated swift bricks.*
- *At least 96 integrated bat boxes.*
- *Hedgehog highways.*

Condition 4: Seed Harvesting & Compensation Plan

To preserve the Fleabane onsite, a Seed Harvesting & Compensation Plan should be submitted as a Condition of approval. The plan shall include the following:

- *Baseline assessment for the current population.*
- *Timings for seed collection.*
- *Detail of the persons carrying out the activity and their qualifications.*
- *The method that will be used for seed collection, including tools required.*
- *Post-harvest seed handling.*
- *Seed storage.*
- *Replanting methodology.*

Condition 5: Habitat Management and Monitoring Plan

“The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- 1. a non-technical summary;*
- 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- 3. 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;*
- 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*

5. *the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.*

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

1.1.23.2 Second set of comments dated 2 October 2025 following receipt of additional information:

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

The planning officer should either:

1. Refuse the applicant or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

Summary of advice:

- I consider the submitted document sufficient to overcome the previous concern that GCN may be utilising the onsite ponds for breeding.
- However, the offsite pond ~100m away from the development site has still not been mentioned in the GCN report, despite our previous advice. The GCN report should either be updated to justify why this pond is not a constraint, or, the advice in our previous letter (para1.3) should be followed whereby the development either joins the DLL scheme or demonstrates sufficient survey effort through the traditional survey route.
- The modelled illuminance figure (Figure 10) in the lighting impact assessment is illegible. A readable copy of this figure should be resubmitted in the report or submitted separately.

Supporting documents:

- Great Crested Newt Report (Alder Ecology).
- Private Lighting Impact Assessment (MMA Lighting Consultancy, September 2025).

Comments:

Subsequent to our letter dated 27/08/2025, a Great Crested Newt Report and Private Lighting Impact Assessment have now been submitted.

The GCN report lists justifications as to why GCN are unlikely to be breeding onsite, and to support this conclusion, the report also lists various ecology surveys carried out at the site whereby the ponds were recorded as dry. Whilst I do not dispute this, there has been no mention of the ponds in the close vicinity which we mentioned in our previous letter. Given the proximity of the apparent pond around 100m to the north (shown on MAGIC), GCN could still potentially be utilising the site during their terrestrial stage.

We would expect as a minimum for this pond to be mentioned, and since there has been no mention of this, I still consider there to be insufficient information on great crested newts to advise determination of the application. GCN are confirmed to be breeding within 500m of the site, therefore in the absence of this further information, the LPA cannot be confident that the Conservation of Habitats and Species Regulations (2017) has been applied and satisfied.

Consequently, I advise that the GCN report should either be updated to justify why this pond is not a constraint, or, the advice in our previous letter (para1.3) should be followed whereby the development either joins the DLL scheme, or demonstrates sufficient survey effort through the traditional survey route.

Lighting: A Lighting Impact Assessment has been submitted which contains an illuminance model as requested. However, this figure is illegible, and it is therefore not possible to see the lux level labels. Since this has been submitted prior to determination, I advise that a readable copy of Figure 10 should be made available (either resubmitted in the report or submitted separately). This information is required for LEADS Ecology to properly assess the impact the development will have on foraging and commuting bats.

1.1.24 Watford Borough Council – [Objection]

Thank you for the opportunity to comment on this application. The application would see a development of 96 new residential dwellings on land designated as Green Belt between Watford and Carpenders Park. The northern edge of the proposed development would run along boundary of Watford Borough Council.

The site appears currently to be open countryside with a large number of trees and vegetation. The level of proposed development would seriously compromise the separation between the large built-up area of Watford and the town of Carpenders Park, creating a large urban block that would result in the merger of the two towns. The development would also disconnect the areas of Green Belt to the east of the site, between the railway line and Oxhey Lane, from the remaining Green Belt to the west. Development on this site would fundamentally impact the openness and undermine the Green Belt purposes.

The site strongly meets three purposes of the Green Belt; (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns from merging into

one another and (c) to assist in safeguarding the countryside from encroachment. The Green Belt here is particularly narrow and this proposal would merge Watford with Carpenders Park almost entirely.

The Three Rivers Green Belt Stage 2 study states that the loss of this parcel would result in High harm to the Green Belt purposes and that *“release of the parcel would have a significant impact on preventing the merging of towns and preventing encroachment the countryside, and a relatively significant impact on preventing urban sprawl”*.

In this context, Watford Borough Council has significant concerns regarding the application proposed.

Watford Borough Council previously objected to the allocation of this site in the Three Rivers Local Plan and supported the removal of the site from the Three Rivers Local Plan Regulation 18, Part 4, in October 2023. The Council recognise that the site is not included in the current Regulation 18 Part 5 consultation.

Watford recognises the growth pressures placed on Three Rivers District Council to release Green Belt land. However, the Council does not believe the benefits of this proposal outweigh the significant harm that the development would cause to the Green Belt purposes, especially purpose b, the merging of two towns.

The proposal is not considered to meet any of the exceptions listed in Paragraph 154 of the NPPF and so Watford Borough Council consider this development to be inappropriate development in the Green Belt.

Given the strong contribution the site makes to Green Belt purposes a) and b) in Paragraph 143 of the NPPF, and the fact the development of the site would fundamentally undermine the remaining Green Belt to the east of the site boundary, Watford Borough Council does not consider the site can be defined as grey belt for the purposes of Paragraph 155 of the NPPF.

If you wish to discuss any aspect of this response, then please do not hesitate to contact myself or the Planning Policy Team. We would appreciate it if we could be kept up to date with further progress regarding this application.

1.1.25 Hertsmere Borough Council – [No objection]

Insofar as you will have regard to the comments made by statutory consultees and neighbours, **Hertsmere Borough Council raises no objections to this application.**

Three Rivers Council may therefore proceed to assess the application against their statutory development framework.

1.1.26 National Health Service – [No objection]

We would struggle to identify a project in Carpenders Park given that Attenborough branch surgery there was extended in 2019.

- 1.1.27 TRDC Environmental Protection – No comments received.
- 1.1.28 TRDC Environmental Health (Residential) – No comments received.
- 1.1.29 TRDC Transport and Parking – No comments received.
- 1.1.30 TRDC Leisure Department – No comments received.
- 1.1.31 Natural England – No comments received.

ACCOMMODATION AND MIX SCHEDULE		
Project	OXHEY	
Client	GS8	
Job No.	337 Z	
Rev	C	
Date	13/10/2025	

Unit No	Unit Type	Rear Garden Area (m2)	Car Parking Spaces
01	3B5P	47	1
02	2B3P	37	1
03	2B3P	38	1
04	2B3P	38	1
05	2B3P	38	1
06	3B5P	52	1
07	3B5P	52	1
08	2B3P	38	1
09	2B3P	38	1
10	2B3P	38	1
11	2B3P	38	1
12	2B3P	38	1
13	3B5P	54	1
14	3B5P	64	1
15	2B3P	42	1
16	2B3P	42	1
17	2B3P	42	1
18	2B3P	42	1
19	2B3P	42	1
20	3B5P	55	1
21	4B7P	150	2
22	4B6P	77	2
23	4B6P	81	2
24	4B6P	96	2
25	4B6P	134	2
26	3B5P	79	2
27	3B5P	115	2
28	4B6P	85	2
29	4B6P	85	2
30	4B7P	86	2
31	4B7P	81	2
32	4B7P	179	2
33	4B7P	109	2
34	4B7P	146	2
35	4B7P	196	2
36	4B8P	272	2
37	4B7P	142	2
38	3B5P	57	1
39	3B5P	55	1
40	3B5P	55	1
41	3B5P	55	1
42	3B5P	55	1
43	3B5P	64	1
44	3B5P	88	1
45	2B3P	42	1
46	2B3P	42	1
47	2B3P	42	1
48	2B3P	42	1
49	2B3P	42	1
50	3B5P	59	1
51	4B7P	104	2
52	3B5P	54	1
53	2B3P	38	1
54	2B3P	38	1
55	2B3P	38	1
56	2B3P	38	1
57	2B3P	38	1
58	3B5P	52	1
59	3B5P	52	1
60	2B3P	38	1
61	2B3P	38	1
62	2B3P	38	1
63	2B3P	37	1
64	3B5P	47	1
65	3B5P	39	1
66	3B5P	48	1
67	2B3P	38	1
68	2B3P	40	1
69	2B3P	40	1
70	2B3P	38	1
71	3B5P	51	1
72	3B5P	44	1
73	2B3P	38	1
74	2B3P	39	1
75	2B3P	39	1
76	2B3P	39	1
77	3B5P	55	2
78	4B7P	103	2
79	3B6P	168	2
80	3B6P	133	2
81	3B6P	115	2
82	3B6P	128	2
83	3B6P	134	2
84	3B6P	98	2
85	3B5P	103	2
86	3B5P	84	2
87	3B6P	150	2
88	3B6P	117	2
89	3B6P	94	2
90	3B6P	87	2
91	3B6P	87	2
92	3B6P	82	2
93	3B5P	97	2
94	3B5P	89	2
95	3B5P DUP		
96	3B5P DUP		

note both on
street

Parking	
Total on Plot:	68
Total on street:	61
Total allocated parking:	129
Additional spaces:	
Quadracycle:	4
Car Club:	3
Disabled spaces:	5
Visitor spaces:	13
Community centre:	3
note one of which is disabled (not counted above)	

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View within the site looking south east



View within the site looking south east including the north east boundary



View within the site of the north west boundary that adjoins the neighbouring properties of Elms Avenue.



Google Street Scene view of the frontage of the site



Google Earth view of site – application site indicatively outlined in red

PLANNING COMMITTEE – THURSDAY 23 OCTOBER 2025

25/1122/FUL – Construction of single storey side extension at 16 Money Hill Parade, Uxbridge Road, Rickmansworth, Hertfordshire, WD3 7BE

Parish: Batchworth Community Council
Expiry of Statutory Period: 03.09.2025
(Extension of Time: 30.10.2025)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That Planning Permission be approved.

Reason for consideration by the Committee: Part of the application site is under the ownership of Three Rivers District Council.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SYPGPUQFH3F00>

1 Relevant Planning History

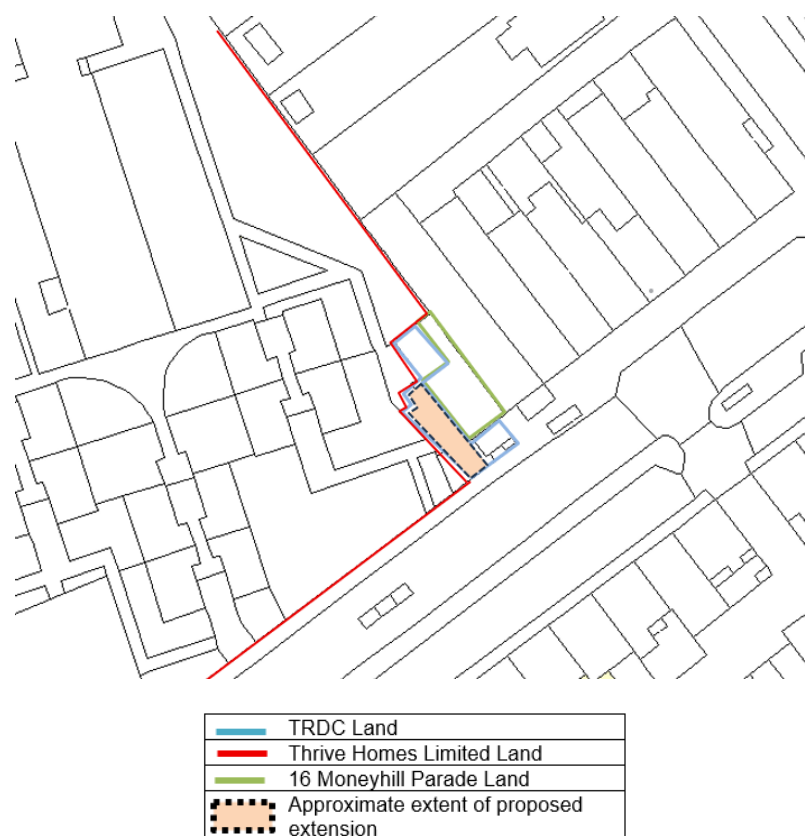
- 1.1 06/1972/FUL: Change of use from restaurant (A3) to take away (A5). Permitted, January 2007; implemented.
- 1.2 07/1652/FUL: Demolition of existing public convenience building and erection of two storey side and single storey rear extension to provide new cafe and three self-contained flats and extended restaurant. Refused October 2007 for the following reasons:
 - R1 *The proposal, by reason of its sighting, would adversely affect the root protection area of the Sycamore tree, and would place undue pressure on the Sycamore to be felled or lopped in the future. This is not in accordance with Policy N15 of the Three Rivers Local Plan 1996-2011.*
 - R2 *The proposal, by reason of its inadequate parking and access arrangement in terms of residential and restaurant access would create an unacceptable access arrangement for the residential occupants. This is not in accordance with Policies GEN3, T7 and T8 and Appendix 2 of the Three Rivers Local Plan 1996-2011.*
- 1.3 08/0203/FUL: Demolition of existing public convenience building and erection of two storey side and single storey rear extension to provide new cafe (Class A3) and three self-contained flats (Class C3) and extended restaurant (Class A3). Permitted, April 2008 implemented.
- 1.4 11/1731/CLPD: Certificate of Lawful Proposed Development: Proposed use of existing timber decking at the front of the property for table and chairs associated with the proposed cafe (use Class A3). Permitted October 2011; implemented.
- 1.5 12/1452/FUL: Variation of Condition 2 of planning permission 08/0203/FUL to enable cafe to open between the hours of 08.00 and 22.00 every day. Permitted, September 2012.
- 1.6 16/1688/FUL - Replace existing awning with weather resistant covering – Permitted November 2016; implemented.
- 1.7 24/1725/FUL - Variation of Condition 1 (Hours of Operation) and 2 (External Use Hours) pursuant to planning application 12/1452/FUL: To allow the cafe to operate between 08:00 to 22:00 everyday – Permitted January 2025 subject to the following condition:

The use of the café and the external covered seating area hereby permitted shall not be open to the public other than between the hours of 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

2 Description of Application Site

- 2.1 The application site is situated on the north-western side of Money Hill Parade, a local shopping parade in Mill End. The application site comprises an end of terrace property containing an existing café (Use Class E(b)) use at ground floor level. Positioned forward of the premises is an awning with weather resistant covering to the roof and side to provide an enclosed dining area. To the south west of this is an uncovered external seating area which is situated on land owned by Three Rivers District Council. The application site as shown by the red line on the submitted Location Plan also includes a parcel of land owned by Thrive Homes Limited.



- 2.2 The building containing the café includes residential flats (Use Class C3) above on the first floor and within the roof. The parade contains a variety of commercial units. The designated highway pavement is situated between the awning and the road edge (Uxbridge Road).
- 2.3 The premises next door 'Pour Me' is a mixed-use unit operating as a Class (E)(a) (restaurant) and Sui Generis (drinking establishment). This unit benefits from an external terrace area. To the west is Moneyhill Court which is a flatted development with communal grounds.

3 Description of Proposed Development

- 3.1 This planning application seeks to construct a single storey side extension to facilitate an enclosed customer dining area.

- 3.2 The total depth of the extension would measure 14.8m – this would include a 3.6m deep and 1.8m high front projection providing storage space with doors set within the western flank. The main extension would have a flat roof form measuring 3.3m in height which would include a rooflight. The western flank elevation of the extension would be splayed resulting in a maximum width of 4.9m with a width of 3.3m at the front where a set of double doors would be located.
- 3.3 The extension would have a bricked external appearance and would contain glazing within the western flank elevation.
- 3.4 Although not detailed on the submitted floor plans, it has been confirmed that the proposed extension would provide an additional 10-12 covers. The external area to the front extension could also be used for some additional seating approximately 4-6 covers.
- 3.5 The small front ex

4 Consultation

- 4.1 National Grid (Gas): No response received.
- 4.2 Batchworth Community Council: BCC discussed and noted this application.
- 4.3 TRDC Property Services: Objection

The Property team would not support the above application.

The existing Right of Access, granted by the Council, and the lack of engagement for the use of Council-owned land with the Property team, do not make this a viable application.

5 Public/Neighbour Consultation

- 5.1.1 Number consulted: 8
- 5.1.2 No of responses received: 0
- 5.1.3 Site Notice: None Press notice: None.

6 Reason for Delay

- 6.1 Committee cycle.

7 Relevant Planning Policy, Guidance and Legislation

- 7.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework was updated. 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 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). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

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

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

The Environment Act (2021).

7.2 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 PSP1, CP1, CP6, CP9 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 and DM9 and Appendices 2 and 5.

The Site Allocations LDD (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA4 and Site Ref R(f).

The Batchworth Neighbourhood Plan (2025)

7.3 Other

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

8 **Planning Analysis**

8.1 Principle of Development

8.1.1 The application site is within the Key Centre of Mill End. Policy PSP2 of the Core Strategy advises that development will maintain and enhance primary and secondary shopping frontages. Policy SA4 of the Site Allocations LDD states that Identified Local Centres and Local Shops will be protected and uses complementary to the Local Centre and Local Shops will be encouraged. Policy CP7 of the Core Strategy is also relevant and states that proposals for new town centre and shopping development will take into account the appropriateness of the type and scale of development in relation to the centre and its role, function and character and catchment area.

8.1.2 The Site Allocations LDD identifies Moneyhill Parade as a Local Centre and states that uses complementary to the Local Centre and Local Shops will be encouraged. The application site is located outside of the Local Centre allocation but directly adjacent to the area and when viewed from the street the application premises appears as a continuation to the existing retail parade.

- 8.1.3 The proposed extension would facilitate the expansion to the customer dining area for an existing restaurant situated adjacent to the existing local parade and would not have a significant or detrimental impact to the existing premises or the range of uses in the vicinity and is not considered to be out of character or harmful to the area. Although, located outside the Local Centre the extended premises would continue to compliment the Local Centre.
- 8.1.4 Whilst it is acknowledged that there is an objection from the TRDC Property Services team as the proposed extension would be situated on council owned land, this would not amount to a reason for refusal on planning grounds. Currently, the land forms part of the communal grounds associated with Moneyhill Court, an assessment on the loss of amenity will be considered in the relevant section later in this report.
- 8.1.5 Therefore, the principle of the proposed development is acceptable in accordance with Policies PSP2 and CP7 of the Core Strategy (adopted October 2011) and Policy SA4 of the Site Allocations Document.
- 8.2 Design and impact 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'.
- 8.2.2 Policy DE1 of the Batchworth Neighbourhood Plan (2025) sets out that new development in the area shall respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure. Proposals that depart from this will need fully justifying.
- 8.2.3 It is not considered that the proposed extension would result in harm to the character of the area. The extension is single storey, and the main element of the extension would be set back from the highway, flush with the principal elevation of the existing building thus would not appear as a prominent feature within the street scene. The small, enclosed storage areas to the front would be limited in height and width and would be read against the main extension and in the context of the existing boundary fencing. The proposed extension would also be constructed using materials that would match the host building ensuring the extension would blend in with the existing character and appearance of the host building. Consequently, the proposal is deemed acceptable in regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DE1 of the Batchworth Neighbourhood Plan (2025).
- 8.3 Impact on Neighbours
- 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 and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the DMP LDD sets out that the council will refuse planning permission for development which would give rise to disturbance, noise, light, smell, fumes and vibrations unless appropriate mitigation measures are in place. Additionally, in regards to noise pollution DM9 sets out that planning permission will not be granted where development has an unacceptable impact on the indoor or outdoor acoustic environment of existing or planned development.
- 8.3.2 The NPPF promotes economic development and states at Paragraph 85 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Consequently, there is a balance to be struck between

supporting the commercial success of individual businesses and protecting the living conditions of residents within the surrounding area. This is emphasised by Policy CP1 of the Core Strategy (adopted October 2011) which seeks to ensure that all development contributes to the sustainability of the district, by balancing the need to sustain the vitality and viability of centres whilst safeguarding residential amenity.

- 8.3.3 The application site is the last commercial property on this side of Moneyhill Parade, which is a Local Centre, characterised as a relatively large parade of commercial premises either side of a main road, which includes restaurants, bars, takeaways, shops, and services providing both daytime and night-time services to the local community. There are residential units located above a number of the commercial units (including the application site) and also Moneyhill Court which is located approximately 12m from the application site to the west.
- 8.3.4 Currently, Dolce Café (application premises) operates between 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays following the grant of planning permission under application 24/1725/FUL to extend the opening hours.
- 8.3.5 The site is located within a commercial parade with multiple other premises open to public, with residential units above and as such, this arrangement is not uncommon.
- 8.3.6 The proposed extension would provide an additional 10-12 covers in the restaurant; however, the additional seating would be fully enclosed. The enclosed nature of the external seating area of Dolce Café would minimise noise levels early in the morning and at night such that it is not considered that the proposed extension would result in demonstrable noise and disturbance to occupants of Moneyhill Court or the flats located above Dolce Café. The Environmental Health Officer has also verbally confirmed that they have not received any noise complaints in connection with the current existing use from local residents.
- 8.3.7 The proposed extension would also be positioned approximately 5m from the corner of a section of Moneyhill Court containing Flat 2 and 6. The separation distance coupled with the single storey nature of the proposed extension, means it is not considered that the proposed development would result in loss of light or appear overbearing to the detriment of the residential amenities of Flats 2 and 6. The proposed extension would contain glazing within the western flank elevation the majority of which serve the customer dining area. These windows would not directly face onto the ground floor windows of Flat 2 or those of Flat 6 above and would be angled away from these neighbouring properties due to the splayed wall. There is a new window proposed to the extended kitchen which could give rise to direct overlooking towards the windows of Flat 2. Therefore, a condition requiring this window to be fitted with obscured glazing and top opening only is suggested.
- 8.3.8 The proposed extension would be situated on land forming part of the communal space associated with Moneyhill Court. Currently the provides a connection route linking part of the development to the footpath on Uxbridge Road. The proposed extension would require a new connection route to be created. A new path is unlikely to require planning permission but would require engagement between the applicant and Thrive Homes who own Moneyhill Court. This would fall outside of this planning application and therefore an informative is attached advising the applicant to engage with Thrive Homes in the event that planning permission is granted.
- 8.3.9 The proposed extension would be not result in any other significant impact to the remaining communal area which serves Moneyhill Court and is considered acceptable in this regard.
- 8.3.10 Overall, subject to condition, it is considered that the proposed extension would not result in any demonstrable harm to the residential amenities of any of the surrounding neighbouring properties and the development would be acceptable in accordance with

Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.

8.4 Highways & Parking

- 8.4.1 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.
- 8.4.2 The application site does not benefit from any customer parking. The proposed extension would increase the number of covers available for the restaurant; however, it is not considered that the development would result in parking harm, given the sustainability and accessibility of the location, and that existing parking controls are in place to prevent dangerous car parking.
- 8.4.3 The proposed extension would be located on an existing footway which provides a connection to a gated access point onto Uxbridge Road. The footway does not form a public right of way listed on the Hertfordshire County Council Footpaths map. An amended plan has been sought to provide a diversion to ensure that the internal footway remains connected.
- 8.4.4 In summary, the proposed development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

8.5 Biodiversity

- 8.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 8.5.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8.6 Mandatory Biodiversity Net Gain

- 8.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.
- 8.6.2 The application form states that development is subject to the 'de minimis' exemption as the development is below the threshold by reason that the proposal is not impacting on 25sq.m of grassland or 5 linear metres of hedgerow.

8.7 Refuse and Recycling

- 8.7.1 Policy DM10 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:
- The siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenity
 - Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - There would be no obstruction of pedestrian, cyclists or driver site lines
- 8.7.2 Refuse and recycling storage areas would be located within the front projection which would be accessed from within the application site. Refuse collection for Dolce Café is already collected by the council and this arrangement would continue. As such, the proposed development would be considered acceptable in accordance with Policy DM10 of the Development Management Policies LDD.
- 8.8 Trees
- 8.8.1 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' and Core Strategy Policy CP9 seeks a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.
- 8.8.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:
- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
 - ii) 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 Hedgerow Regulations 1997.
 - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards
 - iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused
 - v) Planning permission will be refused for any development resulting in the loss of deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows.
- 8.8.3 Near to the application is a grouping of trees protected under TPO709 (Moneyhill Court, Dellwood, Rickmansworth) 2008 tree reference G2. The group comprises 12 sycamore trees. The proposed development would not involve the removal of any of the protected trees to facilitate the development. The proposed development would also be situated on areas of existing hardstanding. The Landscape Officer was verbally consulted on the application and although they raised no principal objections to the scheme, despite the location of the proposed extension in an area of existing hardstanding they recommended that an arboricultural method statement and details of tree protection be secured by condition to ensure that the trees are not impacted during the construction of the extension.

- 8.8.4 Subject to the abovementioned condition, the proposed development is considered acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

9 Recommendation

- 9.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plan: 6187PL019; 6187PL020 REV-E; 6187PL021 REV-E and TRDC 001 (Location Plan).

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policy DE1 of the Batchworth Neighbourhood Plan (2025) and the NPPF (2024).

- C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

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

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

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

- C4 The use of the extended café and the external covered seating area shall not be open to the public other than between the hours of 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

- C5 Before the first occupation of the extension hereby permitted the window in west elevation serving the extended kitchen; 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).

9.2 **Informatives:**

- I1 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.
- 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 applicant is reminded that the grant of planning permission does not overcome the need for obtaining other consents including the land owners permission which in this case is Three Rivers District Council and Thrive Homes Limited.
- I5 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>.

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16 Moneyhill Parade (Dolce Café) Site Photographs



