

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 11 December 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

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

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

*Joanne Wagstaffe, Chief Executive  
Wednesday, 3 December 2025*

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

For those wishing to speak:

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

In the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning 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 7pm.

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

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

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

**1. Apologies for Absence**

**2. Minutes**

(Pages 5 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on Thursday 20 November 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. 24/2089/FUL - Construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 Townfield, Rickmansworth, Hertfordshire WD3 7DD**

(Pages 13 - 34)

Construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 Townfield, Rickmansworth.

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

**6. PRELIMINARY REPORT 25/0484/OUT – Outline application: erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road (Appearance, Layout, Landscaping and Scale as reserved matters) at Land at North of Chalfont Road, Chalfont Road, Maple Cross, Hertfordshire**

(Pages 35 - 70)

Outline application for erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road (Appearance, Layout, Landscaping and Scale as reserved matters) at Land at North of Chalfont Road, Chalfont Road, Maple Cross.

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) 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.

7. **25/1182/RSP – Part Retrospective: Variation of Condition 13 (Surface Water Drainage Scheme to be submitted) and Condition 20 (Compliance with Surface Water Drainage Scheme Mitigation) pursuant to outline planning permission 23/0701/OUT to allow alterations to pond depth at Land To South Of Foxgrove Path/Heysham Drive, South Oxhey, Watford WD19 6YL** (Pages 71 - 92)

Part retrospective: variation of Condition 13 (Surface Water Drainage Scheme to be submitted) and Condition 20 (Compliance with Surface Water Drainage Scheme Mitigation) pursuant to outline planning permission 23/0701/OUT to allow alterations to pond depth at Land To South Of Foxgrove Path/Heysham Drive, South Oxhey.

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

8. **25/1294/FUL - Construction of 9no. residential dwellings (Use Class C3), with associated rerouting of public footpath, access, parking and landscaping works at Land Adjoining Sarratt Lane, Loudwater, Hertfordshire** (Pages 93 - 146)

Construction of 9no. residential dwellings (Use Class C3), with associated rerouting of public footpath, access, parking and landscaping works at Land Adjoining Sarratt Lane, Loudwater.

Recommendation: that planning permission be refused.

9. **25/1851/FUL - Variation of Condition 2 (plans) pursuant to planning permission 23/1619/FUL to allow the omission of central ridge spanning the front facing gables, and alteration to the window blades on the front elevation at Garages Between 83 and 89 The Queens Drive, Mill End** (Pages 147 - 214)

Variation of Condition 2 (plans) pursuant to planning permission 23/1619/FUL to allow the omission of central ridge spanning the front facing gables, and alteration to the window blades on the front elevation at Garages Between 83 and 89 The Queens Drive, Mill End.

Recommendation: that planning permission be granted.

10. **25/1852/FUL – Variation of Condition 2 (plans) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, removal of green roof to bin/bike stores at GARAGES ADJACENT 13 To 23 Pollards, Maple Cross, Hertfordshire** (Pages 215 - 274)

Variation of Condition 2 (plans) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, removal of green roof to bin/bike stores at Garages Adjacent 13 To 23 Pollards, Maple Cross.

Recommendation: that planning permission be granted.

11. **25/1909/FUL – Creation of vehicle access and dropped kerb onto Henderson Place at 318 Toms Lane, Kings Langley, Herts WD5 0RB** (Pages 275 - 288)

Creation of vehicle access and dropped kerb onto Henderson Place at 318 Toms Lane, Kings Langley.

Recommendation: that planning permission be granted.

12. **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](mailto:committeeteam@threerivers.gov.uk)



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## **Planning Committee MINUTES**

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on  
Thursday, 20 November 2025 from 7.30 - 9.55 pm**

**Present:** Councillors Chris Whately-Smith (Chair), Elinor Gazzard, Oliver Cooper, Harry Davies, Steve Drury, Philip Hearn, Stephen King, Chris Lloyd, Abbas Merali, Chris Mitchell and Debbie Morris

**Also in Attendance:**

Councillor Stephen Giles-Medhurst OBE and Parish Councillor Jon Tankard (Abbots Langley Parish Council)

**Officers in Attendance:**

Matthew Barnes, Principal Lawyer - Planning  
Alex Laurie, Principal Trees and Woodlands Officer  
Emma Lund, Senior Committee Officer  
Kimberley Rowley, Head of Regulatory Services  
Scott Volker, Principal Planning Officer  
Claire Westwood, Development Management Team Leader  
Claire Wilson, Principal Planning Officer

**PC57/25      APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**PC58/25      MINUTES**

The minutes of the Planning Committee meeting held on 23 October 2025 were confirmed as a correct record subject to amendment to the second bullet point on the 5<sup>th</sup> page to replace the word 'against' with the word 'of' so that the final sentence reads: 'along with an analysis of the legal opinion of Lord Banner'.

The amendment having been made, the minutes were signed by the Chair.

**PC59/25      NOTICE OF URGENT BUSINESS**

There were no items of urgent business.

**PC60/25      DECLARATIONS OF INTEREST**

Councillor Mitchell declared, in relation to agenda item 7 (15/1330/RSP – 10 Gade Bank, Croxley Green), that he had been involved in discussions relating to HMO licensing issues at 10 Gade Bank including proposing a motion at Full Council which sought a review of the oversight and accountability of Houses in Multiple Occupation within the District. Councillor Mitchell declared that in speaking with residents about the licensing issues he had not

commented on any matters relating to planning considerations. He was coming to the planning application with an open mind, and on that basis would participate in determining it.

A Committee Member highlighted, for the purpose of clarity, that most Councillors had participated in discussion items which had come before the Council in relation to licensing matters at 10 Gade Bank. However, these licensing matters were separate and distinct from the planning application which was before the Committee.

**PC61/25 CONFIRMATION OF TREE PRESERVATION ORDER 934 (156 THE DRIVE, RICKMANSWORTH) 2025**

The Committee was invited to consider confirmation of Tree Preservation Order (TPO) 934 (156 The Drive, Rickmansworth). The Principal Trees and Woodlands Officer reported that the Order had been served on 26 June 2025 in response to concerns from residents following a pre-application submission for the site. One objection to the draft Order had been received on the grounds that (i) it mis-classified the garden land as woodland; (ii) the procedural conduct of the Local Planning Authority raised public interest concerns and (iii) the Order exhibited legal and procedural deficiencies making it incapable of lawful confirmation. The Officer response was that the site comprised a detached dwelling surrounded by land managed as residential garden with evidence of cultivations such as mowing of lawns and maintenance of planting beds. Beyond the cultivated area was an area of woodland which did not show any evidence of cultivation. Officers disagreed that the Council's procedural conduct had raised any public interest concerns and disagreed that there were any legal or procedural deficiencies which would prevent the TPO from being legally confirmed. Since publication of the agenda the Council had received an email which expressed support for confirming the TPO.

In response to a question from a Committee Member, the Principal Trees and Woodlands Officer reported that whilst there was no legal definition of woodland, the tree cover on the site was considered to be woodland in that there was a variety of tree species of varying ages and sizes, as well as a shrub layer and a ground flora layer, and there was natural regeneration within the woodland. Officers were therefore confident that the description of woodland was accurate.

A local resident spoke in favour of the confirmation of TPO 934.

Councillor Lloyd proposed, and Councillor King seconded, that the Order be confirmed and Tree Preservation Order 934 made permanent. On being put to the vote this was agreed unanimously.

**RESOLVED:** that the Order be confirmed, and Tree Preservation Order 934 made permanent.

**PC62/25 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 application was for 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.

The Planning Officer reported that with regard to managing the bridleway/footpaths which would cross the site during the construction works, Herts Highways had suggested that a further point was added to condition 3 for the Construction management plan to include the following:

*'provisions for protecting the safe use of public rights of way though the site and/or any mitigation required'.*

In addition, Herts Highways had suggested a further informative reminding that the public rights of way should remain unobstructed and that safe passage should be maintained across the site. If safe passage cannot be reasonably achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route for any periods necessary. Officers noted that the TTRO would be a matter for County Council.

The Planning Officer also reported that comments had been received from Hertfordshire County Council's Rights of Way Officer, who had suggested that a contribution of £172,425,000 be sought for surface improvements to Footpath 34 (Abbots Langley) from Jacketts Field to Footpath 64 leading to the junction at Woodside Road as this links the village to the local secondary school and amenities. In addition, the contribution would allow for surfacing improvements to footpath 60 (Abbots Langley) to the north of the site.

In response, officers had regard to the Regulation 22 tests which set out that planning obligations must be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Officers did not consider the contributions above would meet these tests. Footpath 34 is located away from the application site and its resurfacing is not necessary to make the development acceptable. In addition, Footpath 60 is a rural pathway and its resurfacing would not be required to make the development acceptable.

The application includes other improvements to improve access as well as a £1.3million pound contribution to HCC towards enhanced local pedestrian/cycle crossings alongside active travel schemes in the vicinity of the area that help connect to key local facilities and transport hubs.

The Rights of Way Officer had also commented that the definitive line of Footpath 61 would be accommodated away from the private estate carriageways/footways within the landscaped area. This would reduce the risk of conflict between non-motorized path users and private motorized traffic on the estate carriageway.

The Rights of Way Officer had also advised that there was no recorded definitive link between Footpath 61 and Bridleway 80 Abbots Langley. However, the site layout plan indicated a link between the two by the war memorial. The Rights of Way service requires that this short length of path is dedicated as a definitive right of way. Officers considered that a condition could be attached requiring that this is dedicated prior to occupation of the development.

The Rights of Way Officer had also noted that upgrading Footpath 61 to a definitive bridleway would move towards achieving the aims of active travel. Whilst these comments are acknowledged, it was not considered necessary to require the upgrading of footpath 61 to a bridleway. There is an existing bridleway which already runs through the site and provides a safe means of access on to High Elms Lane and Fraser Crescent. In addition, it was not considered that as currently indicated footpath 61 would meet the standard width for a bridleway.

The Planning Officer also provided the following updates in relation to the report:

- Paragraph 7.1.2 set out that officers are of the view that the site is Grey Belt as it does not strongly contribute to purposes (a), (b) or (c). However, this paragraph should state that the site does not strongly contribute to purposes (a), (b) or (d).
- Paragraph 7.6.5 of the officer report refers to a first-floor bay flank window on Plot 12 facing Orchard Cottage. Whilst there is an ensuite bathroom window, this is not a bay window, and the window is flush with the flank wall. However, given the relationship, a condition is suggested requiring this window to be obscure glazed'.

- Condition 33 secures details of play equipment, in addition to details of its management and maintenance. Officers note that the second part of the condition does not specifically refer to the 'play on the way' equipment and therefore would suggest that, for the avoidance of any doubt, the condition is updated to require details of future management and maintenance of the 'play on the way' equipment to be provided to the LPA.
- Paragraph 7.5.10 of the officer report suggests that a Conservation Management Plan in relation to the management and conservation of the retained Pill Box both during construction and after the completion of the development is required. Therefore, a further condition should be added requiring a Conservation Management Plan to be submitted.

Parish Councillor Jon Tankard of Abbots Langley Parish Council spoke on the application.

Councillor Stephen Giles-Medhurst, speaking as both a County and District Councillor, spoke on the application.

A local resident spoke against the application.

The applicant spoke in favour of 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:

- Following points raised at the September Planning Committee meeting and discussions between the Parish Council and the applicant, the application before the Committee represented an improvement on previous proposals, with better access having been secured from Woodside Road and an access across the site which would link Leavesden Country Park to High Elms Lane. This would provide an active travel route from the north of Abbots Langley to Garston / Parmiter's School. Crossing points had also been included which would assist with safe access to St Michael's and Parmiter's schools. The scale and size of the development had been reduced from over 300 houses as provisionally indicated in the emerging Local Plan to less than 200, resulting in an improved amount of amenity space and benefits for the area. The proposal would also include a permanent war memorial to replace the existing informal memorial located close to High Elms Lane.
- The amount of affordable housing units to be provided represented 50% of the total housing units on the site. Since the September Planning Committee meeting the applicant had revised the tenure mix, and 40 units at social rent were now proposed, representing an improved contribution towards local need. The proportion of smaller dwellings was considered acceptable in the context of the significant housing shortfall in the area and sought to optimise efficient use of the site. Whilst the tenure mix deviated from what would normally be required, it was considered by the Council's Housing Officer to provide a mix of housing across all tenures and therefore be acceptable. Notwithstanding this, some Committee Members remained dis-satisfied with the tenure mix.
- As set out at paragraph 7.8.12 of the report, officers had confirmed that the timing of the traffic surveys was acceptable. Hertfordshire County Council had raised no objections on either highways matters, flood risk or drainage, or any other technical matters.
- In response to a question from a Committee Member as to whether the use of Chequers Lane by construction vehicles could be prevented, the Planning Officer reported that a Construction Management Plan (CMP) was conditioned and details of routing of construction vehicles could be added to the condition.
- In response to a point raised by a Committee Member about the wording of Condition 3, it was noted that point (g) required amendment to clarify that delivery times and removal of waste from the site should avoid school pick-up/drop-off times; however, construction activities could continue during these times. Another Committee Member recommended

that the wording of point (e) should be strengthened to require details of the siting and installation wheel washing facilities to be provided.

- In response to a point raised by a Committee Member that the amount of parking provision was below parking standards and may result in obstructive parking, officers responded that each dwelling would benefit from at least one car parking space. The site was in an edge of settlement location, and a balance was needed between providing policy compliant parking and taking account of the location of the site and proximity of local services. It was proposed that permitted developments should be removed in order to prevent the conversion of garages into living accommodation, thereby preserving parking.
- Some Committee Members questioned the sustainability of the site location, and also its classification by officers as Grey Belt. In response to the latter point, officers responded that their view was that the site did not strongly contribute to the purposes of the Green Belt for the reasons set out in the report.

Councillor Whately-Smith moved, and Councillor King seconded, that authority be delegated to the Head of Regulatory Services and following completion of a S106 Agreement (securing the Heads of Terms set out at 7.20 including affordable housing provision, contributions to highways improvements and monitoring of the travel plan, contributions to infrastructure including education and waste infrastructure and a monitoring fee in relation to Biodiversity Net Gain) to grant planning permission subject to conditions and with the following amendments to conditions:

- Amendment to Condition C3 under part (b) to clarify that details of routing are required, under part (g) to clarify that it relates to delivery times and removal of waste from the site and under part (e) to include details of the installation of wheel washing facilities.
- An additional bullet point under Condition 3 to include 'provisions for protecting the safe use of public rights of way though the site and/or any mitigation required'.
- An additional informative reminding the applicant that the public rights of way should remain unobstructed and that safe passage should be maintained across the site. If safe passage cannot be reasonably achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route for any periods necessary.
- An additional condition requiring the dedication of the short length of path between Footpath 61 and Bridleway 80 Abbots Langley prior to occupation of the development.
- An additional condition requiring the first-floor flank window on Plot 12 facing Orchard Cottage to be obscure glazed.
- Amendment to Condition 33 to require details of the future management and maintenance of the 'play on the way' equipment to be provided to the Local Planning Authority.
- Addition of a condition to require a Conservation Management Plan to be submitted in relation to the management and conservation of the retained Pill Box.

On being put to the vote this was carried, the voting being 8 in favour, 2 against and 1 abstention.

**RESOLVED:** that authority be delegated to the Head of Regulatory Services and following completion of a S106 Agreement (securing the Heads of Terms set out at 7.20 including affordable housing provision, contributions to highways improvements and monitoring of the travel plan, contributions to infrastructure including education and waste infrastructure and a monitoring fee in relation to Biodiversity Net Gain) to grant planning permission subject to conditions and with the following amendments to conditions:

- Amendment to Condition C3 under part (b) to clarify that details of routing are required, under part (g) to clarify that it relates to delivery times and removal of waste from the site and under part (e) to include details of the installation of wheel washing facilities.
- An additional bullet point under Condition 3 to include 'provisions for protecting the safe use of public rights of way though the site and/or any mitigation required'.
- An additional informative reminding the applicant that the public rights of way should remain unobstructed and that safe passage should be maintained across the site. If safe passage cannot be reasonably achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route for any periods necessary.
- An additional condition requiring the dedication of the short length of path between Footpath 61 and Bridleway 80 Abbots Langley prior to occupation of the development.
- An additional condition requiring the first-floor flank window on Plot 12 facing Orchard Cottage to be obscure glazed.
- Amendment to Condition 33 to require details of the future management and maintenance of the 'play on the way' equipment to be provided to the Local Planning Authority.
- Addition of a condition to require a Conservation Management Plan to be submitted in relation to the management and conservation of the retained Pill Box.

**PC63/25      25/1330/RSP – CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AT 10 GADE BANK, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE WD3 3GD**

The application was for construction of single storey rear extension at 10 Gade Bank, Croxley Green, Rickmansworth.

Committee Members and members of the public in attendance were reminded that the use of the property as a House in Multiple Occupation did not form part of the assessment of the acceptability of the planning application, as outlined at paragraphs 8.1.5 and 8.1.6 of the report.

A local resident spoke against 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 public speaker drew attention to the unfinished flank wall of the building. Officers responded that this could be raised with the property owner as part of the enforcement case; however, access may be required from the neighbouring side to allow rendering and re-pointing to be undertaken.
- A Committee Member drew attention to an email from a local resident setting out examples of anti-social behaviour and environmental degradation at the property and its impact on neighbours. It was queried whether the site history and community impact had been considered in the assessment of the application. Officers responded that as set out in the report the extension was not in itself considered to have a community impact: there was a slight deviation in the rendering between the extension and the main property but the character in general was considered acceptable, the extension was not readily visible, there was limited impact on neighbouring properties given its height and depth, and it was not considered to impact on the Green Belt. It was acknowledged that there was a shortfall in parking; however, officers considered that there was justification for this and that it did not give sufficient reason to refuse the application. There was no biodiversity net gain requirement, nor any impact on trees.

- A Committee Member expressed the view that the proposal did not meet the design code for extensions to properties within the Local Plan, specifically in relation to the following criteria that extensions to properties should (i) not be excessively prominent in relation to adjacent properties; (ii) have the appropriate number of car parking spaces and garages; and (iii) respect the character of the property / street scene particularly with regards to roof form, positioning and style of windows, door and materials.
- A Committee Member commented that Policy CA2 of the Croxley Green Neighbourhood Plan set out that domestic extensions requiring planning consent should seek to conserve and enhance the character area, and also that in the event of the sub-division of a house the impact of additional parking demand and shared use of the garden should be considered, as well as the social impact on the wider community. The Committee Member expressed the view that the design of the proposal, with two doors facing on to the rear garden, was out of character with neighbouring properties and contrary to Policy CA2. Other Committee Members agreed that the proposal was out of character.
- A Committee Member commented that as Gade Bank was accessed by a narrow, single track road the lack of parking was a concern and could result in emergency vehicles being unable to access the site. Another Committee Member noted that the plans indicated use of the extension as two bedrooms, resulting in a six-bedroomed property. Given its use as an HMO, the Committee Member expressed the view that the parking shortfall was therefore even more significant given the intensification of use. It was also noted that use of the extension as two bedrooms would mean that the amenity space could not be accessed by other residents of the property and that this would not be acceptable.
- In response to a question as to whether anti-social behaviour was a material planning consideration, officers responded that impact on amenity (which could include noise or disturbance) was a material planning consideration; however, the issues with anti-social behaviour at the property were a separate matter. Additionally, the use of the extension as bedrooms was not relevant in terms of the assessment of the application on its planning merits.

Councillor Cooper moved, and Councillor Drury seconded, that the application be refused on the grounds of character, amenity and parking and being contrary to policies DM1 and DM2 of the Local Plan and policies CA2 and CA3 of the Croxley Green Neighbourhood Plan. The final wording to be circulated to the committee before the decision is issued.

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

**RESOLVED:** that that the application be refused on the grounds of character, amenity and parking and being contrary to policies DM1 and DM2 of the Local Plan and policies CA2 and CA3 of the Croxley Green Neighbourhood Plan. The final wording to be circulated to the committee before the decision is issued.

*Note: subsequent to the meeting, and with the agreement of Committee Members, reference to policy CA3 of the Croxley Green Neighbourhood Plan was removed from the reasons for refusal as being not relevant to the application.*

**PC64/25      25/1619/ADV – ADVERTISEMENT CONSENT: ERECTION OF INTERNAL FACING NON ILLUMINATED WEATHER BOARD ADVERT PANELS TO PERIMETER OF ARTIFICIAL PITCH AT EVERGREEN FOOTBALL CLUB, SOUTH WAY, ABBOTS LANGLEY, HERTFORDSHIRE WD5 0JL**

The application was for advertisement consent for erection of internal facing non-illuminated weather board advert panels to perimeter of artificial pitch at Evergreen Football Club, South Way, Abbots Langley.

The Planning Officer reported that since publication of the agenda the applicant had confirmed that the advertisements would be secured on the outside of the fence panels, facing into the astroturf. Additionally, the applicant was happy for the advertisements to be coloured green to the rear rather than white as originally suggested. Officers were therefore proposing an additional condition to require this change in colour. The Crime Prevention Design Adviser had reviewed the application and had no concerns regarding the design or the height of the boards, and the height was not considered to be detrimental to natural surveillance.

Parish Councillor Jon Tankard, of Abbots Langley Parish Council, spoke on the application.

In response to a question about controls to ensure that the advertisements used on the boards were appropriate for a youth football club, the Planning Officer reported the applicant's intention was understood to be for the advertisements to relate to club sponsors. It was noted that Condition C1(2) specified that no advertisement was to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. There was therefore scope for advertisements to be refused should the need arise.

Councillor Lloyd moved, and Councillor Gazzard seconded, that the application be approved with an additional condition regarding the colour of the rear of the signage. On being put to the vote this was carried unanimously.

**RESOLVED:** that the application be approved with an additional condition regarding the colour of the rear of the signage.

**CHAIR**



## PLANNING COMMITTEE – 11 December 2025

### **24/2089/FUL - Construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 TOWNFIELD, RICKMANSWORTH, HERTFORDSHIRE, WD3 7DD.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 21.02.25  
Extension of Time Agreed: 28.11.25

Ward: Rickmansworth Town  
Case Officer: Danielle Kavanagh

Recommendation: That Planning Permission be GRANTED subject to the planning conditions recommended within the body of this report.

Reason for consideration by the Committee: The application was originally called in to committee in March 2025 by Batchworth Community Council, unless Officers were minded to refuse the application, for the reasons set out at 5.3

To view all documents forming part of this application please go to the following website:  
[24/2089/FUL - Construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 TOWNFIELD, RICKMANSWORTH, Hertfordshire, WD3 7DD.](#)

## **1 Update from March Planning Committee**

1.1 This application was previously considered by the Council's Planning Committee on 20<sup>th</sup> March 2025 and members resolved to grant planning permission subject to the imposition of conditions as set out in the committee report that was before them on that date. Following the Planning Committee meeting, a complaint regarding the application and the basis on which the members had resolved to grant planning permission was subsequently made to the Council.

1.2 The complaint made can be summarised as follows:

- During the March Committee Meeting, the planning officer stated that a 3m deep extension could be constructed without express planning permission as permitted development, but failed to mention any height restriction that would apply (3m as compared to the 3.4m height proposed by the application).
- The Proposed Extension is 36% larger than would be permitted under permitted development rights. This is very different from the seemingly small 60cm difference that the Councillors were actively encouraged to factor into their decision making by the Planning Officer.
- Officers handling of a dispute between the parties as to the ownership of the rear boundary wall between No 18 and No 20 and officer's acceptance of the land ownership certificate completed by the applicant (Certificate A) which declared that the applicant was/is the sole owner. No 18 maintains they are the owner.
- The original committee report failed to set out the correct facts, contained false and/or misleading information and but for this, members may have reached a different decision.
- The development is likely to have a considerable negative impact on the amenities of No 18 (as members of the Planning Committee recognised but were prevented from assessing in a fair manner).
- The Committee Report contained factual inaccuracies and omissions:
  - Understated impact on privacy and amenity.
  - Incorrect measurements and misleading statements about compliance with policy.
  - Failure to record number of objections (4).
  - report summarised one of the objections as "absence of party wall agreement". The objection was regarding boundary ownership.

- Apparent bias in administrative decisions (e.g., second consultation on driveway extension seen as favouring applicant).
- Site visit did not include the affected property (No. 18), limiting proper assessment of amenity impact.

1.3 Following receipt of the complaint, officers considered it prudent to defer the issue of the planning permission in order to allow time for the issues raised to be investigated. One of those complaints pertained to the ownership of a boundary wall that forms part of the planning application. Following a comprehensive review of documents submitted by both parties in respect of the ownership position, the applicant subsequently submitted an amended land ownership certificate: Certificate B. The applicant had originally completed Certificate A, declaring that she was/is the sole owner of all the land to which this application relates. This was vigorously denied by the adjoining owner at No 18 Townfield. Certificate B is signed where the applicant is not the sole owner of the land subject of the application. Certificate B was completed by the applicant on a “without prejudice basis” i.e. that it should not be considered an admission of such ownership and was undertaken as a “procedural step”. Following receipt of Certificate B, a 21-day re-consultation exercise was conducted and this report also takes into account any representations made in response. The analysis section of this updated report reviews the proposal in light of the above complaints and further representations and also deals with any discrepancies in the previous report identified by officers.

## **2 Relevant Planning History**

2.1 No relevant planning history.

## **3 Description of Application Site**

3.1 The application site contains a three storey mid terrace town house, located on the southern side of Townfield, Rickmansworth.

3.2 The dwelling has an integrated garage at ground floor level. To the front, there is hardstanding to the frontage with space for one vehicle to park.

3.3 To the rear the dwelling is served by a patio area which is on a slightly lower land level to the ground floor of the house. The patio is enclosed by a freestanding bricked wall, approximately 1.75m high and the three storey flank elevation of No.22 which projects beyond the rear of the host dwelling and No.18. From the patio area there is a step down to a gravelled amenity area with land levels sloping gently downwards towards the rear of the site. This part of the garden is enclosed by metal chain link fencing and close boarded fencing along the rear boundary.

3.4 The attached neighbour to the west, No.18 Townfield, is a three storey mid terrace dwelling of the same architectural style and design as the application dwelling. This neighbour is set on the same front and rear building lines as the application dwelling. It is also on the same land level.

3.5 The attached neighbour to the east, No.22 Townfield, is constructed in the same style and is on the same land level as the host dwelling. This neighbour is set back from the host dwelling by 3m at the front and rear building lines.

## **4 Description of Proposed Development**

4.1 This application seeks full planning permission for the construction of a single storey rear extension; driveway extension and the conversion of the existing garage into habitable accommodation.

4.2 During the course of the application, amended plans were accepted which reduced the depth of the rear extension from 4m to 3.6m.

- 4.3 The single storey rear extension as amended would have a depth of 3.6m and would have a flat roof form with a maximum height of 3.4m (measured from the top of the flat roof to gravelled amenity area at the rear). The extension would extend to a width of 5.1m: the freestanding boundary wall between No.18 and 20 would be removed and the flank wall of the rear extension built on its former footprint, and on the other side, the extension would be built up to the existing flank wall of No.22. Fenestration would be inserted into the rear elevation in the form of bi-folding doors. The rear amenity space would be accessible via two steps down from the extension.
- 4.4 The external material finishes proposed for the extension would be red multi stock bricks, black felt on the flat roof, and white framed doors, to match the existing external finishes of the dwelling.
- 4.5 The garage conversion would result in the existing garage door, in the front elevation of the host dwelling, being replaced by a triple casement window and a 0.7m high wall beneath. The new window and wall would be flush to the front elevation of the dwelling.
- 4.6 The driveway extension would require the removal of a flowerbed and result in an increase in the area of hardstanding measuring 0.9m wide and 7m deep (6.3 sqm) and constructed along the eastern side of the existing driveway. The proposal would create space for two cars to park.

## 5 Statutory Consultation

- 5.1 Two re-consultations were carried out in addition to the initial consultation (3 consultation exercises in total therefore).

1<sup>st</sup> Re-consultation: Neighbours and consultees were reconsulted on 18.02.2025 following an amendment to the development description to clarify that an increase in hardstanding/driveway is proposed. The re-consultation expired on 11.03.2025 and 2 further objection comments (from a neighbour who had previously commented) were received. Those comments were before members when they originally resolved to grant planning permission on 20<sup>th</sup> March 2025.

2<sup>nd</sup> Re-consultation: A further neighbour and consultee re-consultation was carried out on 22.09.2025 following the receipt of ownership Certificate B in place of the formerly submitted Certificate A. 3 objections in total were received, 3 further objection comments (from a neighbour who had previously commented) and an objection comment from a surveyor appointed on behalf of a neighbour.

- 5.2 National Grid: [No response received]

- 5.3 Batchworth Community Council: [Objection]

Initial Comments: *BCC has discussed and noted this application.*

Further comments following re-consultation 1: (BCC were reconsulted following an amendment to the development description to clarify that an increase in hardstanding was proposed).

*Upon re-examining this application BCC now objects to the change of use of the garage to habitable accommodation, as it would dramatically change the street scene and the architectural symmetry of the Townfield terraced housing.*

*Regarding the rear extension BCC believes it should be reduced to match the back of number 22 Townfield and reduced in height. It will also require a privacy screen between the two neighbouring properties and agreed with the neighbour.*

*BCC would like to Call this application regarding the change of use of the garage into habitable accommodation unless officers are minded to refuse.*

Further comments following re-consultation 2: BCC discussed and noted this application.

#### 5.4 **Public/Neighbour Consultation**

Original Consultation:

5.5 Neighbours consulted: 10

5.6 Responses received: 4 Objections to the original consultation.

5.7 Summary of responses:

- Objection to the application incorporating boundary structures without permission.
- Loss of the uniform 1960s design of the terrace, due to the proposed garage conversion.
- Commenters were concerned about a possible precedent for garage conversions, and noted that no similar conversions exist in this terrace.
- Objections to the fenestration proposed for the garage conversion.
- Overlooking and privacy concerns.
- Concerns that the extension would be larger, taller, and closer to the boundary than others.
- Concerns about loss of light, overbearing effect, and potential encroachment.
- Claims that declarations of sole ownership are inaccurate.
- The extension is considered to harm the enjoyment of the neighbouring garden and living space.

1<sup>st</sup> Re-consultation:

5.8 Summary of responses:

- The submitted plans give a limited view of the development and its potential impact on the neighbouring property.
- The neighbouring property is already set back further than the adjacent properties. This makes the property particularly vulnerable to further enclosure.
- The proposed extension would cause further overshadowing and impact daylight of neighbouring dwelling.
- Suggested breaches of the 45-degree rule from key windows and doors.
- The proposed extension would materially reduce the amenity of both the terrace and indoor living areas.
- The proposed extension of the driveway would harm the street scene by removing planted areas.
- Commenter notes that there is already ample on-street parking, making the garage conversion unnecessary.

2<sup>nd</sup> Re-consultation:

5.9 Summary of responses:

5.10 The objection comments are summarised as follows:

- Converting only one of the two mirror-image garages (at No. 20) would appear unbalanced and visually dissonant.

- Commenter noted that they considered that the garage conversion would conflict with Policy CP12: Calls for development that enhances sense of place and avoids deterioration of built environment. And Policy DM1: Requires development to align with local character and appearance.
- They noted that the conversion of the garage to a habitable room raises significant privacy concerns for both Nos. 18 and 20. And introduces unacceptable overlooking. Contravening Policy 4.7(b) and Policy DM1.
- A commentary document on the ownership certification regarding this application, with evidence to support their view.
- A response to comments submitted by the applicant regarding their reasons for proposing to extend their dwelling and their opinion on this reasoning.
- Claims that the applicant is seeking to mislead the LPA into believing that the development is essential.
- Comment states that the proposed development would severely impact the amenity of a neighbour, degrade the streetscene and make a family sized house even less affordable.
- A commentary on the validity and availability of a 1967 conveyancing document, and the ownership certification submitted by the applicant as part of this application.

5.11 A letter from PA Planning (instructed by No. 18) expressing the following views as a matter of planning judgment and is summarised as follows:

- The height and proximity of the rear extension would create a visually oppressive and overbearing effect, especially on the kitchen and dining room of No. 18.
- The extension's 3.6m depth is at the maximum limit allowed by the Three Rivers Local Plan, which only permits such depth if it does not adversely affect neighbouring properties.
- In this case, it would cause harm, making it non-compliant with the Local Plan and Appendix 2.
- The cumulative impact with existing neighbouring structures would materially worsen the living environment at No. 18.
- This would result in a visually intrusive and unbalanced development, contrary to Policy DM1 on character and design.
- The floor-to-ceiling glazed doors at the rear would overlook the neighbouring garden, reducing privacy. The converted garage window would overlook the neighbour's parking area.
- The proposal is not considered to be compliant with Policy 4.7(b), which requires a private garden zone not visible from neighbouring dwellings.
- The proposal would negatively impact the neighbouring property's amenity, privacy, and enjoyment of their home. It would conflict with multiple policies in the Three Rivers Development Management Policies LDD, especially Policy DM1 and Appendix 2, and should therefore not be approved.

**Table of responses to consultation periods**

<b>Consultation 1</b>	
<b>Comment/Document Type</b>	<b>Source</b>
Objection Comment	Comment From 18 Townfield
Objection Comment	Comment From 10 Townfield
Objection Comment	Comment From 16 Townfield
Objection Comment	Comment From 24 Townfield

<b>Reconsultation 2</b>	
Objection Comment	Comment From 18 Townfield (2)
Objection Comment	Comment From 18 Townfield (3)

<b>Reconsultation 3</b>	
Objection Comment	Comment From 18 Townfield (4)
Objection Comment	Comment From PA Planning On Behalf Of 18 Townfield
Objection Comment	Comment From 18 Townfield (5)
Objection Comment	Comment From 18 Townfield (6)

<b>Information submitted by the applicant</b>	
Supporting documents	ADS Survey (On Behalf Of 20 Townfield)
Supporting documents	Appeal Decision
Supporting documents	Comments From Applicant No. 20 Townfield
Supporting documents	Document A Photos (Submitted By Applicant No. 20 Townfield)
Supporting documents	Document B (Submitted By Applicant No. 20 Townfield)

**Officer Note:** Issues regarding land ownership are not material to the planning assessment. A person can make an application for planning permission in respect of any land irrespective of whether that person has any legal interest in the land in question. The applicant has provided a Certificate B Notice which is sufficient to enable the LPA to entertain the application.

5.12 Site Notice: Expired 23.01.2025.

5.13 Press Notice: Not Required

**6 Reason for Delay**

6.1 The issue of the planning permission was delayed due to the receipt of a complaint and a subsequent review by officers. Following that review and receipt of Certificate B officers are content that the application can be determined.

**6.2 Materiality of previous resolution to grant planning permission**

At the committee meeting of 20<sup>th</sup> March 2025, Members resolved to grant planning permission. Whilst no decision was issued, that resolution is still clearly material. Consistency in decision-making is a material planning consideration. Members are not bound to follow their previous decision but if they determine to depart from that previous resolution, then they must give clear, rational and supported reasons for doing so. Members should not limit their consideration of the application only to the reasons which have led to the application coming back to committee.

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

### **7.1 Legislation**

7.2 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.

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

7.4 The Conservation of Habitats and Species Regulations 2017.

7.5 The Natural Environment and Rural Communities Act 2006.

7.6 The Environment Act 2021.

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

In 2024 the new National Planning Policy Framework (NPPF) was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government policy/guidance 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.

### **7.8 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 DM1, DM6, DM8, DM13 and Appendices 2 and 5.

### **7.9 Other**

Batchworth Neighbourhood Plan 2023-2038 (Referendum Version) Adopted May 2025. Relevant policies include Policies BW CC4 and BW DE1.

## **8 Planning Analysis**

### **8.1 Impact on the character and appearance of the host dwelling**

- 8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness 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.
- 8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 8.1.3 Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Development should respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code.
- 8.1.4 Policy BW CC4 sets out that where it is proposed to pave over front gardens and the submission of a planning application is required, all proposals should: a) Seek to maximise the retained area of lawn and vegetation. b) Incorporate, as far as possible, Sustainable Drainage Schemes (SuDS). c) Not direct run-off straight into the drainage system (both to avoid adding to flood risk and to ensure pollutants do not enter the main river system). d) Include new planting of non-invasive tree and shrub species.
- 8.1.5 The proposed amended extension would be sited to the rear of the dwelling and would not be readily visible from public vantage points in Townfield. At an amended 3.6m depth the extension would comply with Appendix 2 guidance, and is not considered that it would appear as a disproportionate addition to the townhouse. The roof would be flat which would be in keeping with the flat-roofed design of the host dwelling, and neighbouring properties. The extension would also have a bricked exterior which would be in keeping with the existing dwelling and wider row of terrace dwellings. As such, it is considered that the amended extension would not unacceptably harm the character of the existing dwelling or wider area.
- 8.1.6 The proposed garage conversion would be readily visible from the streetscene due to its location at ground floor level to the front elevation of the dwelling. The existing garage would be converted to form habitable accommodation, involving the modification from a garage door to the insertion of a three casement window. The plans indicate that the window would be of a similar style to the existing fenestration detail.
- 8.1.7 Concerns were raised in comments submitted by neighbours regarding the impact that the garage conversion would have on the cohesiveness of the terrace, as this particular terrace of dwellings in Townfield has all of the original garages retained. Whilst the concerns raised are noted, there is some variation across the existing terrace group through variations in the style of fenestration and variation in the colour of front doors and garage doors. Similarly, the existing stepped nature of the terrace group provides a clear break between properties. As such, whilst the loss of the garage door would alter the appearance of the dwelling, it is not considered that the change from a garage door to a three casement window would have a harmful impact on the visual amenity of the row of terraces and would not be out of character when taking into account the whole of Townfield.



- 8.1.8 The proposed driveway extension would result in the removal of a flower bed and an increase in hard standing to the frontage of the host dwelling, providing an increase of one assigned parking space for the host dwelling. While the loss of an area of soft landscaping would conflict with Policy BW CC4, there are other examples of extensions to driveways along the terrace of dwellings, notably, the adjoining neighbour No.18 has implemented a similar extension to their driveway. As the host dwelling and No.18 are set forward of the other dwellings in the terrace, the driveway extension would have a balanced appearance when viewed with that of No.18. Therefore, it is not considered that the extension to the driveway would result in harm or a loss of character to the host dwelling or streetscene of Townfield. Officers recommend that a condition requiring the driveway extension to have a permeable surface or provision made for surface water run off within the site, as required by Policy BW CC4 should be imposed pursuant to the grant of planning permission. It should be noted that the extent of the driveway extension: approximately 6.08sqm, could be separately carried out under permitted development rights, subject to meeting the limitations of Part 1 Class F of the General Permitted Development Order 2015. There is no Article 4 direction in place removing any permitted development rights for Townfield or any extant planning permissions in respect of the application dwelling which removed such permitted development rights. This “fall-back” position (ie. what the applicant could do without any fresh planning permission) is a material consideration if there is a possibility or real prospect of it materialising, as a matter of planning judgment. If the “fall-back” position is a material consideration, the weight to be afforded to it (if any) is a matter for the Members.
- 8.1.9 In summary, the proposed amended development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013) and Policy BW DE1 and BW CC4 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version).
- 8.2 Impact on amenity of neighbours
- 8.2.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.2.2 For proposed single storey rear extensions, the Design Criteria as set out within Appendix 2 states that ‘*generally, the maximum depth should be 3.6m, or 4m in the case of detached dwellings. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.*’
- 8.2.3 The proposed single storey rear extension as amended would have a maximum depth of 3.6m. As highlighted above, the guidance states that this distance may be reduced if the extension is considered to adversely affect adjoining properties or is unduly prominent.
- 8.2.4 It is evident from a site visit that the extension would have a greater impact on No.18 Townfield, noting that the extension would not project beyond the three storey flank wall of No.22.
- 8.2.5 In respect of No.18 to the west, the existing rear wall of the host dwelling is level with the neighbour. The proposed amended rear extension would extend past the existing rear elevation of No.18 by 3.6m and would be built on the footprint of the current flank wall (following its demolition) between Nos. 20 and 18. Due to the staggered nature of the properties in Townfield, No.18 physically adjoins No.16 which projects in total, approximately 7.68m beyond the rear of No.18. This projection is via a 2 storey flank wall between No.16 and 18, which extends outwards by 3.63m and a single storey conservatory which attaches to the rear elevation of No 16 that extends a further 4.05m. A boundary wall

approximately 1.7m in height also exists between Nos.16 and No.18, and is set up to No 16's conservatory (The measurement of 3.63m (flank wall) and 4.05m (No 16's conservatory) were provided by No.18 and while this measurement is not disputed by officers, it has not been verified by them). As a result of the above circumstances, it is acknowledged that the proposed extension would have an enclosing effect upon No.18 given the layout and extent of No.16 to the south west.

- 8.2.6 The neighbour at No.18 is sited to the south-west of the host dwelling so the proposed rear extension may have some impact on the light received by the ground floor windows in the rear elevation of No.18 in the early part of the day. Notwithstanding the acknowledgment that the extension would have an enclosing impact and also affect the level of light received in the morning, it is not considered that it would have a significant impact on the amenity of the occupiers at No. 18 to such an extent that their living conditions (i.e. impact to the kitchen diner and amenity area) would be demonstrably harmed. This view has also been reached having regard to the fact that No.22 projects significantly beyond both the host dwelling and No.18 and thus already limits light received in the morning to both properties currently. Additionally, officers consider that any single storey rear extension of the host property, even one which was reduced further from the amended proposal, would likely have a very similar impact in terms of enclosure (given the original layout of the dwellings) and levels of light received. Consequently, it is not considered that reducing the depth of the amended extension further, as per the Design Criteria, would have a material effect. Accordingly, whilst acknowledging the impact which would be caused, it is not considered that the impact would be unacceptable to the residential amenity of the occupants of No.18. Furthermore, as set out at section 8.8 below, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") grants planning permission for rear extensions (subject to limitations and conditions) and officers consider, as a matter of planning judgment, that such a rear extension built pursuant to the GPDO would have a very similar impact upon No.18.
- 8.2.7 Appendix 2 sets out that a proportion of each garden should be a private zone abutting or close to the dwelling that is not visible from the gardens or ground floor habitable rooms of adjoining properties. This should be of a minimum distance of 3 metres from a wall of the dwelling and be permanently screened by walls or fences. The existing patio areas of No. 18 and the application dwelling are separated by a wall. Under the proposal the rear extension would extend past the rear elevation of No.18 by 3.6m, no flank windows which face No. 18 are proposed, therefore the neighbouring dwelling would have a private zone of 3.6m abutting their dwelling in line with Appendix 2 guidance. Additionally, the outlook from the rear facing windows would not be materially any different to the existing situation, although arguably it could be said that the extension would provide greater privacy via the private zone of 3.6m abutting No.18. As a result, no overlooking or loss of privacy would arise to No.18.
- 8.2.8 No.22 Townfield is the neighbour to the east of the host dwelling, this neighbour is set on a staggered building line with the front and rear elevations sitting 3m back from those of the host dwelling. The proposed rear extension would extend in line with the flank wall of No. 22 for 3m, then past the rear building line of No.22 by 0.6m, there is also a 1.7m high wall which extends along the shared boundary for 1.6m. Given the relationship between the two dwellings and the modest distance the extension would extend past this neighbour, the rear extension is not considered to have any adverse impact on the light or amenity of No. 22 and is acceptable in this regard.
- 8.2.9 The proposed garage conversion would involve the modification from a door to a casement window, which would be flush with the front elevation of the dwelling. The front window would face the application dwelling's frontage and it is not considered that overlooking would be facilitated. The extension to the driveway would not result in harm to neighbouring amenity.

8.2.10 The proposed driveway extension would result in an increase in hardstanding to the frontage of the host dwelling of 6.3 sqm. This change is not considered to be of a scale that would be harmful to or impact neighbouring amenity.

8.2.11 The proposed development as amended would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

### 8.3 Highways & Parking

8.3.1 Core Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The existing property benefits from 4 bedrooms and no increase in bedrooms is proposed. The parking standards require 3 spaces for a property of this size, and therefore there is an existing shortfall of 1 space as the property benefits from 2 spaces (one on the drive and one in the garage).

8.3.2 The proposed development would result in the loss of one assigned parking space via the garage conversion, however, an extension to the existing driveway is proposed which would ensure that two on-site parking spaces of 2.4 x 4.8m that would conform with Hertfordshire County Council's guidance can be accommodated. Therefore, whilst a shortfall of 1 space would remain, this is reflective of the existing situation and there would be no increased shortfall, nor would the proposal result in the uplift of additional bedrooms.

8.3.3 To ensure that an acceptable level of on-site parking is secured, a condition has been recommended requiring the driveway alterations to be implemented prior to the conversion of the garage and to be retained thereafter.

### 8.4 Rear Garden Amenity Space

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

8.4.2 The application dwelling is a four bedroom dwelling and Appendix 2 of the Development Management Policies document sets out that a four bedroom dwelling should provide 105sqm of private, usable amenity space.

8.4.3 The application site would retain approximately 91sqm of amenity space to the rear. The proposal would therefore result in a shortfall of 14sqm of amenity space. However, given the fact that 91 sqm of usable amenity space would still be available, including a 17m long garden, it is not considered that the loss of some rear amenity space would impact the occupant's enjoyment of the space. The application dwelling's proximity to public open space and recreation areas, with Rickmansworth Aquadrome within walking distance of the site, is also noted. Therefore, the dwelling is considered to have access to suitable amenity space despite its remaining garden space being less than the amount suggested by Appendix 2. The development is considered acceptable in this regard.

### 8.5 Trees & Landscape

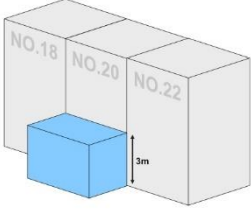
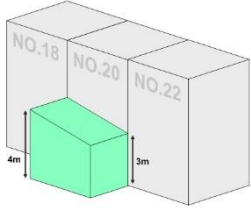
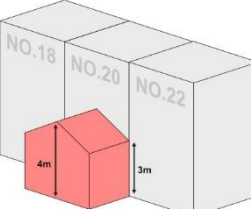
8.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. The proposed development would not involve the removal of any trees or lie in close proximity to trees.

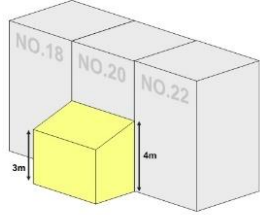
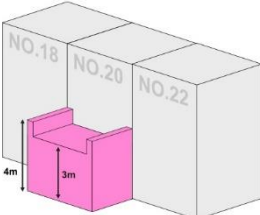
- 8.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.
- 8.6 Biodiversity
- 8.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity.
- 8.6.2 Biodiversity protection and protected species are a material planning consideration. 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 , 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.
- 8.6.3 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 application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.
- 8.7 Mandatory Biodiversity Net Gain
- 8.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 8.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.
- 8.8 Other Material Considerations
- 8.8.1 No previous extant planning permission has removed permitted development rights for the application site, nor is it covered by an Article 4 Direction which may have removed such rights. The law as to any "fall-back" position is set out above. Officers are not aware of any reason (or impediment) why the applicant would not construct a rear extension pursuant to the GPDO in the alternative, were planning permission to be refused. On the other hand, the applicant has not explained the possibility of it occurring if permission is refused.
- 8.8.2 Within the dimensional constraints imposed by the GPDO, a number of extensions of differing built form would be permissible. As a guide, a permitted development single storey rear extension is limited to no more than 3m in depth and no more than 4m in height with a pitched roof sloping down to an eaves height of 3m or if a flat roof is proposed the height is limited to 3m. A parapet wall would be permitted to exceed 3m in height but would be subject to the 4m height rule.
- 8.8.3 From a review of planning history within Townfield, officers note that many single storey rear extensions have been constructed pursuant to the planning permission automatically granted by virtue of the GPDO.
- 8.8.4 Whilst recognising that the proposal is deeper (by 0.6m) than a single storey rear extension which would be permitted by the GPDO (putting to one side that part of the GPDO which permits single storey rear extensions up to 6m in depth, subject to prior approval), any such rear extension could lawfully be constructed in a number of different built forms (see below) including with a pitched roof and a flank wall of up to 4m in height (see option 2 and 4 below). As a matter of planning judgment officers consider that there is a real prospect that a fallback extension with a potentially similar impact would be implemented were permission to be refused. Accordingly, this is given limited weight by officers in the assessment of the

proposed rear extension and its impact on No.18 as highlighted above at section 8.2.6. In the final analysis though, Members will need to determine the real prospect or otherwise of any fall-back materialising and the weight (if any) to afford to any such fall-back. With the prospective permitted development fallback position considered, and for the reasons outlined in the analysis section of this report, it is considered that Planning Permission should be granted.

8.8.5 One of the contentions made by No.18 following the first planning committee was that the proposed rear extension would be 36% larger than would be permitted under the GPDO and that officers' reference only to a 60cm difference between the proposed extension and that permitted by the GPDO was misleading. Whilst this volume difference would be accurate were the GPDO only to permit a rear extension that was 3m deep and 3m in height, the below pictorial examples set out different permutations for single storey rear extensions to non-detached dwellings of different volumes which officers consider could lawfully be constructed pursuant to the GPDO, having regard to the 3 main constraints imposed by the Order: (1) it may not extend beyond the rear wall of the original dwellinghouse by more than 3m (A.1.(f) (i)), (2) it may not exceed 4m in height (A.1(f)(ii)) and (3) where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part may not exceed 3 metres in height (A.1(ii)) Government guidance "*Permitted Development Rights for Householders: Technical Guidance*" defines eaves for the purposes of measuring height as being "*the point where the lowest point of a roof slope, or a flat roof, meets the outside wall.*"

Volume of single storey rear extension proposed under planning application 24/2089/FUL:  
 5.1 (w) x 3.4 (h) x 3.6 (d) = **62.424m<sup>3</sup>**

<p><b><u>PD Option 1</u></b></p> <p>Volume for a single storey rear extension with flat roof form:</p> <p><b>TOTAL VOLUME = 45.9m<sup>3</sup></b></p>	
<p><b><u>PD Option 2</u></b></p> <p>A single storey rear extension with a mono-pitched roof. This extension could have a depth of 3m, maximum height of 4m along or close to the boundary with No.18 Townfield, sloping down to an eaves height of no more than 3m, on or close to the boundary with No.22 Townfield.</p> <p><b>TOTAL VOLUME = 53.6m<sup>3</sup></b></p>	
<p><b><u>PD Option 3</u></b></p> <p>A single storey rear extension with a pitched roof form (gabled). This extension could have a depth of 3m, maximum height of 4m, central to the extension with a roof sloping down towards each of the boundaries with a maximum eaves height of 3m.</p> <p><b>TOTAL VOLUME = 53.6m<sup>3</sup></b></p>	

<p><b>PD Option 4</b></p> <p>A single storey rear extension with a mono-pitched roof form. This extension could have a depth of 3m, with a roof which slopes from the rear wall of the existing dwelling at a maximum height of 4m downwards, rearwards to an eaves height of 3m.</p> <p><b>TOTAL VOLUME = 53.6m<sup>3</sup></b></p>	
<p><b>PD Option 5</b></p> <p>A single storey rear extension with a flat roof and parapet walls. This could have a depth of 3m, with a parapet wall to either flank elevations (up to or close to the boundaries) not exceeding 4m in height with a flat roof of no more than 3m in height. A parapet wall is ignored for the purposes of the eaves measurement so dictated by the 4m height limitation</p>	

8.8.6 The applicant has also stated that the extension would enable better living space for her family. Whilst this is certainly a positive outcome, this can only be given limited weight as the dwelling is also considered suitable for a family without extension.

8.8.7 On balance, it is considered that even if the proposed rear extension were to be reduced in depth (eg to between 3m and 3.6m in depth), such development would have a very similar impact to the proposed scheme in terms of enclosure (given the original layout of the dwellings) and would also have similar impact in terms of the levels of light in the kitchen, dining and amenity area of No. 18. Therefore, it is not considered that any such reduction would be necessary and that the rear extension in its current form would be acceptable in planning terms having regard to the residential amenity of the occupants of No.18. The proposal is therefore considered to be acceptable with regard to its impact on the character of the host dwelling, streetscene and neighbouring amenity.

## 9 Recommendation

9.1 That PLANNING PERMISSION IS 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: 3234-1-1A, 3234-1-2A, 3234-1-3C, 3234-2-1B, 3234-2-2B, LOCATION PLAN.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policies BW C05 and BW DE1 Batchworth Neighbourhood Plan 2023-2038 (Referendum Version).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric

shall be finished to match in size, colour, texture and profile those of the existing building.

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

- C4 Prior to the conversion of the garage into habitable accommodation, the driveway extension shall be undertaken in accordance with drawing number 3234-1-3C in order that the completed driveway can accommodate two vehicles. The driveway extension shall be undertaken in a permeable material or provision made for surface water run off within the site. The driveway following the works shall be retained as such thereafter and made available for occupants of No.20 Townfield and visitors to the land.

Reason: In the interests of highway safety and to ensure sufficient on-site parking is provided in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### Informatives

- I1 The applicant is reminded that a grant of planning permission does not overcome the need to obtain any consents under private land law (e.g. due to boundary disputes, party wall matters or restrictive covenants and easements).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England)



Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

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

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

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

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

- 15 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.

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## PLANNING COMMITTEE – 11 DECEMBER 2025

### PRELIMINARY REPORT

**25/0484/OUT – Outline application: Erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road (Appearance, Layout, Landscaping and Scale as reserved matters) at Land at North of Chalfont Road, Chalfont Road, Maple Cross, Hertfordshire.**

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 02.07.2025

Case Officer: Scott Volker

Extension of Time: 27.03.2026

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.**

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee due to it being a large development within the Green Belt and consideration given to Grey Belt.

**Development type:** Major Development

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=STCYA5QFFRE00>

## 1 Relevant Planning History

1.1 None.

## 2 Description of Application Site

2.1 The application site is located to the north-west of Maple Cross and comprises a parcel of agricultural land covering an area measuring approximately 3.9ha.

2.2 The site abuts Chalfont Road to the south and west; agricultural land to the north and to the east by the residential development of Oakhill Road. There are well established trees and hedge lines line the south and west edges of the site.

2.3 The existing topography of the site falls in a steep north to south direction with elevations of 58mAOD at the northern boundary of the site to 52mAOD in the south-west and 50mAOD in the south-east. This approximately equates to an average fall across the site of 1:8.

2.4 There are two Public Rights of Way situated outside of the site (No's 008 and 009) that run to south of the site which provide access to other parts of Maple Cross and open countryside. On the opposite side of Chalfont Road is Beechen Wood which is a publicly accessible space and to the east of the wood is Hornhill Play Area, accessed from Chalfont Road.



2.5 In terms of policy designations, the application site falls within the Green Belt, and adjacent to a Secondary Centre (Maple Cross).

### 3 Description of Proposed Development

3.1 This application seeks **Outline planning permission** for the erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road. Approval is sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved.

3.2 The application is accompanied by a Parameter Plan (005 REV-D) and Proposed Access Arrangements (2209054-01 REV-C) which demonstrates how the proposed pedestrian and vehicular access would be provided. In addition, an Illustrative Landscape Masterplan (D3332-FAB-00-XX-DR-L5000) has been provided which shows how the site **could** potentially be developed, although approval is not sought for these details within the application and this illustration is considered as indicative only. Therefore, whilst the following assessment may acknowledge the layout, appearance, landscaping and scale of development, the detail of these matters would be assessed at a subsequent stage should this application be deemed acceptable and permitted.

3.3 The illustrative proposed site layout plan which indicates that dwellings would front onto the internal service roads with private gardens to the rear. SUDs would be located within the south-eastern corner of the site to provide a feature when entering the site. The scheme would also include play on the way and provide a connection to one of the existing footpaths to the west of the site. Outdoor play and amenity space would be provided within the western part of the site. Parking is generally located to the side of the properties with some properties benefiting from detached garages.

3.4 A new vehicular and pedestrian access within the south-eastern corner of the site is proposed off Chalfont Road and a new pedestrian and cycle access is to be provided along the southern boundary and western portion of the site. The route of the pedestrian and cycle access will run parallel with the southern boundary of the site. It would provide a footpath link to the south-west of the site and the existing Public Right of Way to the southern side of Chalfont Road. Highway works would include the widening of the existing footpath along Chalfont Road to 2m; widening of Chalfont Road to 5.5m and provision of dropped kerbs and tactile paving to create a new pedestrian crossing point across Oakhill Road.

3.5 The development would consist of a combination of detached and semi-detached and terraced housing. The proposed dwelling mix is not known at this stage, but the scheme would include 38 affordable homes (50%), with a split of 26 (70%) social rent and 12 (30%) intermediate/affordable ownership which the applicant has advised would be pepper potted throughout the site.



Above: Illustrative site layout plan



3.6 The application is accompanied by the following plans/reports:

- Parameter plan (005 REV-D)
- Proposed Access Arrangements (2209054-01 REV-C)
- Illustrative Landscape Masterplan (D3332-FAB-00-XX-DR-L5000)
- Site Location Plan (001 Rev-B)
- Planning & Affordable Housing Statement
- Design & Access Statement
- Transport Assessment
- Framework Travel Plan
- Landscape & Visual Impact Assessment
- Green Belt Assessment
- Arboricultural Impact Assessment
- Heritage Statement
- Flood Risk Assessment and Drainage Strategy
- Preliminary Risk Assessment
- Preliminary Ecological Assessment
- Biodiversity Net Gain Statement
- Local Biodiversity Checklist
- Air Quality Assessment
- Noise Assessment
- Agricultural Land Classification Report
- Sustainability 7 Energy Statement
- Statement of Community Involvement

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

- Highways Technical Note (29<sup>th</sup> September 2025)
- Highways Technical Note - 2025 Modelling Note (9<sup>th</sup> October 2025)
- Updated Flood Risk Assessment & Drainage Strategy
- Flood Risk Assessment Addendum – Hydraulic Modelling Report
- Flood Warning and Evacuation Plan
- Protected Species Technical Note (July 2025)

## 4 Consultation

4.1 A summary is provided below, with the full comments set out in **Appendix 1**.

Herts Archaeology	1.1.1	No objection
British Pipeline Agency	1.1.2	No comments to make
Affinity Water	1.1.3	No objection
Local Plans Section	1.1.4	Advisory comments received
Hertfordshire County Council: Minerals & Waste Planning Team	1.1.5	Advisory comments received
Housing Officer	1.1.6	Advisory comments received
Hertfordshire Ecology	1.1.7 to 1.1.8	No objection
Hertfordshire County Council: Lead Local Flood Authority	1.1.9 to 1.1.10	No objection
Hertfordshire County Council: Highway Authority	1.1.11 to 1.1.13	No objection
Landscape Officer	1.1.14	No objection

Thames Water	1.1.15	Advisory comments received
Environmental Health Officer	1.1.16	No objection
National Grid	1.1.17	No response received
Environmental Protection Officer	1.1.18	No response received
Heritage Officer	1.1.19	Awaiting Comments
Herts County Council Growth and Infrastructure	1.1.20	Awaiting Comments
National Health Service	1.1.21	Awaiting Comments

## 5 Public/Neighbour Consultation

- 5.1 Site Notice: Posted – 08.04.2025 Expired – 01.05.2025
- 5.2 Press notice: Published – 11.04.2025 Expired - 04.05.2025
- 5.3 Number consulted: 183
- 5.4 No of responses received: 27 (24 Objections; 3 neutral)
- 5.5 Summary of responses received:

### Policy:

Totally inappropriate in the Green Belt; *Development should be on Brownfield Sites*; Area was once rejected by Local Plan by TRDC – should not be considered now; *Will the new houses truly be “affordable” or bought by landlords*; Maple Cross are the “fall guys” for Chorleywood and being singled out; *Contradiction on past promises from Lib Dem Councillors as the land was said to be “protected”*; Alternative sites overlooked; *Delays to Local Plan leading have lead to Green Belt being vulnerable*; No need for these additional houses in Maple Cross given what is built elsewhere in the area; *Woodoaks Farm has been safeguarded within the most recent Local Plan*; Site is located in the Colne Valley Regional Park; *Not sustainably located*.

### Flood Risk:

LPA have a duty to divert development away from areas subject of flooding; *Housing in the field will exacerbate flooding in area*; Access is prone to flooding due to inadequate drains; *Site is located in Groundwater Source Protection Zone 1*.

### Access:

Limited access; *Heavy duty construction traffic will have significant impact on Chalfont Road*; Concerns with access in/out of site at a blind-spot causing risk of accident; *Maple Cross can’t cope with additional traffic*; Any problem on M25 impacts the area; *Chalfont Road, a single lane, is heavily used already*; Increase traffic generation; *Not a safe exit*; There is only one main road in Maple Cross – the A412; *Local roads cannot accommodate additional 100+ vehicles*; Urbanising of Public Right of Way.

### Ecology/Trees:

Impact on local wildlife; *Increased pollution*; Increased noise levels from development; *Removal of trees, hedges and shrubs*; Loss of flora and fauna habitats; *Unacceptable to place housing in area that would be regularly exposed to high levels of or airborne pollutants*; Existing land is of high quality, fertile soil – excellent for agriculture; *Destruction of productive farmland is shortsighted and irresponsible*; Sustainable land is more critical than ever; *Development would not help with climate change crisis*; Substantial harm to the landscape; *Development should ensure Swift bricks are incorporated into the design*.

### Infrastructure/Services:

Key services (Education, health, crime and policing, shopping, public transport) are currently inadequate or non-existent; *Chalfont Road and Oakhill Road only receive mail*

once a week; Lack of sufficient sewerage system; *Local primary and secondary schools are at capacity*; Supporting information regarding wastewater infrastructure is vague and unconvincing; *Increase pressure on inadequate infrastructure*; Maple Cross only has one shop, café and a takeaway; *Employment opportunities in Maple Cross are scarce*.

Amenity:

Loss of views of tree-lined horizon; *Visually harmful and loss of another green space*; Loss of property value; *Increased disruption during construction period*; Impact on air quality and quality of life; *Maple Cross suffers from high levels of dust in the air*; Consideration to Human Rights of local Maple Cross residents.

5.6 Other Representations:

5.7 Colne Valley Regional Park– Comments Received

*This site is within the Colne Valley Regional Park(CVRP). No mention of the harm to the CVRP is made or mitigation suggested. Substantial harm is caused by the impact to landscape character on the Colne valley slopes and visual impact, loss of Best and Most Versatile agricultural land, and urbanising of Public Rights of Way. The site is located within a groundwater protection zone. This should be avoided.*

*The application will develop 3.8 hectares of Green Belt. By definition, the development is inappropriate in the Green Belt. It is contrary to national planning policy.*

*It is recognised that the Council does not have a 5year housing supply and therefore there is argument that the tilted balance equation is relevant. However, a development of this size should be delivered through a Local Plan process to deliver the necessary infrastructure, together with necessary mitigation. The application if allowed should be delivered in accordance with the NPPF and after a comprehensive Green Belt Assessment. The application does not meet the definition of Grey Belt in terms of its location within the CVRP; and its unsustainable location. Most importantly, if the application is to be approved para c of the Golden rules should be applied "provision of new, or improvements to existing, green spaces". In the CVRP para. c should be adhered to and mitigation for the CVRP delivered. We are ready to enter into a S106 to deliver improved paths and biodiversity & landscape enhancement.*

*The site has poor public transport, schools are over 1km away. Hence, potential for increased traffic particularly on, unsuitable for heavy traffic, Chalfont Road. There would be inadequate capacity for sewage treatment at the nearby STW.*

*The application conflicts with Green Belt Policy, is inconsistent with the aims of the CVRP, and may cause harm.*

*Council should support the CVRP by refusing this application or promoting substantial mitigation in line with the Colne GI strategy.*

5.8 Campaign to Protect Rural England Hertfordshire – OBJECTION

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

1. *The land identified for this proposed development is designated as London Metropolitan Green Belt in the adopted Three Rivers Core Strategy where development is inappropriate unless very special circumstances are identified which clearly outweigh the harms caused, according to criteria in the National Planning Policy Framework (NPPF).*

2. *The Applicant's Consultant's Design and Access Statement (DAS) seeks to justify the proposed development both on the basis of very special circumstances relating to the lack of housing land supply in the Core Strategy and the introduction of the concept of grey belt.*

*The lack of housing land supply is now said to be exacerbated by the requirements of the revised NPPF.*

*3. We note that the site is not included in the Regulation 18 Draft Local Plan and we object on the basis of the protection offered by Footnote 7 and Paragraph 11 of the NPPF and the significance of the Green Belt in this location, notwithstanding the need for housing land supply. In our view, the proposed development clearly constitutes a breach of the first and third purposes of the Green Belt as identified in the NPPF (paragraph 143) to prevent urban sprawl and encroachment on open countryside as it is a clear and substantial extension of the built-up area of Maple Cross.*

*4. Further, the DAS introduces the concept of grey belt to add to the demonstration of very special circumstances and proceeds to assert that none of the three purposes of the Green Belt which may be identified (see NPPF Glossary definition of grey belt) where development would not be inappropriate apply in this case. We do not accept that the concept of grey belt applies in this case*

*5. The first purpose of the Green Belt refers to the effect of the urban sprawl emanating from the growth of London as the major development generator in this and the surrounding areas. The proposed development is clearly urban sprawl beyond the built-up area of the adjoining settlement which the Green Belt legislation was designed to prevent and, as such, the designation of Green Belt provides the "strong reason" required in this case to refuse development as noted in the NPPF footnote 7.*

*6. The Green Belt in south-west Hertfordshire is under continuous and unrelenting pressure for development which is jeopardising the highly valued benefits which protection brings. It is not appropriate in our view for such a significant allocation in the Green Belt to be determined outside the Local Plan process and its continual reduction through consents for speculative development is in danger of bringing the planning system into disrepute. We urge the Council to refuse permission for this inappropriate development.*

#### **5.9 Maple Cross Residents Association – OBJECTION**

*We demand that this proposal be rejected by the Planning Committee for the benefit of Maple Cross residents and the area as a whole for reasons detailed beneath.*

##### ***Woodoaks Parcel of Land at North of Chalfont Road:***

*Woodoaks Farm is one of the few Green Belt areas in Maple Cross that were safeguarded within the most recent Local Plan, as this parcel of land was rejected for a similar proposal due to the harm to Green Belt.*

*Climate change will result in wetter winters, drier summers and more extreme weather events so this natural flood plain will become more important in time. Local residents have already been flooded should this development be sanctioned they will be at even greater risk.*

*This area of land is not only used by migrating birds but houses badger setts etc. We value the preservation of this land and the tree lined roadway which must not be destroyed.*

*A developer purchasing this parcel of land is likely to seek to increase profitability by building at a greater density, thereby increasing the burden on the local area.*

*The residents of these proposed dwellings will put a further strain on our creaking infrastructure, not to mention overburdening services provided outside of our area eg doctors and dentists. Nearly all the day to day needs of residents are met from other areas since Maple Cross only has a fish and chip shop, a convenience store and a café, severely limiting a local economy.*

*The developments consultants were tasked with proving in all cases that the development will cause no adverse effects, strangely they found no adverse effects!*

**Chalfont Road:**

*This narrow road on which the proposed dwellings would depend upon is always jammed in peak times not only caused by local residents but those travelling from the Chalfonts and further afield. When problems arise on the M25 J16/J17 traffic builds up quickly and creates gridlock in our area. This is prior to all warehousing vehicles entering our road network.*

*Since the traffic lights were installed Chalfont Road users have suffered from an increase in wait times, either due to traffic build up on the Denham Way resulting in no or very few cars leaving Chalfont Road or, motorists no longer using the left turn preceding the lights. An additional burden on this road is not acceptable UNLESS the development increases its width.*

*All this braking and idling of vehicles is highly detrimental to health.*

**Pollution/Health:**

*Microscopic particles emitted from brake pads can be more toxic than those emitted in diesel vehicle exhausts. The build up of these particles are visible in Maple Cross particularly on the Denham Way. This fine powdery residue can cause permanent lung and heart disease. School Governors quite rightly request that all children walk to school many using the Denham Way so sadly they could inadvertently be responsible for harming the health of children whose organs are still developing. Research of medical records will be too late for children currently attending the Reach Free School or the JMI causing parents justifiable concern. Parents and residents alike feel that unless steps are taken to improve the infrastructure no further development should be sanctioned.*

**Infrastructure:**

*Public transport in Maple Cross is limited to a few unreliable bus services therefore most residents use private vehicles, the same will apply to this development's residents placing an additional 100+ cars on our congested roads.*

*Thames Water is struggling to manage its aging infrastructure and frequent leaks and sewage spills arise from the outdated treatment facility at Maple Cross. They are unable to cope with the demands of the area they serve due to their neglect of its infrastructure which causes frequent overflows of untreated sewage to enter the River Colne and plans to expand the treatment works are not guaranteed due to the company's financial difficulties.*

*The overall safety, health and well-being of the community is dependent upon the infrastructure and therefore this should be examined in depth before simply adding more dwellings simply due to Three Rivers District Council's perceived housing need and ignoring the effects on Maple Cross and its residents.*

**Employment:**

*Two enormous 24/7 warehouses have been built in Maple Cross, whilst unfinished, the owners have so far failed to find a purchaser/renter for them despite ongoing advertising for several years. These premises are highly unlikely to employ many local people, so residents of the proposed dwellings will also have to seek work from other areas or further afield.*

*Unfortunately, TRDC's Planners are intent on welcoming warehousing to Maple Cross and encourage landowners to provide it, despite the lower number of projected jobs compared to office space. Maple Cross is receiving more than 50% of the projected warehousing floor space needs for the entire district – a plan that was devised to cope with the warehousing requirements for the next decade.*

*We now have a further 6 24/7 warehouses sanctioned in Hertford Place and Keir who also purchased Maple Cross House are currently demolishing it, together with their own buildings and plan to replace them with their proposal to build 6 very large warehouses. Previously TRDC had initially sanctioned Keir's proposal to replace their buildings with housing but unfortunately this was withdrawn by Keir (17/1208/PDR).*

*These warehouses will all use large HGV's, vans, cars, etc. all increasing traffic in our area, we are yet to ascertain the impact on Health/Infrastructure/etc.*

***Additional Information:***

*Maple Cross deserves some joined up thinking and planning for the area rather than the current piecemeal approach of sanctioning development simply because the district has shortfalls. Other parcels of land were put forward for housing eg land in Kings Langley which has a vastly superior level of infrastructure including a train station but was subsequently withdrawn from the Plan without sound reason they along with others should be the providers of further speculative housing development.*

*Woodoaks is an area of Green Belt and cannot be developed without causing harm to the Green Belt, 75 houses cannot be used to justify this harm as we are already destined to lose so much in accordance with the Local Plan. Other areas in the district are able to thwart this type of development, Maple Cross should not be treated as second class to others and have housing thrust upon it.*

*Accordingly for all the aforementioned reasons and for the sake of the Maple Cross residents these dwellings should not be sanctioned as the harm outweighs the sole benefit of 75 dwellings.*

**6 Reason for Delay**

- 6.1 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.

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

7.1 Legislation

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

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

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

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

The Environment Act (2021)

7.2 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).

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

### 7.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP6, 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, DM8, DM9, DM11 and DM13 and Appendices 2 and 5.

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

### 7.4 Other

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

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

South-West Hertfordshire Local Housing Need Assessment (September 2020)

Housing Delivery Test Action Plan (June2024)

Housing Land Supply Update (December 2023)

Stage 1 Green Belt Review – Strategic Analysis (2017)

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

Stage 4 Green Belt Review (draft form).

## **8 Planning Analysis**

### **8.1 Principle of Development – Impact on the Green Belt**

8.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

8.1.2 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

8.1.3 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.

8.1.4 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;
- 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

8.1.5 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. 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.

8.1.6 The proposed development for the erection of up to 75 residential dwellings and associated access and infrastructure would be located on existing agricultural land. As such, the proposed development would not meet any of the exceptions to inappropriate development as set out at 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. 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.*

8.1.7 In considering whether the site would constitute Grey Belt land, reference must be had to Annexe 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’.*

8.1.8 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 to not strongly 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.*

- 8.1.9 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: 64-0052025022 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.*

*a) To check the unrestricted sprawl of large built-up areas:*

- 8.1.10 The application site lies immediately west of the settlement edge of Maple Cross, therefore would be regarded as edge of settlement development. At present, the site itself consists of an open field, and is free of built form.
- 8.1.11 Maple Cross is identified as a Secondary Centre in the Core Strategy. The Core Strategy states that Secondary Centres include a range of smaller sized settlements distributed throughout the District. They provide a more limited range of services and facilities than the Key Centres but are still important in meeting local needs. In this instance, Officers consider that Maple Cross is not a large built-up area and is more akin to a village and consequently purpose a) does not apply in this instance. Maple Cross is not visually contiguous with Rickmansworth – there is a notable gap with the Reach Free School and the M25 Junction 17 slip road present and officers therefore consider Maple Cross to be visually distinct from the main built-up area of Rickmansworth.
- 8.1.12 Should Members take an alternative view that Maple Cross should not be regarded as a village and instead be regarded as a “large built-up area”, officers highlight that the PPG sets out that sites which make a strong contribution to purpose a) are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict or contain development. In addition, they are likely to result in an incongruous pattern of development such as ‘an extended finger’ of development into the Green Belt.
- 8.1.13 In this case, currently the application site is open, lacks built form and is adjacent to the settlement which makes up Maple Cross, However, there are physical features such as existing tree line belts and Chalfont Road which forms a strong boundary to the south and west which would contain further development. Additionally, there is a residential development to the east (Oakhill Road). The northern edge of the site is broadly in line with the existing built development of Oakhill Road which would partially enclose the land. As such, officers consider the site’s contribution is weakened and therefore officers suggest that the site makes a moderate contribution to purpose (a).

*b) To prevent neighbouring towns merging into one*

- 8.1.14 The PPG states that this specifically relates to the merging of towns, rather than villages. As set out above, officers consider Maple Cross is akin to a village rather than a “large built-up area” or town and therefore b) does not apply in this instance.
- 8.1.15 Should Members take an alternative view, purpose b) is concerned with the relationship between the two nearest towns of Rickmansworth and Chalfont St Peter / Gerrards Cross. Officers highlight that the site is of limited scale, and is considered to play a very limited role in preventing the merging of these two towns. The PPG sets out that the development of a site having a strong contribution to this purpose would be likely to result in the loss of visual separation between the towns. In this case, there would be no loss of visual separation. The

PPG sets out that sites which make a weak contribution are those which form only a very small part of the gap without making a contribution to visual separation. This is supported by the TRDC Stage 2 Green Belt Assessment (as noted the site forms part of the parcel MC10), which concludes that the parcel makes a relatively limited contribution in relation to the merging of towns:

*'Although Maple Cross is not considered to be a town the open space around it contributes to the overall gap between the towns of Rickmansworth and Chalfont St Peter / Gerrards Cross. However, the motorway to the west of the parcel provides a strong separating feature which means that release would have only a limited impact on narrowing the gap between Rickmansworth and Chalfont St Peter / Gerrards Cross.'*

8.1.16 Officers therefore suggest that the site makes a weak contribution in relation to purpose (b).

*d) To preserve the setting and special character of historic towns*

8.1.17 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'*. In this case, officers consider that that the application site would make a weak contribution to this purpose on the basis that Maple Cross has no areas of historical significance.

8.1.18 Officers consider that Maple Cross is akin to a village rather than a "large built-up area" meaning neither a) or b) apply in this instance. Notwithstanding this, should Members take an alternative view, officers consider that the application site makes a weak contribution to any of the above purposes and therefore suggest that the site should be regarded as Grey Belt. It is noted that the Stage 4 Green Belt Review has recently been published, this document is in draft form and as such is of limited weight. This document, however, does identify that a significantly larger parcel, referred to as 'MC10' which includes the application site, as being located within the Green Belt.

8.1.19 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, whilst it is recognised that there is some impact on encroachment into the countryside, it is not considered that the application site if developed would undermine the purposes of the remaining Green Belt across the plan area, given its limited scale when viewed against the totality of Green Belt land within the district.

8.1.20 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 up to 75 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.'*

8.1.21 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 75 residential dwellings of a range of unit sizes (albeit the mix has not been confirmed), 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 75 residential units would be for

affordable housing. 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.

- 8.1.22 Criteria (c) of Paragraph 155 sets out that development should be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF. In response, officers consider the location of the site is considered to be sustainable given its edge of settlement location at the edge of Maple Cross, adjacent to other existing residential properties and within walking and cycling distance to local amenities and schools. The site is approximately 400m west of Maple Cross centre which contains a Morrisons daily supermarket, post office, café and takeaway. Maple Cross JMI & Nursery School is located approximately 1km to the south of the site, while The Reach Free School (a secondary school) is situated approximately 1.6km to the north-east – equivalent to a 22-minute walk. The supporting Transport Statement illustrates that the range of local amenities and facilities accessible are within a 5 – 25 minutes walking distance. Additionally, the Transport Statement identifies shared foot/cycleways on the eastern side of Denham Way, providing a direct route towards Rickmansworth. National Cycle Network Route 6 is located approximately 2.8km east of the site and provides connections north to Rickmansworth and south to Uxbridge. Also, the Milton Route Cycle Trail lies to the west of the site, offering a circular cycling route between Chalfont St Peter and Amersham. Pedestrian linkages would also be provided to the existing PRoWs including Footpath 008 and Footpath 009 located on the south-west of the proposed site. Pedestrian access would also be provided throughout the site in the form of 2m footways or shared surfaces depending on the location.
- 8.1.23 Furthermore, the application site is reasonably well connected to local bus routes (300-350m walk) to Hornhill Road (Long Croft Road and Ladywalk) and Long Croft Road (Pinchfield) bus stops and 500m to Chalfont Road bus stop. These provide regular services into the Principal Town Rickmansworth and other nearby settlements. Services provided include the 725 bus (Stevenage to Heathrow Airport); 724 bus (Harlow to Heathrow Airport); R1 and R2 buses (Maple Cross to Northwood Mount Vernon) and 320 bus (Maple Cross to Hemel Hempstead) which all run 30min or hourly service. The Highway Authority commented that the Hornhill Road (Long Croft Road and Ladywalk) and Long Croft Road (Pinchfield) bus stops have only flag and pole arrangements and lack Kassel kerbing, shelter and seating and the application presents an opportunity to improve bus stop infrastructure through planning obligations. Under Strand 1 of the HCC Transport Contributions toolkit, £45k is required to deliver bus stop improvements including, but not limited to real time info boards, Kassel kerbs, build-outs for the bus stops on Hornhill Road and Chalfont Road. These contributions would ensure future residents and use of all ages and abilities feel safe and confident to wait for a bus and to reduce the car reliance.
- 8.1.24 As such, officers are of the view that the proposed development would be in a sustainable location and this would be in accordance with Criteria (c) of Paragraph 155 of the NPPF.
- 8.1.25 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.’*

- 8.1.26 With regard to Criteria (a) of paragraph 156, the application proposed the provision of 50% affordable housing with a total of 38 units. As such, the proposed development would meet Criteria (a).
- 8.1.27 With regards to Criteria (b), as indicated at paragraph 8.1.23 above, the proposed development would include improvements to local infrastructure. This would include improvements to nearby bus stops and pedestrian footways on Chalfont Road, provision of new crossovers across Oakhill Road. The proposal would therefore meet the requirements of part (b).
- 8.1.28 With regard to Criteria (c), the proposed development would provide a new public open space within site totalling 1.79ha (against a requirement of 0.39ha) with new surfaced recreation routes within the western open space, and the southern boundary would provide a walking routes around the site for existing and future residents. The proposal would also provide a safe link to the existing public rights of way, to the south-west (009) and to the east (towards Hornhill Play Area), promoting the use of the existing network. A series of play on the way features would also be provided, culminating in a new play area (in the form of a LAP), to the west of the built form. The proposal would therefore meet the requirements of part (c).

### Summary

- 8.1.29 In summary, officers are of the view that the site is Grey Belt as it does not strongly contribute to purposes (a), (b) or (d). In addition to this, as outlined above, there is a clear demonstrable unmet need for residential development in view of the fact that TRDC is unable to demonstrate a five-year housing supply and that the site is located in a sustainable edge of settlement location in accordance with paragraph 155 of the NPPF. Furthermore, the site meets the 'Golden Rules' set out in paragraphs 156 and 157 of the NPPF. Great emphasis should also be given to paragraph 158 of the NPPF, which states that '*a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission*'. As such, it is considered that the development represents an appropriate form of development within the Green Belt and consequently is acceptable in accordance with the provisions of the NPPF, Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Existing Use

- 8.2.1 The application site is currently in agricultural use and forms part of a much larger arable field extended to the north. The Government's 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently and includes plans to protect the 'best' agricultural land. It was observed on site that the land was used for grazing.
- 8.2.2 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 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. 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.
- 8.2.3 The application is supported by an Agricultural Land Classification Report which identifies the land on the site to be classified as Grade 2. Grade 2 falls in the best and most versatile category. The loss of part of the arable field to development would weight against the proposal; however, it is recognised that the proposal would result in the loss of only a small part of a wider agricultural unit and it is of the view of officers that the proposal is not

considered to significantly impact on the Government's aim to protect the 'best' agricultural land as neither the site nor the wider field are identified as Grade 1 land.

### 8.3 Housing Mix

8.3.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

8.3.2 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%

8.3.3 The housing mix is yet to be finalised as Layout is to be dealt with at reserved matters stage. Nevertheless, the Housing Strategy Officer commented that in the absence of the tenure information, Housing Services would generally support this application in principle, on the basis that 70% of the affordable housing to be provided is at social rent and the size of dwellings provided fulfils our current requirements.

### 8.4 Affordable Housing

8.4.1 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.

8.4.2 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.

8.4.3 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.

8.4.4 The development proposes the provision of up to 75 dwellings. The submitted Planning Statement details that 50% (38 units) of the housing provided would be affordable units. The supported Planning and Affordable Housing Statement sets out that the affordable units

would be pepper potted throughout the site which would ensure that there is no distinction between affordable and market housing on site. This provision would exceed the 45% affordable housing requirement as set out within Policy CP4 of the Core Strategy. The development would also provide the tenure split for rented and ownership products as set out within Policy CP4 of the Core Strategy.

- 8.4.5 Whilst the details submitted are indicative due to Layout being a reserved matter, there is a firm commitment from the applicant that the tenure mix of 70% social rent and 30% intermediate/affordable ownership, and this would be secured via the completion of a S.106 Agreement. The S.106 Agreement would be worded such to refer to the provision of affordable housing dwellings as 50% of the total number of dwellings. This would ensure that if the total number of units proposed at reserved matters stage is less than 75 there would still be a requirement for 50% of the revised total to be affordable.
- 8.4.6 In summary, the proposed development would exceed the requirements of Policy CP4 of the Core Strategy (adopted October 2011) by providing 50% affordable housing on site. Whilst the housing mix in terms of unit sizes is to be confirmed at reserved matters stage the Housing Officer has raised no objection to the proposal in this regard.
- 8.5 Impact on the character and appearance of the locality/landscape
- 8.5.1 The National Planning Policy Framework encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.
- 8.5.2 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'.
- 8.5.3 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the district and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.'
- 8.5.4 A Landscape and Visual Impact Assessment supports the application and details that due to the combination of topography, built form and vegetation, the contextual landscape / site setting is limited to the immediate local landscape. Furthermore, there are no views of local or strategic importance identified in the local area that are protected in policy terms. There is no intervisibility between the application site and any designated landscape. Additionally, there is no visual connectivity between the site and any nearby settlement beyond Maple Cross as the site is set down below the horizon and beyond the M25 road corridor, which is set an elevated position to the west. The assessment concludes that with the sensitive and high-quality approach, which is responsive to its settlement edge position, and which carefully balances the landscape and visual constraints and opportunities, development of the site as proposed would maintain the character of Maple Cross and minimises landscape and visual harm on wider receptors. In addition, the indicative masterplan shows a soft edge which would assist with the rural urban integration of the proposal.

8.5.5 As previously noted, this application has been submitted in outline with only the matter of access to be considered. Matters of appearance, layout, landscaping and scale are reserved for consideration as part of a future formal reserved matters application. Therefore, there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the rural character would be impacted were the site to be developed which would weigh against the proposal. It is noted from the submitted indicative masterplan suggests that the proposed dwellings would be street fronting with the majority benefitting from private amenity spaces to the rear and off-street parking. Nevertheless, the proposed development would be viewed as an extension to an existing pattern of residential development (Oakhill Road) with groups of houses fronting the roads and parking to the front. Whilst officers recognise that the development would be urbanising relative to the existing situation, given its edge of settlement location, it is not considered that the proposed development would result in harm to the character of the area or wider landscape.

## 8.6 Highways and Access

8.6.1 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.

8.6.2 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”.

8.6.3 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.

8.6.4 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

8.6.5 Access to the site is proposed via a new priority junction onto Chalfont Road at the south-eastern corner of the site. Chalfont Road provides connection between the proposed development site and Denham Way (an arterial route) to the east. The carriageway measures approximately 9 metres in width to the east of the site. However, from the site boundary extending westwards, the carriageway narrows significantly to approximately 3 metres in width. Submitted plan 2209054-01 REV-C shows it is proposed to widen Chalfont



Road by increasing the width of the carriageway to 5.5m and includes widening the existing footway along Chalfont Road, between the access and the Oakhill Road/Chalfont Road junction, to 2 metres to enhance pedestrian connectivity to the local area. This would result in the loss of some trees along the highway. An informal crossing point, featuring dropped kerbs and tactile paving, will be provided across Oakhill Road to the east of the site access. The proposed internal road network would be formed of low speed and lightly trafficked residential streets with carriageway widths which render them suitable for on-carriageway cycling.

- 8.6.6 A number of comments were provided by the Highway Authority on this application. They initially included a recommendation for refusal due to several concerns raised by the Road Safety Audit team. These related to the proposed site access and footway as well as a request to provide queue length survey data to ensure that junction modelling of the nearby Chalfont Road/MapleLodge Close/Denham Way signalised junction is reflective of how the junction operates. These comments are set out at 1.1.11 to 1.1.13 of **Appendix A**.
- 8.6.7 In its initial response, the Highway Authority recommended the site access junction to be upgraded to a 'Copenhagen Style' arrangement prioritising pedestrian safety and convenience. A Technical Note was supplied by the applicant which highlighted that as there is no footway on the western side of Chalfont Road. Instead, pedestrians will use the eastern footway and internal routes within the development, linking to Footpath 009. On this basis, the Highway Authority recognised that a Copenhagen crossing at the site access was not necessary, with internal pedestrian crossings to be designed at the reserved matters stage in accordance with Hertfordshire County Council's Place and Movement Guidance.
- 8.6.8 With regards to the queue length survey data, the applicant provided survey which was undertaken on Tuesday 16<sup>th</sup> September 2025 between 07:00-10:00 and 16:00-19:00. To clarify this date was not during school holidays and was compared with 2030 future year scenarios ('with' and 'without' development). The modelling results show limited variation between the 'with development' and 'without development' scenarios, indicating that the proposed development is unlikely to cause a severe impact to the operation of the local highway network. The Highway Authority noted that the junction Chalfont Road/MapleLodge Close/Denham Way currently operates under MOVA (Microprocessor Optimised Vehicle Actuation) system, which dynamically adjusts the signal timings based on real-time traffic conditions. The Highway Authority expect to further adjust and improve the junction performance by optimising signal timings under future traffic scenarios. Consequently, the Highway Authority are content with the suitability of the base model developed.
- 8.6.9 The Illustrative Landscape Master Plan (DWG. D3332-FAB-00-XX-DR-L-5000 Rev. P01) demonstrate the road network layout within the proposed development site. The submitted Transport Assessment highlights that the proposed internal road network will be formed of low speed and lightly trafficked residential streets with carriageway widths of 5.5 metres or 4.8 metres which render them suitable for on-carriageway cycling in accordance with LTN 1/20. The Highway Authority recommended that, at the detailed design stage, the internal road network should be designed in accordance with Hertfordshire County Council's Place and Movement Guidance to ensure safe and accessible movement for all users.
- 8.6.10 As set out at paragraph 8.1.23 above, under Strand 1 of the HCC Transport Contributions toolkit, £45k (plus SPONS indexation) is required to deliver bus stop improvements including, but not limited to real time info boards, Kassel kerbs, build-outs for the bus stops on Hornhill Road and Chalfont Road. These contributions would ensure future residents and use of all ages and abilities feel safe and confident to wait for a bus and to reduce the car reliance. This would be secured by way of Section 106 agreement.
- 8.6.11 In summary, the Highway Authority have withdrawn their objection and have concluded that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with

HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of conditions and a legal agreement. The conditions would relate to the submissions of a Travel Plan Statement and Construction Management Plan, offsite highway improvements and implementation of access roads, parking and service areas. Informatives for the applicant have also been suggested. The proposed development is therefore considered acceptable and in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and the NPPF (2024).

## 8.7 Drainage

- 8.7.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design.
- 8.7.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs).
- 8.7.3 The application site is located in Flood Zone 1 and therefore has a low probability of flooding from rivers. There is a minor area of the site with a risk of surface water flood risk, although it is only affecting the access road. The LLFA were consulted on the application and initially raised several points of objection which are set out at 1.1.9 – 1.1.10 of **Appendix A**. Post this, the LLFA met with the applicant and outlined an agreed approach. The applicant subsequently provided a Flood Risk Assessment (FRA) and a Drainage Strategy and a Flood Warning Evacuation Plan. These are to account for the local flood risk issues and surface water drainage at this location.
- 8.7.4 The LLFA remains concerned with safe access and egress from the site during a surface water flood event; however, they note that this is outside of the red line boundary of the site. The LLFA requested that the LPA consider the Sequential Test on this basis. Sequential Testing is generally not required for Flood Zone 1 developments. The PPG sets out that Development is also exempt from the Sequential Test if it is solely at risk from surface water flooding and a site-specific FRA demonstrates it will be safe throughout its lifetime, without increasing flood risk elsewhere – this exemption does not apply to sources of flooding other than surface water. As the application site is located within Flood Zone 1 (low probability of flooding) and only a small proportion of the site is at risk of surface water flood risk – although recognising that the area contains the access point into the site – the LPA are satisfied that the submitted Flood Warning Evacuation Plan which has been deemed acceptable by the LLFA would provide appropriate mitigation in the event of surface water flooding. Paragraph: 079 (Reference ID: 7-079-20220825) of the NPPG advises that Sequential Tests do not need to be applied to those developments set out in National Planning Policy Framework footnote 56. Consequently, the LPA do not consider that a Sequential Test is required on this occasion.
- 8.7.5 Thames Water (TW) have advised that they have identified an inability of the existing Sewerage Treatment Works Infrastructure to accommodate the needs for the development proposal. As such, TW require a condition be attached to any planning permission that does not allow the occupation of the development until all sewerage works required to accommodate the additional flows from the development has been completed or a phasing plan agreed.

8.7.6 In summary, subject to the conditions suggested by both the LLFA and Thames Water, the development is considered to be acceptable and in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

## 8.8 Contamination – Land, Water and Air

8.8.1 Policy DM9 of the Development Management Policies LDD 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 groundwater or surface water quality.

8.8.2 The site does not appear to have had a previous potentially contaminative use (with the exception of the agricultural use). However, the site will have a sensitive end use as it will consist of residential dwellings. In addition, the application site is located within Source Protection Zones 1, 2 and 3 (SPZ1, SPZ2, and SPZ3). Affinity Water were consulted on the application and raised no objections to the application subject to suggested conditions relating to Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth, unexpected contamination and surface water drainage scheme.

8.8.3 The proposed development meets the stage 1 criteria 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 application is supported by an Air Quality Assessment ("AQA") with the conclusions of the report, the Environmental Health Officer was verbally consulted and considered that the development is unlikely to lead to an exceedance of the Air Quality Objectives. The AQA suggests several recommendations for dust management during construction. Following the implementation of the mitigation measures, the impact of the construction phase is not considered to be significant.

8.8.4 In summary, subject to the suggested conditions the proposed development is considered to be acceptable and in accordance with Policy DM9 of the Development Management Policies LDD (2013).

## 8.9 Parking

8.9.1 Three Rivers District Council are the Parking Authority. Appendix 5 of the Development Management Policies LDD sets out the requirements for off-street car parking provision as follows:

1 bedroom - 1.75 spaces (1 assigned space)

2 bedroom - 2 spaces (1 assigned space)

3 bedroom - 2.25 spaces (1 assigned space)

4 or more bedrooms- 3 spaces (3 assigned spaces)

8.9.2 The plans submitted are indicative only and thus the provision of vehicular and cycle parking spaces have not yet been determined. Due to the scale of the site, it is reasonable to assume that sufficient parking could be provided to serve the development. The Transport Statement states that all dwellings would have secure cycling parking through either a shed or garage space for the houses or secure cycle storage for the apartments. The Highway Authority commented that EV charging must be demonstrated as part of reserved matters stages and shown to be in line with Building Regulations.

## 8.10 Refuse and Recycling

- 8.10.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- a) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - b) ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
  - c) iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 8.10.2 The submitted information highlights that the refuse collection will occur from the internal access road within the site. Residents occupying the houses will be required to wheel their bins to the carriageway or designated bin stores on the appropriate bin collect days. In order to ensure the proposed access can facilitate the refuse vehicle manoeuvres without interfering with the free flow of traffic or leading to an adverse effect upon the safety levels of the adjoining highway network, swept path analysis of the indicative site layout has been undertaken. The Three Rivers District Council's 'Solid Waste Storage/Collection Guidance' (January 2024) states that a 12 metre long by 3 metre wide refuse vehicle should be used to design internal layouts. Swept path analysis provided, demonstrates the refuse vehicle entering, navigating and exiting the site. In respect of domestic and commercial waste, no comments from Environmental Protection have been received at the time of writing.
- 8.10.3 The layout of the internal road would form part of the consideration of any subsequent Reserved Matters application, and this would set out the accessibility and turning space for refuse collection vehicles, as well as full details of waste collection and for the provision of the storage and recycling of waste.
- 8.11 Impact on nearby Heritage Assets
- 8.11.1 There is a Grade II Listed Building known as Barn at Woodoaks Farm and Former Farmhouse at Woodoaks Farm, both are situated north of the application site.
- 8.11.2 Policy DM3 of the Development Management Policies LDD sets out that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. 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.
- 8.11.3 In this case, the development site is located approximately 650m (Listed Barn), 600m (Listed Former Farmhouse). The application is supported by a Heritage Impact Assessment which concludes that the development would have no material effect on the heritage values of either listed building. There may some low-level impact on the setting of the nearby heritage assets; however, comments from the Conservation Officer have been sought and Members will be updated verbally.
- 8.11.4 Herts Archaeology were consulted on the application and commented that that the position and size of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and thus if so, it would be of local significance and recording. A condition regarding archaeology is therefore suggested to ensure that the development was not harmful for the purposes of the NPPF.
- 8.12 Impact on Neighbours
- 8.12.1 Paragraph 135 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and

future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.12.2 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 residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 8.12.3 No in principle objections are raised to the use of the site for residential purposes in terms of impact on the residential amenities neighbouring properties. Loss of light, impact on visual amenities and overlooking is not a consideration under this application as the layout is indicative only and as such any harm cannot be identified as part of the outline application. A full assessment of the impact of appearance, landscaping, layout and scale to be made as part of any subsequent Reserved Matters application.
- 8.12.4 The siting of the access would be close to the eastern boundary with those properties on Oakhill Road; however, it is not considered that the proposed access and the subsequent trip generations by those accessing the development would result in substantial harm to the residential amenities of these closest neighbouring properties or others in the vicinity.

### 8.13 Open Space

- 8.13.1 Policy DM11 of the Development Management Policies LDD states that developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on site for open space and play space. 10% of the site area should be set aside as open space, and where the development is likely to be occupied by families with children 2% of the site area should provide formal equipped play facilities. Where open space is provided on site, the Council will also seek to ensure the proper maintenance of the space and guidance on the provision and maintenance of open space and children’s play space is set out in the Open Space, Amenity and Children’s Play Space Supplementary Planning Document.
- 8.13.2 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, it is considered that given the nature of the site sufficient space would be available to provide acceptable levels of amenity space provision to serve new residential development.
- 8.13.3 The proposed development would provide a new public open space within the site totalling 1.79ha (against a requirement of 0.39ha) with new surfaced recreation routes within the western open space, and the southern boundary would provide a walking routes around the site for existing and future residents. This would be fully considered as part of any subsequent Reserved Matters application.

### 8.14 Energy Efficiency

- 8.14.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 8.14.2 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.
- 8.14.3 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.

8.14.4 The application has been accompanied by an Energy and Sustainability Statement which details that the proposed development would provide a 59.5% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. The Statement sets out that the early stage proposed energy strategy for low-carbon homes is to use a highly efficient Air Source Heat Pumps as the main heating and direct hot water system, alongside advanced energy efficiency fabric measures and natural ventilation. Full details would be provided at reserved matters stage; however, the development is considered acceptable in respect of Policy DM4 of the Development Management Policies LDD.

#### 8.15 Wildlife & Biodiversity

8.15.1 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.

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

8.15.3 The site mostly comprises arable land, which is of little ecological value, some scrub, grassland, trees, and hedgerows. The boundary features are of most value for wildlife, and an area of deciduous woodland is adjacent to the southern boundary. Herts Ecology have no existing species or habitat data for the application site.

8.15.4 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. Herts Ecology held no fundamental objections to the development; however, advised that there was insufficient information on Great Crested Newts ("GCN") and reptiles to advise determination of the application. Further surveys were undertaken and returned negative results for GCN or reptiles. No further surveys are required, however, to ensure an offence is not committed, appropriate informatives are suggested to be added to any permission granted.

8.15.5 With regards to bats, most of the trees onsite were deemed to be in good condition, and did not possess any visible roosting features appropriate for roosting bats to warrant further surveys. No trees with roosting features should be removed without further assessment for bats and therefore an appropriate informative is suggested to be added to any permission granted.

8.15.6 The PEA did not find evidence of badgers; however, habitats appropriate for sett building were present. Herts Ecology therefore recommend a pre-commencement badger survey should be undertaken.

- 8.15.7 The PEA does recommend surveys for the hazel dormouse; however, Herts Ecology note that given the lack of records in recent years in Hertfordshire, hazel dormice surveys are not expected to form part of this application. Therefore, further surveys are not recommended by Herts Ecology.
- 8.15.8 In addition, the Ecological Report includes recommendations for species enhancements and that these are considered necessary to be compliant with the provisions of the NPPF. In the event of an approval, the Ecology Officer has suggested a condition to secure these enhancements as well as submission of a Construction Environmental Management Plan, pre-commencement badger survey, and Habitat Enhancement Plan.
- 8.15.9 In summary, Herts Ecology recommend 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).
- 8.16 Mandatory Biodiversity Net Gain
- 8.16.1 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.
- 8.16.2 This application is subject to mandatory biodiversity net gain. A biodiversity metric and biodiversity net gain assessment have been submitted.
- 8.16.3 The baseline habitat units stand at 8.02BU, with the onsite net change being 1.08 which equates to a net gain of 13.47%. Baseline habitats comprise cropland, scrub, trees, and modified grassland. The net gain is owed to the creation of other neutral grassland, mixed scrub, SuDS, broadleaved woodland, modified grassland, ponds, and urban trees. The habitat creation corresponds to the landscape masterplan.
- 8.16.4 The hedgerow baseline units stand at 7.63BU, with the onsite net change being 0.95BU, equating to a net gain of 12.49%. Part of a hedgerow (H2) will be retained; however the rest of the hedgerows onsite will be lost. The loss of these hedgerows will be compensated by the planting of 0.5km of native hedgerow, and 0.37km of species rich hedgerow with trees. Herts Ecology have confirmed all trading rules have been met for habitats and hedgerows and the minimum requirement of a completed baseline has been demonstrated.
- 8.16.5 The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. Herts Ecology 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 gain plan.
- 8.16.6 The BNG for this site would be considered as 'significant' net gain. This is because of the creation of medium and high distinctiveness habitats. Officers consider that the net gain on site can be secured via a condition, and that a S106 Agreement would be required to secure a monitoring fee over the 30 year period.
- 8.16.7 Given that BNG for this site is significant, Herts Ecology have recommended that a Habitat Management and Monitoring Plan (HMMP) is secured by condition. 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. Officers have calculated the monitoring fee to be £5,550.
- 8.16.8 In summary, officers consider that the development would secure a significant biodiversity net gain and would therefore be acceptable and in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 in this regard.

## 8.17 Trees

- 8.17.1 Policy CP12 of the Core Strategy advises that development proposals should ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.
- 8.17.2 Policy DM6 of the Development Management Policies LDD advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 8.17.3 The Landscape Officer was consulted on the application and raised no principle objections on tree grounds, a small number will be removed to create the access, but they noted that there appears to be plenty of scope for new planting. This application has been submitted in outline form, with landscaping to be considered as part of a later reserved matters submission. Any planting would be required to be sited and of a scale and density that would not overshadow the proposed properties and lead to future pressure to fell or lop the trees in the future.
- 8.17.4 The Highway Authority note that the Arboriculture Impact Assessment (TF1267-FAB-00-XX-RP-G-8301) highlights that the proposal will result in the loss of 1 tree and 3 groups (all categorised as C and U category). Additionally, the partial removal of 2 groups (both categorised as C category). The proposed access and associated visibility splays require the removal of T20 and approx.18 trees within G18. Furthermore, The Arboriculture Impact Assessment report states that for the proposed apron area and maintenance access of the SuDS area the further removal of a section of G18 is required. A Capital Asset Value for Amenity Trees figure (“CAVAT”) value based on reduced functional value and life expectancy has been calculated at £27,504
- 8.17.5 The Highway Authority have however noted there is mention of 2 additional groups to be removed but there are no further details including reference numbers. The applicant has been advised to provide these details now otherwise additional legal agreements will be required prior to the commencement of any works on the public highway. The LPA consider these tree works and contributions would be caught by the S.278 agreement with the Highway Authority rather than forming a HoT within the S.106 agreement.

## 8.18 Infrastructure Contributions

- 8.18.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the charge per sqm of residential development in this area is £180 (plus indexation).
- 8.18.2 In order to make the proposal acceptable in planning terms, a number of Heads of Term are required to be secured via a S106 Agreement. These are set out in the relevant sections of the analysis above, however, are summarised in the table below. Additional HoTs may be included once the LPA are in receipt of comments from the NHS and HCC Growth and Infrastructure Unit

<b>Authority</b>	<b>Reason</b>	<b>Amount</b>
HCC Highways	To fund bus stop improvements including, but not limited to real time info boards, Kassel kerbs, buildouts for the bus stops on	£45,000 (plus SPONS indexation)



	Hornhill Road and Chalfont Road.	
HCC Highways	Evaluation and Support Fee for Travel Plan	£1,200 per annum
HCC Growth & Infrastructure Unit	TBC	TBC
National Health Service	TBC	TBC
TRDC	BNG Monitoring fee (30 years)	£7,510
TRDC	Affordable Housing	50% Affordable housing split including 26 social rented dwellings and 12 affordable rented/intermediate dwellings.
TRDC	Affordable Housing Monitoring fee	– £651.67

8.18.3 The applicant is aware of the above contributions and a policy compliant S106 agreement will be progressed.

#### 8.19 Planning Balances: Issues for consideration

##### *Very special circumstances*

8.19.1 As set out in the analysis above, officers considered that the site is Grey Belt in accordance with paragraph 155 of the NPPF. As such, it is considered that the development is an appropriate form of development in the Green Belt. However, if members consider that the site is not Grey Belt and / or does not comply with paragraph 155 and 156 and therefore is inappropriate development, then regard must be had to paragraph 153 of the NPPF which states the following:

*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.*

8.19.2 Members would therefore need to consider whether there are very special circumstances which outweigh the harm to the Green Belt and any other identified harm.

8.19.3 If members agree the site is Grey Belt, but identify that there is other harm as a result of the development, then regard must be had to Paragraph 11, the presumption in favour of sustainable development, otherwise known as the tilted balance. 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:

8.19.4 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.*

8.19.5 The following material planning considerations would need to be considered. Officers have noted the weight they consider should be attached to each consideration, either Significant, Moderate or Limited.

8.19.6 **The need for Housing:**

8.19.7 The Council is unable to demonstrate a five-year land housing supply and is only able to demonstrate a 1.7 year housing land supply. As such, there is a significant need for housing within the district. The scheme would deliver 192 residential dwellings and therefore would contribute to the housing supply. The significant need for housing in the District has been afforded significant weight in recent appeals. For example, in allowing the appeal for the erection of 83 new dwellings and 9 dwellings at Church Lane in Sarratt (22/0601/OUT and 22/0602/OUT), the Inspector made the following comments in respect of the need for housing:

*94. 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 purely met within the 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.*

8.19.8 Furthermore, in determining an appeal for Alpine Press, Station Road, Kings Langley for 36 flats (LPA ref. 22/2025/FUL), the Inspector found that there would be harm to the character of the area but considered that significant weight should be afforded to the need for housing stating:

*18. The proposed development would cause harm to the street scene resulting in conflict with the development plan as a whole. However, I give moderate weight to this conflict as set out above.*

18. The Council is not currently able to demonstrate a five-year supply of deliverable housing sites with its Housing Supply Update (2022) identifying that the Council had a supply of 1.9 years, and a Housing Delivery Test figure (2022) of 46%. The plan-led system is embedded in planning law, with the Framework placing great emphasis on the engagement of communities in shaping development plans. This is intended to provide certainty. However, it also means that to meet community requirements for homes, jobs and other facilities, development plans must be up to date. In situations such as this, where future housing needs are not being met, the Framework sets out that the policies which are most important for determining the application, in this case Policy CP12 of the CS and Policy DM1 and Appendix 2 of the DMP, are out of date. Specifically, this means that the presumption in favour of sustainable development set out in paragraph 11d) of the Framework is engaged.

19. The government places considerable importance on making effective use of land to boost the supply of housing, including specifically on previously developed land and in locations with good access to services and facilities, such as the appeal site, which is immediately adjacent to the railway station.

20. Cumulatively, these benefits would significantly and demonstrably outweigh the modest adverse impacts on the street scene. Therefore, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. There are no other material considerations to override this finding.

- 8.19.9 As such it is considered by officers that the need for housing within Three Rivers should be afforded **significant weight** in the decision-making process.

#### **The need for Affordable Housing:**

- 8.19.10 In addition, the proposed development would also deliver 50% affordable housing. There is a firm commitment from the applicant that the tenure mix of 70% social rent and 30% intermediate/affordable ownership. There is a pressing need for affordable housing within the District. Whilst the housing mix has not yet been confirmed, it is considered that the proposal would still deliver a range of housing types across all tenures, with the Housing Officer being supportive in principle of the proposal.

- 8.19.11 As such it is considered by officers that the need for affordable housing within Three Rivers should be afforded **significant weight** in the decision-making process.

#### **Compliance with the 'Golden Rules'**

- 8.19.12 It is also emphasised that the development would comply with the 'Golden Rules'. Paragraph 158 of the NPPF sets out that 'a development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission'.

#### **New public open space**

- 8.19.13 The applicant has set out that the proposal will provide a significant amount of public open space. The Planning Statement sets out that the proposal will provide new public open space within the site totalling 1.79ha (against a requirement of 0.39ha) with new surfaced recreation routes within the western open space, and the southern boundary would provide a walking routes around the site for existing and future residents. The proposal will also include 'play on the way' features which will be for the benefit of the whole community.

- 8.19.14 Officers consider that these benefits should be afforded **moderate weight** in the decision-making process.

#### **Local Highway Improvements**

- 8.19.15 It is noted that the application includes a number of improvements/enhancement works to local pedestrian routes to provide a pedestrian crossing on Oakhill Road and better linkages to nearby PRoWs and improvements to public transport infrastructure. This includes bus stop improvements including, but not limited to real time info boards, Kassel kerbs, build-outs for the bus stops on Hornhill Road and Chalfont Road.
- 8.19.16 These enhancement works are viewed positively; however, officers consider that they would be afforded **limited weight** in the decision-making process.

### **Economic Benefits**

- 8.19.17 Officers acknowledge that the development would generate economic benefits both short term during the construction phase and during the lifetime of the scheme as it would create investment locally. It is officers view that this should be afforded **moderate weight**.

### **Sustainability**

- 8.19.18 The sustainability gains of the proposed development which is shown to result in a 59.5% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. This would assist in the council's aim to achieving net-zero emissions by 2045 for the District. It is officers view that this should be afforded **moderate weight**.

### **Biodiversity Net Gain**

- 8.19.19 The proposed development would deliver a BNG in excess of 10% (13.47% habitat units and 12.49% hedgerow units) which would exceed the minimum requirement of 10% biodiversity net gain provision within the Environment Act 2021.
- 8.19.20 Officers consider that a BNG figure in excess of 10% should be afforded **moderate weight**.

## **8.20 Site Visit**

- 8.20.1 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, identify adjacent physical features and existing adjacent development and the proximity of the site to services / amenities on offer within Maple Cross.

## **9 Recommendation**

- 9.1 That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- 9.2 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.







**View 1:** Looking east along the site's southern boundary towards the rear of houses on Oakhill Road



**View 2:** Looking east along the site's southern boundary.



**View 3:** Looking south-east towards the site's southern and eastern boundaries



**View 4:** Looking at general location of proposed new access onto Chalfont Road





**View 5:** Looking at footway on Chalfont Road to be widened as part of works



**View 6:** Looking at junction of Oakhill Road





**View 7:** Looking at entrance to PRow 008 on Chalfont Road



**View 8:** Looking at entrance to PRow 009 on Chalfont Road

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## PLANNING COMMITTEE – 11 DECEMBER 2025

**25/1182/RSP – Part Retrospective: Variation of Condition 13 (Surface Water Drainage Scheme to be submitted) and Condition 20 (Compliance with Surface Water Drainage Scheme Mitigation) pursuant to outline planning permission 23/0701/OUT to allow alterations to pond depth at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL**

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 25 December 2025

Case Officer: Adam Ralton

Development Type: Major

Recommendation: That retrospective outline planning permission be granted subject to conditions

Reason for consideration by the Committee: The application site includes land owned by 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=SZ4FJBQFH7100>

### 1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). **Approved** January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). **Approved** May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). **Approved** October 2023.
- 1.4 23/0701/OUT: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), and Condition 7 (Bus stop and Crossing works) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), and to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved. **Approved** October 2023.

- 1.5 25/0986/FUL: Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout. **Approved** August 2025.
- 1.6 25/0987/RSP: Retrospective: Installation of substation. **Approved** August 2025.
- 1.7 A number of applications to discharge conditions attached to outline planning permissions 19/2419/OUT and 23/0701/OUT, and reserved matters permissions 23/0699/AOD and 25/0986/FUL have been submitted and determined. These applications are not listed here but are available on the online planning register.

## **2 Description of Application Site**

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The development subject of previous planning applications appears to be substantially complete – all dwellings are constructed with internal fittings well progressed. At the time of the officer's site visit, the majority of the hard landscaping had been complete and works had commenced on lost landscaping. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.
- 2.2 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.3 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.4 The site is allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

## **3 Description of Proposed Development**

- 3.1 This application seeks retrospective approval for the variation of conditions 13 and 20 attached to outline planning permission 23/0701/OUT to allow alterations to the depth of the drainage pond.
- 3.2 Condition 13 reads as follows:

*No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on the Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394- WOOD-XX-XX-TN-OW-0001\_S0\_P01 dated December 2019, and all supporting information. The surface water drainage scheme should include:*

1. *Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.*
2. *Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change for the entire site and not only considering the impermeable areas.*
3. *Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated in the Outline Drainage Strategy and Flood Risk Assessment Addendum and shown on the Illustrative Masterplan (ref: Lea02 Rev B).*
4. *Updated drainage layout plan showing all proposed SuDS features and pipe networks and detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.*
5. *Updated surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event to include all proposed SuDS features that will provide attenuation for all site area. Calculations should take account of the entire site area not just impermeable areas.*
6. *Provision of half drain down times to ensure that the proposed attenuation features can accommodate as a minimum a 1 in 30 year storm within 24 hours of a 1 in 100 plus 40% climate change event.*
7. *Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.*

*Reason: This pre-commencement condition is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013). It is required to be pre-commencement to ensure that the detailed design of the drainage is approved before any works commence.*

3.3 Details pursuant to this condition were subsequently submitted under application reference 23/1632/DIS, and the details were confirmed acceptable in the LPA's decision letter dated 3 November 2023.

3.4 Condition 20 reads as follows:

*The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001\_S0\_P01 dated December 2019, and the following mitigation measures detailed within the addendum.*

1. *Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.*
2. *Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in an attenuation pond.*
3. *Inclusion of appropriate SuDS management and treatment features which may include permeable paving and filter drains.*
4. *Discharge of surface water from the site into the Thames Water surface water sewer located in Heysham Drive via the proposed attenuation pond.*

*The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.*

*Reason: This is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).*

- 3.5 The proposed variation seeks to change the depth of the attenuation pond, increasing its depth by approximately 1 metre. The gradient of the pond's slopes is also revised from 1 in 4 to 1 in 3. These changes increase the footprint, depth and therefore capacity of the pond.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Watford Rural Parish Council: [No comments received]

No comments received.

4.1.2 Affinity Water: [Comments received]

Water quality

We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.



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

#### Water efficiency

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

We currently offer a discount to the infrastructure charge for each new development where evidence of a water efficiency design to a standard of 110litres (or less) per person per day is expected. The discount value for the charging period 2023/24 is £258. For more information visit Water efficiency credits ([affinitywater.co.uk](https://affinitywater.co.uk)).

#### Infrastructure connections and diversions

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

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

#### 4.1.3 Hertfordshire County Council – Lead Local Flood Authority: [No objections]

This is a planning application to vary Condition 13 and 20 due to changes in the size and design of the proposed pond. The proposals are to increase the depth of the pond to allow for sufficient storage within the drainage network. This increase in depth has altered the slope gradients but an acceptable gradient of 1 in 3 is still proposed. The LLFA notes that flooding is occurring in the 1% plus climate change event, but a plan has been provided that shows this is confined to less vulnerable areas. Therefore, we have no objection to the proposals to vary Condition 13 and 20

#### 4.1.4 National Grid: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting. In their response in respect of the outline planning application, National Grid identified apparatus in the vicinity of the site, which is set beyond the south boundary of the site.

## **4.2 Public/Neighbour Consultation**

- 4.2.1 Site Notice: Posted 6 October 2025, expired 27 October 2025.
- 4.2.2 Press notice: Published 10 October 2025, expired 31 October 2025.
- 4.2.3 Number of neighbours consulted: 283
- 4.2.4 No of responses received: One response received, making the following comments (summarised):
  - When the first application was made to TRC for the development there were many comments from locals that stated that one of the reasons that the development should be refused is that the land had flooded for years. These concerns were ignored as usual, and it now looks like there could be a problem with excessive water.

## **5 Reason for Delay**

- 5.1 No delay.

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

- 6.2.1 In 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.
- 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.

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

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

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

### 6.3 Other

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

## **7 Planning Analysis**

### 7.1 Background

7.1.1 Outline planning permission was granted in May 2020 (and subsequently varied in October 2023) for a residential development of up to 53 houses as detailed in the history section above. Reserved matters approval was also granted in October 2023, and a variation granted in August 2025 to vary the design of the buildings. This application seeks to retrospectively revise details of the drainage basin which were secured by conditions attached to the outline planning permission. The appraisal below will consider those matters material to the change in design.

7.1.2 The proposed variation has no impact on matters relating to the quality of the accommodation for future occupiers, impact on neighbours, highways or parking matters, biodiversity matters, trees and landscaping, pollution, or refuse and recycling.

### 7.2 Impact on the character of the area

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 The proposed alterations to the drainage pond have included slight changes to its shape, as well as its footprint and the gradient of the slope. The changes are minor in nature, and the overall location/position of the pond is not materially

changed. It is not considered that the alterations to the pond result in any harmful impact on the character or appearance of the locality.

7.2.3 Therefore, in terms of its impact on the character and appearance of the site, the proposed changes to the pond are considered acceptable.

### 7.3 Flood Risk and Drainage

7.3.1 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems. Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable, existing flood risks should be reduced. The application site is within Flood Zone 1 and is therefore at low risk from river flooding.

7.3.2 It is acknowledged that at the time of the original and more recent grants of planning permission, concerns have been raised by neighbouring residents in respect of the potential flood risk arising from this development, due to historic issues with surface water running from the site when it was an undeveloped field, into residential gardens. The planning permission secured a detailed surface water drainage strategy, designed to capture all water which falls within the site, store it in attenuation basins, and release from there into the pond subject of this application and from the pond into the sewer network. This will ensure that water will be managed as it flows across the site.

7.3.3 The primary purpose of this application is to seek approval for a revised depth, gradient and footprint of the attenuation pond, to increase its capacity and therefore allow it to hold more water, and further reduce the risk of overtopping which would have the potential to put adjacent dwellings at risk. This change does not impact the overall drainage design or the principles behind the drainage design.

7.3.4 The Lead Local Flood Authority have reviewed the submitted details, and have confirmed they have no objections to the alterations. On the basis of their response, no objections are raised to the variation. The conditions will be varied accordingly, with both conditions requiring the works to be completed in accordance with the approved drainage strategy, other than the attenuation pond which shall be completed in accordance with the details contained within this application. The varied conditions are set out in the list below at numbers 12 and 18.

### 7.4 Other Matters

7.4.1 An application submitted under S73 of the Town and Country Planning Act essentially grants a fresh planning permission for the development. As such, it is necessary to re-attach the same conditions to this permission as were attached to the original grant of outline planning permission. This has been done below, accounting for the changes considered acceptable within the appraisal above, and accounting for conditions where details have been submitted and approved and that condition discharged, or where works are now complete. Condition 1 is updated to reference the recent variation of the Reserved Matters permission to change some design details on the dwellings.

- 7.4.2 The original application included a time limit condition, however this has been removed on the basis that development has commenced and works are advanced on site.

## **8 Recommendation**

- 8.1.1 That RETROSPECTIVE OUTLINE PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be carried out in accordance with the reserved matters details approved under reference 23/0699/AOD other than as amended by application 25/0986/FUL.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The access arrangements hereby permitted shall be carried out in accordance with the following approved plans: 41394-Lea05, 41394-WOOD-XX-XX-FG-T-0002\_S0\_P02.1 and 41394-WOOD-XX-XX-FG-T-0003\_S0\_P01.1. The plans are approved only in so far as they relate to the siting of the access.

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

- C3 The development hereby permitted shall be implemented and thereafter maintained in accordance with the Affordable Housing Scheme approved under application 25/1404/DIS (in the Local Planning Authority's letter dated 10 October 2025).

The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

(A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;

(B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;

(C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).

(D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:

(i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and

(ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

(iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.

(iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 5 (five) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This condition is necessary to ensure the development meets local housing need within the Three Rivers district by providing a suitable and policy compliant amount of affordable housing and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

- C4 Prior to the first occupation of the development hereby permitted, the access arrangements to the site shall be implemented and completed in accordance with the details approved in the LPA's decision letter dated 22 September 2025 relating to application reference 25/1484/DIS.

Reason: To encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway by ensuring suitable means of access is in place, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 The construction of the development hereby permitted shall take place only in accordance with the construction management plan details approved in the LPA's decision letter dated 9 January 2024 relating to application reference 23/1863/DIS.

Reason: This is a condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first occupation of the development hereby permitted, the proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive and the introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of

Prestwick Road and Heysham Drive shall be implemented and completed in accordance with the details approved in the LPA's decision letter dated 23 September 2025 relating to application reference 25/1485/DIS.

Reason: To ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C7 Before the first occupation of any dwelling, both bus stops by the Prestwick Road / Heysham Drive junction, as shown on drawing 41394-WOOD-XX-XX-DR-OT-0001\_S3\_P01 (or in an alternative location as otherwise approved pursuant to Condition 6) shall have raised Kassel kerbing implemented.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C8 Before the first occupation of any dwelling, pedestrian dropped kerbs and tactile paving shall be installed along Heysham Drive at the junctions of Ashford Green, Letchworth Close, and Bramley Gardens.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C9 The development hereby permitted shall be implemented only in accordance with the Construction Environmental Management Plan (CEMP: Biodiversity) approved in the LPA's decision letter dated 1 February 2024 relating to application reference 23/1543/DIS.

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

- C10 The biodiversity enhancements and management shall be undertaken in full accordance with the details approved in the LPA's decision letter dated 25 September 2023 relating to Discharge of Conditions application reference 23/1375/DIS and accompanying documents.

Reason: In the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 The management of waste within the site shall take place only in accordance with the Site Waste Management Plan (SWMP) approved in the LPA's decision letter dated 9 January 2024 relating to application reference 23/1863/DIS.



Reason: This is a condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- C12 The surface water drainage scheme for the site shall be undertaken in accordance with the scheme approved in the LPA's decision letter dated 3 November 2023 relating to application reference 23/1632/DIS, other than the attenuation basin and associated connections which shall be undertaken in accordance with drawing no. 1102 C01 and 1110 T01 approved by this permission.

Reason: This condition is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C13 The boundary treatment along the boundaries with Nos 12-15 Foxgrove Path, Nos. 69-81 Heysham Drive and Nos. 2-4 Ashford Path shall be retained in accordance with the details approved in the LPA's decision letter dated 25 January 2024 relating to application reference 24/0032/DIS.

Reason: This is a condition 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).

- C14 The six replacement car parking spaces shall be provided and maintained in accordance with the details approved in the LPA's decision letter dated 14 February 2024 relating to application reference 23/1525/DIS and shall remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.

Reason: This is a condition required to ensure that the replacement car parking to compensate for displaced car parking spaces along Foxgrove Path is provided and maintained as unrestricted public car parking in perpetuity, in accordance with the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C15 The monitoring and maintenance programme shall be implemented in accordance with the details approved in the LPA's decision letter dated 6 May 2025 relating to application reference 25/0611/DIS.

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 (2013) .

- C16 Fire hydrants for the development shall be implemented in accordance with the details approved in the LPA's decision letter dated 9 December 2024 relating to application reference 24/1808/DIS 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).

- C17 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.

- C18 The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001\_S0\_P01 dated December 2019, and the following mitigation measures detailed within the addendum.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in an attenuation pond.
3. Inclusion of appropriate SuDS management and treatment features which may include permeable paving and filter drains.
4. Discharge of surface water from the site into the Thames Water surface water sewer located in Heysham Drive via the proposed attenuation pond.

Other than in respect of the proposed attenuation basin and associated connections which shall be undertaken in accordance with drawing no. 1102 C01 and 1110 T01 approved by this permission.

The mitigation measures shall be fully implemented prior to occupation

and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: This is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C19 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

The development shall not be first occupied until details have been submitted pursuant to this condition.

Reason: This is required to prevent flooding by ensuring the satisfactory disposal and storage of surface water in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C20 The approved Travel Plan (reference 1394-WOOD-XX-XX-RP-OT-0002\_A\_P02) shall be implemented at all times following first occupation and its requirements adhered to in full.

Reason: To ensure that sustainable travel options associated with the development are promoted in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives:

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for

clarification with regard to this (cil@threerivers.gov.uk). 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.

- 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 advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- I5 The following terms (and those related to them) referred to at Condition C4 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings and Shared Ownership Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Housing Provider means a registered provider registered with the Homes and Communities Agency (HCA) or other body registered with the HCA under the relevant Housing Act or other body approved by the HCA to receive social housing Grant such Affordable Housing Provider in any event to be approved by the Council.

Affordable Rented Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider available for rent at a level not exceeding the South West Hertfordshire Local Housing Allowance (including any Reasonable Service Charge).

Choice Based Lettings Scheme means the Council's allocations policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes and Communities Agency (HCA) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former

Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers. It shall also secure the prioritisation of Shared Ownership Dwellings to persons who are TRDC residents (have resided in the District for 5 years) or who have a local connection.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser.

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of the freehold or no less than a 125 year leasehold interest.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Housing as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.



Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider on Shared Ownership Terms.

**Shared Ownership Terms** means that the relevant Affordable Housing Unit is let:

- (a) in accordance with 'shared ownership arrangements' within the meaning of section 70(4) of the Housing and Regeneration Act 2008; and
- (b) on a lease in the form of the Homes England standard lease on terms where:
  - (i) the percentage of the value of the relevant Affordable Housing Unit paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed seventy-five percent (75%) of the Market Value;
  - (ii) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than three percent (3%) of the value of the unsold interest; and
  - (iii) in any given year the annual rent payable does not increase by more than the percentage increase in the CPI for the year to September immediately preceding the anniversary of the day on which the lease was granted plus one percent (1%);
- (c) on terms pursuant to which the tenant pays no more than a Reasonable Service Charge (where applicable);

- 16 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
- 17 It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 18 The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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**25/1182/RSP – Part Retrospective: Variation of Condition 13 (Surface Water Drainage Scheme to be submitted) and Condition 20 (Compliance with Surface Water Drainage Scheme Mitigation) pursuant to outline planning permission 23/0701/OUT to allow alterations to pond depth at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL**







## PLANNING COMMITTEE – 11 December 2025

### **25/1294/FUL - Construction of 9no. residential dwellings (Use Class C3), with associated rerouting of public footpath, access, parking and landscaping works at LAND ADJOINING SARRATT LANE, LOUDWATER, HERTFORDSHIRE**

Parish: Sarratt Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 26.01.2026 (Agreed Extension)  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: Called in by 3 members of the planning committee to consider the following impacts: Impact on Green Belt, traffic/highway impacts, division of a footpath and neighbour impacts.

Development type: Minor Dwellings

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

[25/1294/FUL | Construction of 9no. residential dwellings \(Use Class C3\), with associated rerouting of public footpath, access, parking and landscaping works | Land Adjoining Sarratt Lane Loudwater Hertfordshire](#)

#### **1 Relevant Planning History**

1.1 No relevant planning history.

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

2.1 The application site is located on the eastern side of Sarratt Lane in Loudwater. It is currently an open parcel of field land with an area of 1.18Ha. The site has an existing vehicle access to the north and a Public Right of Way / footpath (Sarratt 061) which runs diagonally through the centre from the southern corner to northern corner of the site. There are mature trees/vegetation on the boundary adjacent to the lane and a woodland to the north east. To the south east are trees and the rear gardens of properties in Bridle Lane. The site itself mostly comprises of grass/scrubland with some vegetation within the site itself.

2.2 The application site is located within the Outer Loudwater Conservation Area and adjacent to the Loudwater Conservation Area, the boundary of which sits slightly west of the site on the other side of the lane. The site is also located in the Metropolitan Green Belt. There is a Local Wildlife Site located to the north.

2.3 All adjacent trees/those within the site are protected by virtue of their siting within the Conservation Area and/or woodland TPO.

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

3.1 This application seeks planning permission for the construction of 9no. residential dwellings (Use Class C3), with associated rerouting of public footpath, access, parking and landscaping works.

3.2 The application proposes nine detached dwellings. Each dwelling would have five bedrooms, a rear garden and front driveway for 2 cars.

3.3 The dwellings in Plots 1&8, 2&5, 3&4 and 7&9 would be pairs of the same dwelling. Plot 6 would be a different design. All 9 dwellings would be two storey in height with crown roofs

and a traditional design approach. The main portion of the dwellings would be rectangular in form served by a crown roof with a combination of catslide, hipped and gabled projections. The proposed dwellings would be finished in a combination of contrasting brick work and tile hanging.

- 3.4 Plots 3&4 would have detached garages whilst the other dwellings would have an internal garage. 3 spaces would be provided per dwelling (2 within a driveway and 1 within a garage).
- 3.5 Two passing bays are proposed along Sarratt Lane by cutting into the bank adjacent to the lane. These would be to the north western edge opposite 'Hautbois' and to the south west opposite Beech Hill.
- 3.6 The site would be accessed via the existing access to the north western corner of the site. Plots 1-3 would face northwards with Plot 5 to the rear and Plots 4, 6 and 7 facing the sides of sites. Plots 8 and 9 would be located towards the south of the site facing northwards. The internal road would have a U shape along the north eastern side of the site.
- 3.7 In order to facilitate the proposed development the existing footpath would be re-routed around the western edge of the site. It would have a compacted gravel surface with Wildflower meadows adjacent.
- 3.8 A refuse collection point is proposed opposite Plot 3 for the dwellings within the southern part of the development (Plots 1 – 3). A kerbside collection is proposed for the remainder of the dwellings.
- 3.9 In order to facilitate the proposed development 13 trees are proposed to be removed in addition to 3 tree groups.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Sarratt Parish Council: [Objection]**

SPC: We object to this application on the basis of the following:

- 1) It is a development on edge of settlement greenbelt land, without any justifiable very special circumstances.
- 2) It is not a sustainable location due to the narrow single track access, existing traffic issues in the area, before any additional traffic volume this application would add, and the lack of viable sustainable transport options to this site.
- 3) Loss of local green space, a well used public right of way, biodiversity and proximity to sensitive ancient woodland.

We recognise that the immediate local area is made up of large dwellings and the proposed 5 bed dwellings fit this context, however there is not an identified local need for this size of housing.

If the officers are minded to approve, we request this application is called into the planning Committee.

#### **4.1.2 Hertfordshire County Council – Highway Authority: [Objection]**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:



1) The potential to support and promote sustainable forms of travel to and from the site is limited and unsatisfactory. The proposals are therefore contrary to policy guidelines as outline in National Planning Policy Framework and Hertfordshire's Local Transport Plan 2018, specifically policy 1:

Transport User Hierarchy and Policy 5 – Development Management 5a) 5b) and 5g)  
Sarratt Lane is an unclassified local access route subject to 30mph speed limit. It is highway maintainable at public expense and classed as P1/M1 on HCC's place and movement network.

The proposed development is for the construction of 9no. residential dwellings (Use Class C3) and includes the rerouting of public footpath (Sarratt Footpath 061).

Following consideration of the location of the site, the potential to promote and encourage sustainable forms of travel (including cycling; walking and public transport) to and from the proposed residential development is poor and limited.

Chapter 116 and 117 of the National Planning Policy Framework states:

116: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117: Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope

There is a lack of footway is located on Sarratt Lane providing pedestrian access to the local area.

The site is not considered to be within convenient walking distance of the nearest train station (Rickmansworth) which is located approximately 3300m to the site (walking route). Bus services are not located within walking distance of the site (2000m). The site is not considered to be accessible via alternative methods of transportation, especially when considering the lack of dedicated pedestrian footway along Sarratt lane and Loudwater Lane.

The site is located in a rural location and the distances to any local amenities, facilities and public transport are significantly greater than guidance as laid out in Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, 2021 and Planning for Walking (CIHT, 2015).

## Conclusion

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. The sustainable travel options to and from the site are limited and not satisfactory. Whilst there are some existing dwellings, these existed prior to the adoption of the existing LTP, updated NPPF and supporting guidance as referenced in this response. The proposals are considered to be contrary to

Hertfordshire's LTP4 and the NPPF and therefore HCC is unable to recommend the granting of permission for this application.

4.1.3 HCC Footpath section: No response received.

Officer comment: Contact was made with the Highways Officer to enquire as to whether their comments were on behalf of themselves and the footpath section. They confirmed that they were solely those of the Highways Officer. The Highways Officer did advise that the Ramblers Association would be making comments and these are included in the public consultation section, in full below, however members are reminded that they are not a statutory consultee.

Furthermore, Officers also sought clarification as to whether the Highways Officer was, aside from the unsustainability of the site, also wishing to object on highway safety grounds. The Highways Officer confirmed that they had reviewed the submitted information and did not wish to object on the grounds of highway safety.

4.1.4 Conservation Officer: [Objection]

The application is for Construction of 9 no. residential dwellings (Use Class C3), with associated rerouting of public footpath, access, parking and landscaping works.

The application site is in the Outer Loudwater Conservation Area. The Conservation Area Appraisal (CAA) states: 'Loudwater is a wooded, undulating part of the Chess Valley with narrow lanes and leafy tracks. The original settlement of large, detached houses in spacious plots developed along the banks of the river, taking advantage of the breath-taking views across the valley. In some parts, very large Edwardian houses, each with many acres of land, have been replaced by several large, detached houses of character still on generous plots with trees and gardens all around them'.

The CAA also states that the relationship between buildings and their associated plots and surrounding planting are as important as the buildings themselves and defines the character of the Conservation Area.

The Site is currently an open green area within the Conservation Area surrounded by trees and there is also a Public Right of Way (PRoW) SARRATT 061 running across the Site. The CAA does not explicitly refer to the Site or explain the rationale for its inclusion within the Conservation Area.

However, it does note that Sarratt Lane moves "gently through densely wooded countryside and gardens". It highlights Sarratt Lane as a single-track lane with leafy canopies that will not have changed much in the last three hundred years. The Site makes a positive contribution to the Conservation Area due to its semi-rural character.

The proposal is for nine houses, associated parking and works and rerouting of the public footpath.

This follows pre-application reference 21/1873/PREAPP for a similar proposal. Heritage concerns were raised regarding a lack of information relating to impact on the Conservation Area and the form of the dwellings but also stated that the proposal would be entirely inappropriate, as it would develop a historically undeveloped area of the Conservation Area, which contributes to its significance.

The current proposal has given greater detail in terms of heritage considerations through a Heritage Statement and has also provided detailed designs. The Heritage Statement highlights that the Site was not part of the Loudwater Estate in the 1922 development of the Estate and was likely adjacent agricultural land and that there has been later development, it is low density and semirural in character. Also, that the Site is heavily enclosed by trees and there are only very limited, glimpsed views. However, it does acknowledge that through

the trees that bound the Site, its relationship with Sarratt Lane and the rural context it provides the Site contributes to the tranquil and semi-rural character of the Conservation Area.

The points raised above are acknowledged. However, the proposal will fundamentally alter the rural and undeveloped character of the Site through the introduction of built form, changes to the access and alterations to the boundary. It is unlikely that the harm could be lessened or mitigated through the planting of tree screening given the fundamental change in land use. There are also concerns regarding the proposal to divert the existing public footpath which is evident on the 1870 Ordnance Survey Map and is part of the historic character of the Conservation Area.

In terms of the design, while the development is relatively low density by modern standards, it would place large houses in relatively small plots, which would not be in keeping with the much deeper rear gardens which characterise the Conservation Area. While efforts have been made to respond to the local character in terms of materials, the houses would be relatively large with crown roofs and several with detached garages, increasing the sense of development. However, it should be noted that the primary concern is with a previously undeveloped area of the Conservation Area and alterations to the design would not necessarily be sufficient to overcome the heritage concerns.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 215. Great weight should be given to the asset's conservation as per paragraph 212.

#### 4.1.5 Lead Local Flood Authority (LLFA): [Objection]

This is a full planning application for development of residential buildings and associated works including the rerouting of footpath and some landscaping works. The entire site area is 1.18 hectares.

We object to this planning application in the absence of an acceptable 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 and POLICY DM9.

#### 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 discharge location hierarchy has not been sufficiently evidenced. The discharge hierarchy is set out in the National Standards for Sustainable Drainage Systems (SuDS) (June 2025) and should be followed in relation to the surface water drainage strategy for this site. The applicant needs to follow the discharge location hierarchy and evidence

each level before moving to the next level in line with Standard 1 paragraph 1.2 of the National Standards for SuDS.

2. In line with the four pillars of SuDS and the National Standards for SuDS, the design should include water quantity and quality benefits as well as biodiversity and amenity benefits as part of the surface water drainage provision in open and above ground SuDS across the site.
3. Provide updated surface water design calculations for all the required rainfall simulation events. The rainfall simulations are expected to include 100% AEP (1 year), 3.33%AEP (30 year), 3.33%AEP (30 year) with climate change allowance, 1% AEP (100 year) and 1% AEP (100 year) with climate change allowance events. The labels in drainage layout drawings should match the labels in the supporting calculations.
4. A full drainage strategy is required with all the details needed for a full planning application. The submitted document clearly states that it is for an outline application and does not include all the details needed for a full application. The drawing does not include the conveyance system or storage features details. The detailed supporting calculations are also missing for the same.
5. Infiltration testing was conducted to only 1.5m below ground level (bgl), therefore information on the potential for infiltration between 1.5m – 2.0m bgl is not provided. As favourable infiltration rates were not encountered up to 1.5m bgl, shallow infiltration has not currently been purposed. Deep infiltration, invert levels deeper than 2.0m bgl, is not acceptable.
6. Should provide the pre and post development runoff volume and proper evidence that the proposed discharged rates would not increase flood risk elsewhere and need to be re-assessed.
7. Provide comprehensive assessment and provision of sufficient mitigation to ensure that the proposals do not increase the risk of flooding to existing offsite properties and infrastructure.
8. Ground floor finished floor levels should have a freeboard of a minimum of 150mm above proposed external ground level or a minimum of 300mm above the maximum design water level from any source, whichever is most precautionary.
9. Should provide drawings of cross sections and long sections of all the network and structures such as ponds, basins and swales need to be supplied. Hertfordshire County Council.
10. For soakaway storage structure, half drain down time is almost 72 hours. Any drainage network showing storage features has half drain down time should not be greater than 24 hours (or within 48 hours for features that are lined).
11. A surface water construction management plan should be submitted to include management of water quantity and quality.

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

#### Informative

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

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

#### 4.1.6 Landscape Officer: [Objection]

The Land adjoining Sarratt Lane is classed as Green Belt and is situated within the Outer Loudwater conservation area, a public Right of Way runs between the northern and

southern corners and connects this land to the local protected woodland areas of Long Spring and Upper Plantation. The site is an uncultivated meadow lined and scattered through with native self-sown trees, with a historic hornbeam hedge growing along the road boundary with Sarratt Lane. Verdant views from the road add to the rural feeling of Sarratt Lane, while the Right of Way through the meadow and trees provides an open countryside landscape for quiet recreation.

The proposal to erect 9 houses within this land, each with a large footprint in excess of 2800 square feet, requires the removal of 13 trees protected by the local conservation area (1x category B, 11x category C) and 3 tree groups (1x category B, 2x category C), along with the installation of a large area of hard standing access roads and drives, and diversion of the Right of Way from the center of the land to running alongside the road of Sarratt Lane.

Contrary to Development Management Policy 2 of the local plan regarding Green Belt land, the countryside landscape of this site will be deteriorated through the development of housing and access roads. This further contrasts with DM3 regarding conservation areas by way of altering the historic character, quality and mix of uses of the area. The scale of the development plus the diversion of the public Right of Way to the roadside, will reduce the public amenity currently provided by the countryside character of the area and its accessibility through a quiet and open footpath. While a high number of replacement trees has been proposed in the landscape plan, this will not restore the open and rural feeling of the current landscape, therefore refusal is recommended on this basis.

#### 4.1.7 Thames Water: [No objection]

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.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-sewer/sewer-connection-design>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER: 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 Herts Ecology: No response received.

4.1.9 National Grid: No response received.

#### **Public/Neighbour Consultation**

4.1.10 Number consulted: 11

4.1.11 No of responses received: 71 objections.

4.1.12 Site Notice: 05.09.2025

Press Notice: 13.09.2025

4.1.13 Summary of Responses:

- Impact on Green Belt
- Conservation Area and character impacts
- Highway safety impact/increased traffic
- Unsustainable location
- Construction impacts
- Wildlife impacts
- Infrastructure capacity concerns
- Poor existing street lighting
- Precedent
- Site is an important green corridor
- Additional passing bays not sufficient mitigation
- Access not safe
- Traffic surveys conducted in school holidays
- Loss of trees/habitats
- Noise impacts
- Existing site has a high amenity value
- Impact on aquifer
- Erosion of rural character

Comment from Ramblers association:

*As appointed District Footpath Secretary for The Ramblers, the organisation concerned*

*with the protection of public rights of way, I object to this proposal on the basis that it would involve the drastic diversion of the Public Footpath 61, such that it would become little more than a footway alongside Sarratt Lane.*

*This footpath at present provides a welcome escape from walking along the road, effectively the only such within Loudwater, apart from which it is a highly desirable amenity in its own right, offering freedom to enjoy the wide open aspect of the field which it traverses.*

*If this diversion gets approval to the route shown in the Plans, then it will need to comply with HCC's Document: "A Design Guide, Countryside & Rights of Way Service", dated September 2020, which specifies minimum widths, surfacing, vegetated margins, and signage etc.*

Officer comment: Officers note the comments above however as a point of clarification the footpath would be separated from the lane itself and would be sited within the site itself with a vegetative buffer between the two.

## **5 Reason for Delay**

5.1 EOT Agreed.

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

### **6.1 Legislation**

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

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

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

The 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 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, DM10, DM12, DM13 and Appendix 5.

Outer Loudwater Conservation Area Appraisal (2007).

The Loudwater Conservation Area Appraisal (2013) is also relevant.

### 6.4 Other

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

Affordable Housing SPD (June 2011).

## **7 Planning Analysis**

### 7.1 Impact on Green Belt

7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

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

- 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*

7.1.3 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

7.1.4 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*

7.1.5 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. 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.

7.1.6 It is not considered that the proposed development would 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.*

7.1.7 In considering whether the site would constitute Grey Belt land, reference must be had to Annexe 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'.*

7.1.8 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 strongly 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.*

7.1.9 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.*

7.1.10 A) To check the unrestricted sprawl of large built- up areas. The application site is located within Loudwater which is not considered to be a 'large built up area' nor is it defined as a village (or any other classification) for the purposes of the settlement hierarchy. Loudwater is an estate comprising residential dwellings, detached from nearby larger settlements such as Chorleywood and Croxley Green. As such, the site does not contribute towards this purpose.

7.1.11 B) To prevent neighbouring towns merging into one another. The PPG specifically set out that B relates to the merging of towns. In this case, given the location of the site, it is not considered that the parcel of land comprising the application site makes any contribution in preventing the merging of towns.

7.1.12 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'. The site is located some distance from any historic towns. As such the proposal would preserve the setting of historic towns as it would have no visual, physical or experiential connection to any aspect of a historic town.

7.1.13 Whilst discussed in more detail within the relevant section below, in relation to footnote 7 the proposal would provide a strong reason for refusal in the application of policies relating to an area or asset set out within it. Footnote 7 expressly includes 'areas at risk of flooding'. Whilst it is noted that the existing site is not within a flood risk zone the intent of the relevant policies both within the NPPF and the Local Development Plan is that development should not exacerbate or result in increased flooding. 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’. In light of this the development in its current condition cannot be concluded to not result in the site being at risk of flooding in the future. Therefore whilst the application site is not considered to make a strong contribution to purposes (a), (b) or (d), the site cannot be considered to be Grey Belt with the outstanding flooding objection.

7.1.14 Owing to the strong reason for refusal relating to flood risk, as set out above the site cannot be considered Grey Belt and is therefore Green Belt. However should an alternative view be taken by members in relation to the application of footnote 7, it would be necessary to move onto considering the remaining elements of paragraph 155 as discussed below.

7.1.15 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.

7.1.16 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 9 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.*

7.1.17 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 9 residential dwellings. Whilst covered in more detail below it is noted here that the proposal would fail to make a contribution towards affordable housing. However solely in the context of ‘unmet need’ there is such for any housing within district and as such in this case the proposed development would be in accordance with criteria (b) of Paragraph 155.

7.1.18 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.

7.1.19 Paragraph 110 sets out:

*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

7.1.20 Paragraph 115 sets out:

*In assessing sites that may be allocated for development in plans, or 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 through a vision-led approach.*

- 7.1.21 The NPPF is clear that development should be focused towards locations that are already sustainable or those where it can be demonstrated the site can be made sustainable. It is not considered that the application site sits within either of these categories. The application site is located on a semi-rural single track unlit lane. Ultimately future occupiers would be heavily reliant on private cars to access shops and services. There is no lit pavement for safe pedestrian travel until the Chorleywood Road (over 1 mile away). It is noted that there are public footpath links to Rickmansworth, Croxley Green and Chorleywood however these are mostly unlit, of unmade/uneven surfaces and would involve some sections of walking along the lane. Similarly cycling options are not considered overly safe or desirable given the nature of the lane.
- 7.1.22 In order to reach public transport links this would also involve walking or cycling down the unlit lane which is absent of footways. The nearest bus stop on Chorleywood Road is a 1 mile (23 minute) walk away.
- 7.1.23 Whilst it is noted that the site is adjacent to existing residential development, that does not justify directing further development towards unsustainable locations.
- 7.1.24 As such it is not considered that the site is located within a sustainable location. Furthermore it is not considered that the development could provide measures that would make the site sustainable.
- 7.1.25 It is therefore concluded that the development would not meet criteria a-c of Paragraph 155.
- 7.1.26 Turning to d; *Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157.* Owing to the size of the application site (over 0.5Ha) paragraph 156-157 would be applicable.
- 7.1.27 As is the case with the Grey Belt position, it has been concluded that the development fails criteria c of paragraph 155 and therefore, in any event, would fail to comply with this exception in its entirety. However should members reach an alternative conclusion on sustainability then Paragraphs 156-157 would need to be considered. A judgement on this is set out below.

Paragraph 156 outlines:

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.

Paragraph 157 sets out:

Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.

- 7.1.28 The proposal would not provide any on site affordable housing.
- 7.1.29 To conclude, it is not considered that the site would be Grey Belt land owing to the 'strong reason for refusal' in the context of footnote 7 (unacceptable risk of flooding). Furthermore, even if this reason for refusal were to fall away the site is not considered to be a sustainable location and as such would not comply with the exception set out within paragraph 155 in its entirety. Turning to 'the Golden Rules' the proposal would fail to comply in the absence of any contribution towards affordable housing and would also fail to meet b) and c) of paragraph 156 which require infrastructure improvements and the provision or improvement to accessible green open space. Overall the proposed development would represent inappropriate development in the Green Belt and therefore would be, by definition, harmful.
- 7.1.30 Whilst the proposal would be inappropriate, by definition, an assessment of the impact on openness is required to ascertain whether there would be actual harm arising from the proposal.
- 7.1.31 Openness
- 7.1.32 Harm to openness can take a number of forms; spatial, visual impacts and impact arising from increased activity. The existing site is an open parcel of land, which is enclosed by mature vegetation and is entirely absent of built form. By virtue of the introduction of 9 large detached dwellings with associated hardstanding, ancillary buildings and internal roads the proposed development would have a significant adverse spatial impact on openness. Whilst the proposed development would be set against the backdrop of the adjacent woodland and would be screened to a degree by boundary vegetation it would still be readily visible from Sarratt Lane. As such would have a moderate adverse impact on visual openness. The site which is currently absent of built form would, as a result of the proposed development, be subject to a significant increase in the intensification of its use. The introduction of nine residential dwellings would mean a significant amount of comings and goings in comparison with the existing land together with general activity associated with a residential use. Therefore further adverse impacts on openness would arise from the increased amounts on site activity.
- 7.1.33 In summary, the proposed development would constitute inappropriate development in the Green Belt. Furthermore it would result in both adverse spatial and visual harm to the openness of the Green Belt, contrary to Policy CP11 of the Core Strategy and the NPPF.
- 7.1.34 Therefore, very special circumstances would be required which would need to outweigh the identified harm to the Green Belt and any other harm. This is to be considered at the end of this committee report.
- 7.2 Impact on character of the streetscene and heritage assets.
- 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 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
  - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
  - iii. The generation of excessive levels of traffic;
  - iv. Loss of residential amenity;
  - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.2.3 Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area; uses building materials and finishes that are appropriate to the area; and results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.
- 7.2.4 The application site is located in the Outer Loudwater Conservation Area and immediately adjacent to the Loudwater Conservation Area. It is acknowledged that the application site is not specifically noted within either Conservation Area Appraisal. Nevertheless it is considered to make a positive contribution to the 'semi-rural' verdant character of both Conservation Areas more widely owing to its open, green and vegetated nature. The Outer Loudwater Conservation Area Appraisal specifically sets out that the relationship between buildings and their associated plots and surrounding planting are as important as the buildings themselves and defines the character of the Conservation Area. By virtue of its close proximity it is also considered that the application site also makes a positive contribution towards the setting of the Loudwater Conservation Area which is similarly verdant and open in its character.
- 7.2.5 The introduction of nine, large detached dwellings with associated ancillary buildings would fundamentally erode the contribution the site makes by virtue of its open and verdant nature, to the overall character of the Outer Loudwater Conservation Area and the setting of the adjacent Loudwater Conservation Area. The test of the NPPF and Policy DM3 of the DMP LDD is clear that development must preserve or enhance the character of the heritage asset. It is acknowledged that any development on the application would erode its current character owing to its existing nature of being open land. However the proposed development would include the provision of 9 large detached dwellings, ancillary garages and internal road network. The cumulative impact of this amount of development on the site would result in the almost total erosion of the open nature of the site and would result in its character being of a stand alone cul-de-sac style residential development. Thus the site would no longer retain any of its current positive contribution as an open and green parcel of land. Whilst it is acknowledged that there is existing boundary vegetation along the lane, which together with the planting scheme proposed would provide a degree of mitigation to the views of the development from Sarratt Lane, however owing to the overall scale of the development views would be inevitable and thus the development would not be totally screened from public vantage points. Overall the proposed development would fail to



preserve the character of the site and the positive contribution it currently makes to the overall setting of the Conservation Areas.

- 7.2.6 Turning to the design and form of the dwellings themselves. They would all be large, detached properties with crown roof forms. Whilst the traditional design approach in terms of form and materials are considered to be in keeping with the character of the locality the crown roof forms are indicative of the overall excessive bulk and massing of the dwellings and further exacerbates the prominence of the development as a whole. In terms of plot size and layout the overall scale is smaller than those which generally prevail within the Conservation Area however they are not dissimilar to those within Bridle Lane to the south east. However the character of the area is such that all dwellings are different, whilst they retain a consistent design approach they are all unique in form. The 'pairs' of identical dwellings which are proposed would introduce incongruous uniformity which would be at odds with the character of the Conservation Area.
- 7.2.7 The proposal also includes the provision of two passing bays along Sarratt Lane. This would involve cutting into the existing bank at the side of the lane. The character of Sarratt Lane is such that it is mostly single track however it is not considered that the two passing bays would involve such levels of physical intervention that they would, in themselves, undermine the semi-rural character of the lane. Further details of the proposed surface and sections could be required by condition.
- 7.2.8 Paragraph 136 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 187 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.
- 7.2.9 Policy DM3 also adds that development within Conservation Areas will only be permitted if the proposal protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character of the Conservation Area.
- 7.2.10 As set out above the application site makes a positive contribution to the setting of the Conservation Area(s). This is in part due to the landscape visual amenity of the site and the number of trees/mature vegetation. The proposed development includes the removal of 13 trees and 3 tree groups. The Tree and Landscape Officer has not raised an objection to the removal of a specific tree or trees but rather considers that the proposed development, together with the removal of trees would result in a degradation of the open and verdant character of the site and thus would have wider adverse landscape impacts.
- 7.2.11 By virtue of the overall scale of the development there would be limited opportunities on the site to provide significant re-planting. In any event the positive character of the site is attributed to its absence of built form and natural vegetation patterns as opposed to the contribution of specific trees. The significant removal of trees further erodes the contribution the site makes to the setting of the Conservation Area(s) and the limited opportunities for substantive replanting is indicative of the overdevelopment of the site.
- 7.2.12 The proposal would therefore result in less than substantial harm by virtue of its failure to preserve or enhance to the character of the Conservation Area(s). Thereby resulting in less than substantial harm to the heritage assets. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), The Outer Loudwater Conservation Area Appraisal (2007) and the NPPF.
- 7.2.13 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'. The planning balance and VSC are discussed in more detail at the end of the report however whilst the contribution towards housing supply is

noted it is not considered that this, together with other factors weighing in favour of the scheme, would amount to public benefits outweighing the identified harm.

### 7.3 Trees and Landscaping

- 7.3.1 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.
- 7.3.2 Paragraph 136 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 187 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.
- 7.3.3 Policy DM3 also adds that development within Conservation Areas will only be permitted if the proposal protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character of the Conservation Area.
- 7.3.4 The proposed development would include the removal of 13 trees and 3 trees groups. All of which would be B or C grade trees. As set out above the Landscape Officer has not objected to the removal of a specific tree or trees but rather the overall adverse impacts to the character of the area by virtue of the degradation of its open and verdant character.
- 7.3.5 Overall, as set out above, whilst there is no objection to the specific removal of trees proposed there would be wider adverse landscape character impacts arising from the cumulative removal of trees together with the introduction of built form into the open land. Overall, the proposal would be contrary to Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

### 7.4 Affordable Housing

- 7.4.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 7.4.2 The proposed development would require a commuted sum payment of £1,897,500.
- 7.4.3 The application has been submitted with a Financial Viability Assessment prepared by the applicant which concluded that they would be prepared to make a contribution of £100,000 towards affordable housing despite the conclusions of their Assessment that the scheme would result in a deficit if any contribution were made.
- 7.4.4 The FVA submitted has been reviewed by the Council's independent viability consultant, Adams Integra. Contrary to the findings of the submitted appraisal the consultant finds that the scheme could support a contribution of £1,458,890 and remain viable.
- 7.4.5 Owing to the level of difference between the stance of the parties on this matter and the recommendation for refusal, no further rebuttal to the findings of Adams Integra was invited by the LPA.
- 7.4.6 As such the proposal fails to comply with the requirements of Policy CP4 in this respect.

### 7.5 Housing Mix

- 7.5.1 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%

- 7.5.2 The proposed development would include the provision of 9 x 5 bedroom dwellings. Whilst the development would fail to provide a mix of dwelling sizes in accordance with Policy CP3 it is not considered that it would prejudice the overall delivery of housing across the district.

#### 7.6 Impact on amenity of neighbours

- 7.6.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'

- 7.6.2 Appendix 2 of the DMP LDD sets out that a back to back distance of 28m should be achieved between 2 two storey rear elevations. A minimum of 28m would be achieved to the rear of properties in Bridle Lane (Potters Heron and Newland) and as such the proposal would comply in this respect. It is acknowledged that there would be an existing tree removed to this boundary however the separation distance alone is considered sufficient mitigation to prevent unacceptable overlooking. A distance of 46m would separate the development from the closest neighbour to the north and 35m to the west.

- 7.6.3 It is noted that the proposed development would result in additional comings and goings/increase intensification of the use of the site. Whilst in respect of Green Belt impacts this would be harmful it is not considered that there would be such increased level of activity that the development would result in demonstrable harm to adjacent neighbours.

- 7.6.4 Overall, the proposed development would not result in detrimental harm to neighbouring amenity by reason of unacceptable overlooking, loss of light or an overbearing impact.

#### 7.7 Quality of accommodation for future occupants

- 7.7.1 Appendix 2 of the DMP LDD sets out that a back to back distance of 28m should be achieved between 2 two storey rear elevations. Where garden length alone is relied upon 14m should be achieved.

- 7.7.2 Plots 2 and 5 have a back to back distance of 25m and as such would not meet the guidance of Appendix 2. Whilst the shortfall is relatively minor this is indicative that the site is subject to overdevelopment in the context of its layout and scale. The site is located in a relatively rural location where compliance with back to back distances are generally expected. Whilst the shortfall is not considered to result in such poor quality accommodation for future occupiers so as to result in demonstrable harm to residential amenity, it is further indicative of the incongruity of the proposed development within the locality.

- 7.7.3 The rear elevations of Plot 4 and 6 face towards the flank of Plot 5. 12m separation is proposed between these walls which would be less than the 14m guidance. However the majority of the rear windows would face the flanks of No.5 as opposed to their rear patio/

main habitable windows. Thus would not result in direct views towards the private areas of these properties. However, as above, is further indicative of the overdevelopment of the site.

- 7.7.4 Overall it is considered that the future occupants of the development would benefit from a good quality of accommodation and would not be subject to unacceptable overlooking from existing development or other proposed dwellings.

#### Amenity Space Provision for future occupants

- 7.7.5 Appendix 2 of the DMP LDD outlines that the following amenity space standards:

Five bedroom dwellings:126sqm

- 7.7.6 Rear gardens in excess of 126qm would be provided to all dwellings and as such would comply with this guidance.

#### 7.8 Wildlife and Biodiversity

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

- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.8.3 The application has been submitted with a Biodiversity Checklist and an initial ecology report and follow up bat inspection report have been submitted with the application.

- 7.8.4 The submitted report identifies a number of considerations. In respect of bats the initial report recommended that additional bat surveys be undertaken. The additional survey did not find any evidence of bats within the trees that are proposed to be removed. In respect of birds, it is considered that works should not take place within nesting season which could be secured by condition. The submitted report suggests that further surveys were to be undertaken in relation to badgers and dormice. However these have not been received by the LPA. Whilst a CEMP could be conditioned, in line with the recommendations of the submitted report, in the absence of the outstanding dormice and badger surveys it is not considered that the LPA has sufficient information to demonstrate the proposal would be acceptable. Whilst it may be the case that any impact could be addressed by mitigation, on the basis of the information submitted there is insufficient evidence to allow this to be a post determination matter reserved by condition and the development would therefore fail to comply with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

#### 7.9 Highways, access and sustainable travel

- 7.9.1 Paragraph 117 of the NPPF sets out that all applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.9.2 Policy CP10 of the Core Strategy sets out that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Policy CP10 further outlines that 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 transport infrastructure, including public transport and, where necessary, infrastructure can be improved
- k) It is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate
- l) It makes adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians

7.9.3 The Highways Officer has reviewed the proposal and whilst they conclude that the proposed development would not result in actual harm to highway safety, they do object to the principle of development in this location owing to its lack of sustainability.

7.9.4 As set out above within the 'Green Belt' section the application site is accessed via Sarratt Lane which is a mostly single track, unlit road absent of footways. The Highways Officer shares the view that the application site has limited potential to promote or encourage sustainable modes of travel. As previously outlined the site is not located within suitable or safe walking/ cycling distance of public transport connections. Therefore, private car use would be the only viable option for travel for future occupiers.

7.9.5 The proposal also includes the re-routing of the existing public footpath which cuts through the middle of the application site such that it would run around the outer edge of the site, on the inside edge of the outer boundary vegetation. The Footpath Officer has not provided formal comments on the application and whilst the concerns of public are noted the public footpath would ultimately be retained. Its formal diversion would be subject to a separate application to HCC. Overall, the re-routing of the public footpath is not considered to be, in isolation, unacceptable in planning terms. Nevertheless, the wider visual amenity and character objections remain as outlined above.

7.9.6 Overall, the proposed development would therefore be contrary to paragraph 117 of the NPPF and Policy CP10 of the Core Strategy by virtue of the site's inability to provide sustainable means of travel.

#### 7.10 Parking provision

7.10.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.10.2 Appendix 5 of the DMP LDD requires that dwellings with 4 or more bedrooms provide 3 on site parking space. The proposal includes the provision of at least 3 spaces per dwelling. This would include 2 on a driveway and 1 within a garage (2 in the case of plots 3&4). Owing to the nature of the development with no availability for off site parking a condition would be attached to require the garage to be made available for the parking of a minimum of 1 car by removing permitted development rights for unrestricted conversions. Overall, subject to conditions, the proposed development would provide adequate on-site parking in accordance with Appendix 5,

## 7.11 Energy Use

7.11.1 Paragraph 161 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.11.2 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.

7.11.3 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.

7.11.4 An energy statement has been submitted with this application which confirms that the proposal would achieve an energy saving of 66.36% as such would comply in this respect. This would be partly achieved by the provision of Air Source Heat Pumps. Details of these including noise output would be required by condition in the event of a grant of planning permission.

## 7.12 Flood Risk and Drainage

7.12.1 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.

7.12.2 A flood risk assessment has been submitted with the application which has been reviewed by the LLFA who have objected to the information submitted. The LLFA consider that in the absence of an acceptable drainage strategy they are unable to support the proposal. A number of technical matters remain outstanding. It has not been demonstrated that the proposed SuDS would be adequate such that the proposal would not result in an unacceptable risk of flooding elsewhere. As such the development would be contrary to Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

## 7.13 Refuse and Recycling

- 7.13.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
  - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.13.2 The transport statement submitted with the application sets out that it is expected that the Local Authority refuse collection would enter the site and collect from the kerbside (with the exception of plots 1-3 who would move bins to a collection point opposite plot 3). Whilst tracking diagrams have been provided these do not appear to have been based on vehicles akin to those used by the Local Authority. This in the event of a grant of planning permission a condition would be attached to ensure a refuse vehicle of the requisite size could manoeuvre.
- 7.14 Mandatory Biodiversity Net Gain
- 7.14.1 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.
- 7.14.2 The proposed development would result in a net loss of on site habitats. Whilst the proposal would include the provision of on site hedgerows the 10% gain would be provided by way of off site credits. Whilst a Biodiversity Net Gain Plan is a post-determination matter from the information submitted the LPA has confidence that the requisite gains could be achieved.
- 7.15 Very Special Circumstances
- 7.15.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8], granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 7]; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.15.2 Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 7.15.3 Where, as in the case of the application proposals, inappropriate development is proposed in the Green Belt the NPPF paragraph 152 provides that the application should not be approved 'except in very special circumstances.' If very special circumstances are shown to exist, the harm by inappropriateness and any other harm is clearly outweighed by other considerations. This balancing exercise is applied by Core Strategy Policy CP11 and DMP Policy DM2 consistent with the NPPF.



- 7.15.4 As is recognised in the assessment above the proposed development constitutes inappropriate development in the Green Belt. In addition to the harm to the Green Belt by reason of inappropriateness, it has been shown that the development would result in other harm. The other harm is identified as:
- Adverse impact on the Conservation Areas
  - Landscape visual impacts
  - Highways Impacts (unsustainable location)
  - Insufficient evidence that the development would not result in flood risk
  - Affordable Housing
  - Ecology
- 7.15.5 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, the land cannot be Grey Belt owing to the strong reason for refusal on flooding grounds and the development fails to comply with paragraph 155 of the NPPF, in so far as the site is not located within a sustainable location. 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.
- 7.15.6 There is no definition of what constitutes very special circumstances or what weight should be attached to any VSC, this is a matter of planning judgement. The very special circumstances forming part of the planning application consideration will be assessed against the following weightings: **substantial, significant, moderate and limited**.
- 7.15.7 **Adverse impacts**
- 7.15.8 The NPPF is clear that substantial weight should be given to any harm to the Green Belt. The proposed development would represent inappropriate development which is, by definition, harmful. Furthermore would result in actual harm to openness both visually and spatially.
- 7.15.9 As set out in the relevant section above it is not considered that public benefits exist to outweigh less than substantial harm to the heritage asset [Conservation Area(s)]. However should it be the case that it were to be balanced that public benefits do exist that identified harm still remains in the context of VSC and 'any other harm'. The weighting given to the character of the Conservation Area is considered to be significant.
- 7.15.10 The lack of a policy compliant contribution towards affordable housing or an agreed position over viability would mean that the scheme fails to comply with Policy CP4 of the Core Strategy. As expanded upon in Appendix A there is an acute and overwhelming need for affordable housing in the district. Thus the failure to comply with Policy CP4 is afforded significant weight.
- 7.15.11 The application site is located in an unsustainable location where there are insufficient opportunities to promote sustainable travel. The NPPF and the development plan policies are clear that sustainable travel (walking, cycling, access to public transport) should be at the forefront of residential development. Future occupiers of the proposed scheme would be almost entirely reliant on private car use. This is given moderate weight.
- 7.15.12 The landscape harm is more attributed to the landscape character impacts as opposed to solely the removal of trees. The harm to character is afforded significant weight however the landscape impacts in isolation would be moderate.

7.15.13 It is acknowledged that ecology issues have the potential to be overcome in the future should satisfactory follow up surveys be produced with any necessary mitigation measures. However at the current time there is insufficient evidence to conclude the development would not result in unacceptable harm to protected species. This is afforded moderate weight.

7.15.14 On the basis of the information submitted it has not been satisfactorily demonstrated that the proposed development would not result in an unacceptable risk of flooding from surface water. Whilst it is clear from the comments made by the LLFA that this could be addressed at the current time this is not the case. The current level of harm is considered to be significant.

**7.15.15 Benefits**

7.15.16 The applicant sets out that the LPA's current housing land supply stands at 1.7 years (published in December 2024).

7.15.17 The lack of housing land supply is noted and it is also acknowledged that this forms the substantive case of the applicant in favour of the scheme. However the proposed development includes the provision of 9 x 5 bedroom dwellings. Whilst it is noted that the development is not considered to result in harm in the context of housing mix (Policy CP3) alone this does weigh against the scheme. The need for dwellings with 4 or more bedrooms is acknowledged. However the dwellings proposed in this scheme would be 5 bedroom 'executive' homes, by virtue of their predicted value (~£1.7m as set out in the applicant's FVA). As such are not considered to be meeting the intended identified need. In 2024, the median gross annual residence-based earnings in Three rivers was £46,457. That would mean that if a dwelling cost £1.7million, the ratio of house price to median gross annual residence-based earnings would be approximately 36.6. In other words, the cost of the house is approximately 36.6 times more expensive than the median gross annual residence-based earning in Three Rivers. Therefore whilst there would be 9 units delivered towards the LPA's housing land supply these would be unaffordable to all except those at the very upper limit of incomes in the District. Thus the contribution is only attributed limited weight.

7.15.18 Short term benefits from construction would be limited owing to the scale of the site.

7.15.19 Whilst there would be some limited benefits socially and economically from the new occupants of the nine units these would also be limited in the context of the scale of the development.

7.15.20 The development would exceed the policy compliant level of sustainability in the context of Policy DM4 (energy/carbon emissions). Nevertheless, this would be limited when tempered against the fact the existing site is open field land.

7.15.21 The passing bays along Sarratt Lane would be a benefit of the scheme. However the contribution of this would be limited as it is not required to make the development acceptable nor has it been demonstrated that there are such overwhelming concerns for highway safety in the lane (e.g expansive accident data) that would be completely overcome by two passing bays.

**7.15.22 Summary**

	<b>Weightings</b>
<b>Adverse impacts</b>	
Green Belt	Substantial
Heritage/character	Significant
Affordable Housing	Significant
Highways	Moderate

Landscape	Moderate
Flood Risk	Significant
Ecology	Moderate
<b>Benefits</b>	
9 dwellings towards housing land supply	Limited
Short term benefits from construction	Limited
Long term social/economic benefits	Limited
Sustainability (energy efficiency)	Limited
Highways improvements (passing bays)	Limited

7.15.23 The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. Very special circumstances cannot exist unless the harm to Green Belt, and any other harm, is clearly outweighed by other considerations. For the development to be acceptable in the Green Belt, within the setting of heritage assets (Conservation Area) the overall balance of other considerations must decisively weigh in favour of the development.

7.15.24 Although there are some notable benefits associated with the development, these are all considered to be limited. The totality of the other considerations as set out in the Table 1 above do not clearly outweigh the combined weight of harm to Green Belt by virtue of inappropriateness, loss of openness and conflict with the purposes of including land within it, less than substantial harm to the significance of the heritage assets, harm to the character and appearance of the street scene and landscape character, lack of contributions towards affordable housing, flooding risk, ecological implications and conflict with the development plan in this regard and unsustainable location of the site. As such, the other considerations do not clearly outweigh the identified harm, and the very special circumstances necessary to justify the development are not shown to exist. The application is therefore recommended for refusal.

## 8 Recommendation

That PLANNING PERMISSION BE REFUSED for the following reasons:

### 8.1 R1 Green Belt

The proposed development would constitute inappropriate development in the Green Belt and would result in harm to openness in both spatial and visual terms. Substantial weight is given to the harm to the Green Belt. The harm to the Green Belt and other harm is not clearly outweighed by other material considerations such as to constitute the Very Special Circumstances necessary to permit inappropriate development within the Green Belt. The development is therefore contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

### R2 Impact on Character and the Conservation Areas

By virtue of the introduction of a significant quantum of built form onto the application site this would fundamentally undermine the positive contribution that the existing open parcel of land makes to the open and verdant setting of the Outer Loudwater and Loudwater Conservation Areas, which would be further exacerbated by the removal of a significant amount of trees. Furthermore by virtue of the matching pairs of properties and large crown roof forms the proposed dwellings would fail to represent a form of development that would be in keeping with the character of the Outer Loudwater Conservation Area. By virtue of the overall level of built form that would be introduced on the site the proposal would represent overdevelopment in the context of the semi-rural setting of the site which is exemplified by

the insufficient on site separation distances. Overall the proposed development would fail to preserve or enhance the character of the Conservation Areas thus leading to less than substantial harm to designated heritage assets. No public benefits exist which outweigh the identified harm. Thus the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), The Outer Loudwater Conservation Area Appraisal (2007) and the NPPF (2024).

### **R3 Affordable Housing**

In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 or agreement that the development would not be viable to support the require commuted sum payment, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

### **R4 Flood Risk (surface water)**

On the basis of the information submitted it has not been satisfactorily demonstrated that the proposed development would not result in an unacceptable adverse impact by virtue of surface flood risk. As such the development would be contrary to Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

### **R5 Ecology**

In the absence of sufficient information it has not been demonstrated that the development would not have a detrimental impact on biodiversity and protected species on the site. Therefore, the necessary consideration and appropriate mitigation cannot be given to the impact of the development on biodiversity and protected species, which is contrary to Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

### **R6 Highways/sustainability**

By virtue of its siting along a single vehicle width, unlit, semi-rural lane there are insufficient opportunities for sustainable modes of travel. Therefore the future occupiers would have an unacceptable level of reliance of private car use. Overall the proposed development would be located within an unsustainable location with no option to make the site sustainable in the future. As such the development would be contrary to Policy CP10 of the Core Strategy (adopted October 2011) and the NPPF (2024).

## **8.2 Informative:**

- 11 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

## Appendix A

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

#### Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31<sup>st</sup> July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11<sup>th</sup> May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19<sup>th</sup> May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1<sup>st</sup> September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1<sup>st</sup> September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24<sup>th</sup> July 2018 a new version of the National Planning Policy Framework<sup>1</sup> (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that:
  - a) *“...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”*
  - e) *“In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”*

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<sup>1</sup> The National Planning Policy Framework was updated in February 2019, July 2021, December 2023 and December 2024 and retains the policies as stated in Paragraph 1.3 of this document.

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
  - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
  - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
  - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Paragraph 65 of the NPPF is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2024, Three Rivers has received small site affordable housing contributions amounting to over **£3.9 million**. £2.9 million of those monies has funded the delivery of **55 units** of additional affordable housing to date and a new development scheme which will deliver a further **8 units** utilising the current balance is currently being progressed. The Council is also presently working with local Registered Providers to enable the delivery of a further **12 additional affordable housing units** by way of loans/grants in return for 100% nomination rights. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district and continues to be an important development tool for meeting a pressing need
- 1.8 In addition to the £3.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.5million (plus indexation)<sup>2</sup>** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council will continue to utilise these monies, as they are received, to deliver further affordable housing in Three Rivers.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 129 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2024, 288 planning permissions were granted for minor residential

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<sup>2</sup> The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of May 2025.

developments which contribute a net dwelling gain. Of those only 19 have been permitted to lapse which is only 6.6% of all such schemes<sup>3</sup>.

- 1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.16. It confirms that the needs underlying the adopted development plan policy remain pressing.

### **Importance of Small Sites to Three Rivers**

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2024, 327 planning applications for residential development involving a net gain of dwellings were determined<sup>4</sup> by the Council. Of these, 292 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

## **2 Development Plan Policies and the WMS**

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

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

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

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<sup>3</sup> The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (May 2025) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

<sup>4</sup> Includes refused and approved applications. Excludes prior approval developments.



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

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

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

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

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

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

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

#### **General House Price Affordability in Three Rivers**

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016<sup>5</sup>, the lowest quartile house price in Three Rivers in 2016,

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<sup>5</sup> ONS (2025) *Dataset: House price to residence-based earnings ratio Table 6a*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

representing the cheapest properties in the District was £325,000.00, making it the **fifth**<sup>6</sup> most expensive local authority area in England and Wales (excluding London), as seen in table 1 below.

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

**Table 1.**

2.6 Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2024 was £404,500<sup>7</sup>. The lowest quartile house price of £404,500 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of 285 local authority areas (excluding London) as seen in table 2 below. Three Rivers' position has worsened and the lowest quartile house price has risen by £79,500 from 2016 to 2024, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2024)
1	Elmbridge	£445,000.00
2	St Albans	£440,000.00
3	<b>Three Rivers</b>	<b>£404,500.00</b>
4	Epping Forest	£390,000.00
5	Hertsmere	£387,500.00
6	Epsom and Ewell	£385,000.00
7	Windsor and Maidenhead	£385,000.00

**Table 2.**

2.7 Lowest quartile earnings in Three Rivers in 2016 were £24,518.00. In 2024, this figure was £33,056.00<sup>8</sup>, 12.24 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>9</sup>). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 12+ times such an income means that most first time buyers are simply unable

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

<sup>7</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6a* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>8</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6b* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>9</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6c* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2024 to have a deposit of £272k - £305k or (with a 5% deposit of £20,000) to earn £96,000.00- £128,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also be payable.

- 2.8 In 2024, the median quartile house affordability ratio in Three Rivers was 11.57<sup>10</sup> (see Table 3). Three Rivers has the eighth worst affordability ratio in England and Wales (excluding London) out of a total of 285 local authority areas (excluding London). Whilst this has improved from the 2016 figure of 13.77, Three Rivers' 5-year average is a ratio of 13.24, this being the fourth worst 5-year average affordability ratio in England and Wales (excluding London).

Number	Local Authority Name	Median quartile house price affordability ratio (2024)
1	Elmbridge	12.94
2	Epsom and Ewell	12.32
3	Hertsmere	12.24
4	Mole Valley	12.08
5	Tandridge	12.06
6	Chichester	11.81
7	St Albans	11.60
<b>8</b>	<b>Three Rivers</b>	<b>11.57</b>

**Table 3.**

- 2.9 Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2024 the ratio for Three Rivers was 12.24<sup>11</sup>, with Three Rivers having the seventh worst affordability ratio in England and Wales (excluding London). Three Rivers' 5-year average is a ratio of 13.57, this being the fifth worst 5-year average affordability ratio in England and Wales (excluding London).

### **Affordable Housing Requirements in Three Rivers**

- 2.10 The Local Housing Needs Assessment (LNHA) (March 2024) is the most recent update to the South-West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing across the South-West Herts authorities. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

#### *Affordable Housing Need - To Rent*

- 2.11 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (March 2024) found there were approximately 1,614 households within Three Rivers that were in need of

<sup>10</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 5c*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>11</sup> Office for National Statistics (2025) *Dataset: House price to residence-based earnings ratio Table 6c*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

affordable housing. This was based on a number of factors such as assessing the number of homeless households in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. When excluding households already in existing housing, this figure fell to 1,064 households, leaving an annualised current affordable housing need figure of approximately 53 over the 20-year period of 2021-2041.

- 2.12 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 724 new households forming per annum in Three Rivers over the period 2021 to 2041. 48% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 350 new households with a need for affordable housing to rent each year over the period 2021 to 2041.
- 2.13 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 48 existing households falling into need for affordable rent per year over the period 2021 to 2041.
- 2.14 Taking into account the figures of need noted above and other factors set out in the study, such as existing housing stock, **the LNHA calculates the annual affordable housing need to rent over the period 2021 to 2041 as 364 in Three Rivers** (totalling 7,280 units over a 20-year period). This need involves households who cannot afford anything in the market without subsidy and is equivalent to 44% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

#### *Affordable Housing Need - To Buy*

- 2.15 In addition to the need for rented affordable housing, the LNHA estimates a need of 163 units for affordable home ownership per annum (totalling 3,620 units over a 20-year period).

#### *Total Affordable Housing Need*

- 2.16 **Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 527 affordable units per year** (totalling 10,540 units over a 20-year period), equating to approximately 63% of Three Rivers' total local housing need requirement (as calculated by the standard method)

#### **Affordable Housing Provision in Three Rivers**

- 2.17 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.18 Since the start of the plan period from 1 April 2001 to 31st March 2024 (the latest date where the most recent completion figures are available) 5,664 gross dwellings were completed. From this, 1,226 were secured as affordable housing, a total of 21.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,323 or 23.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2024. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

2.19 In the latest monitoring period of 2023/24 (financial year), 17 sites<sup>12</sup> delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). 7 of the 17 schemes contributed to affordable housing provision whilst 10 of the 17 schemes did not contribute:

- 1 of the 17 sites delivering a net gain in housing in 2023/24 was exempt from affordable housing contributions due to planning permission being granted prior to the Council's first Needs Analysis being undertaken and when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes.
- A further 9 of the 10 delivered sites which did not contribute to affordable housing during the 2023/24 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the requirement for affordable housing contributions is subject to viability considerations
- Of the 7 completed schemes which did contribute, 5 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 2 provided on-site affordable housing units.

2.20 In addition to the 17 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required.

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

2.21 It is clear from table 4 below that small site schemes make up the overwhelming percentage of planning applications made to the Council each year for residential (net gain of dwelling(s)) development:

Financial Year	Total number of planning applications for net gain residential schemes	Number that were for small site schemes	Percentage that were for small site schemes
2017/18	67	57	85%
2018/19	50	46	92%
2019/20	60	55	92%
2020/21	38	33	87%
2021/22	39	36	92%
2022/23	34	29	89%

<sup>12</sup> Sites with completions in the monitoring year 2023/24

2023/24	39	36	92%
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**Table 4.**

2.22 Table 5 below sets out the amount of small site schemes submitted for approval to the LPA resulting in a net gain of 1, 2 and 3 dwellings from 2017/2018 (financial year) to 2023/2024 (financial year). The table highlights that a high proportion of these small site schemes are for 1, 2 and 3 dwellings (net gain), with 1 dwelling schemes being the most common by a significant amount. It is clear that the benefits of allowing applications which propose a low number of dwellings in breach of Policy CP4 would be significantly and demonstrably outweighed by the consequential loss of the development plan policy tool provided by Policy CP4 which enables the Council to provide for the mitigation of the continued and pressing need for affordable housing in the District in a proven sustainable way in accordance with the purpose of the planning system to contribute to the achievement of sustainable development including the provision of homes (NPPF, para 7).

Year	No. of 1 dwelling schemes	No. of 2 dwelling schemes	No. of 3 dwelling schemes	Total number of applications (for net gain) determined that year	% of total applications determined (for net gain) being 1-3 dwelling schemes that year
2017/2018	35	10	3	67	72%
2018/2019	27	4	4	50	70%
2019/2020	27	8	6	60	68%
2020/2021	24	3	2	38	76%
2021/2022	24	3	2	39	74%
2022/2023	17	4	2	34	68%
2023/2024	21	6	1	39	72%

**Table 5.**

2.23 In terms of numbers of completed dwellings proposed by small site schemes, between 2011-2024 (financial years) some 498 net dwellings were completed which equates to approximately 38 net dwellings per annum and to 21.6% over the 2011-2024 period. 21.6% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites*

*amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.”*

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

- 2.24 As set out at paragraphs 1.7 and 1.8 above, the Council has received approximately £3.9 million in commuted payments to date, with a further £1.5million secured. £2.9million of those monies have been spent enabling the delivery of 55 affordable housing units: an important contribution towards the identified affordable housing shortfall in the district. The Council is currently preparing a proposed scheme utilising the monies received which will deliver an additional 8 affordable housing units and it is also in discussions with partner Registered Providers to deliver a further 12 housing units by way of loans/grants in return for 100% nomination rights. The Council will continue to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 2.25 It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

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

- 2.26 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 129 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2024 there were 288 planning permissions granted for minor (net gain) residential developments in the District. Of those only 19 have lapsed (6.6%)<sup>13</sup>. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

**Relevant Appeal Decisions**

- 2.27 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.28 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three

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<sup>13</sup> See footnote 3.



local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.

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

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

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

*"...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."*<sup>14</sup>

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

2.33 The Council's stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded in over 40 appeal decisions to date that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

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

*"The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs*

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<sup>14</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

*of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”*

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth,**

**Decision date 11<sup>th</sup> October 2019:**

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

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

**Decision Date 22<sup>nd</sup> May 2019:**

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

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

**Decision Date 10<sup>th</sup> December 2019**

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

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

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

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

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

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

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

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

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

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

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

*“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”*

- **APP/P1940/W/20/3244533 2 Canterbury Way**  
**Decision Date 4<sup>th</sup> March 2021**

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

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

**Decision Date 15<sup>th</sup> June 2021**

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

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

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

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

**Decision Date: 16<sup>th</sup> March 2022**

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

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**  
**Decision Date: 29<sup>th</sup> April 2022**  
*“The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010.”*
- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**  
**Decision Date: 30<sup>th</sup> August 2022**  
*“I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council’s case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”*
- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**  
**Decision Date: 23<sup>rd</sup> September 2022**  
*“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”*
- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**  
**Decision Date: 27<sup>th</sup> October 2022**  
*“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”*
- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**  
**Decision Date: 10<sup>th</sup> May 2023**  
*The Council’s evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case*
- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**  
**Decision Date: 8<sup>th</sup> August 2023**  
*As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.*
- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood**  
**Decision Date: 20<sup>th</sup> June 2023**  
*In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In*

*accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above*

- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth**

**Decision Date: 7<sup>th</sup> February 2024**

*The Council's Housing Needs Analysis [2023] provides an up-to-date and robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below its policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance*

- **APP/P1940/W/23/3327431: 1 Gade Bank, Croxley Green**

**Decision Date: 18<sup>th</sup> March 2024**

*Policy CP4 of the CS requires commuted payments towards the provision of off-site affordable housing. A completed planning obligation has not been submitted to provide the necessary commuted payments, and I note the appellant's statement in their final comments that one would not be provided at this stage.*

*I conclude that the proposal does not make adequate provision for affordable housing. The proposal would therefore conflict with Policy CP4 of the CS and the Framework, which seek to increase the provision of affordable homes in the District.*

- **APP/P1940/W/23/3314469: 35 Lower Road, Chorleywood**

**Decision Date: 10<sup>th</sup> April 2024**

*The Council's Affordable Housing Supplementary Planning Document ('the SPD') identifies that average house prices within the district are some of the highest in the country outside of London. It identifies that the lack of suitable and affordable housing within the area impacts on the ability of the district to attract and retain workers. Although the SPD was published in 2011, more recent evidence from 2020 indicates that an affordability issue persists within the district; at that time, it had the fourth worst affordability ratio for local authority areas in England and Wales.*

*Accordingly, Three Rivers Local Development Framework Core Strategy ('CS') Policy CP4 requires the provision of affordable housing of 45% for all new housing development. The policy identifies that whilst in most cases, affordable housing provision should be made on site, on smaller sites of up to 9 dwellings, that a commuted payment ('AHP') towards off-site provision would be acceptable in lieu of delivery on-site.*

*Both the supporting text to CS Policy CP4 and the SPD acknowledge that affordable housing provision can have viability implications for development proposals, with the SPD stating that it will consider reductions to AHPs where informed by viability. The SPD also sets out that the onus is on a developer to demonstrate that viability would be jeopardised, by means of a robust financial appraisal.*

*The need for the proposal to deliver an AHP in order to accord with CS Policy*

*CP4 is not a matter of dispute. However, there is dispute with regard to the amount of the AHP, and subsequently, whether the provision of a commuted sum would render the proposal unviable*

*....On the basis of this reasoning, in reaching my conclusion, I have taken the Council's surplus figure adjusted for the additional commercial cost of £38,500. This indicates that the proposal would return a surplus, albeit this would be unlikely to be sufficient to allow the full payment of an indexed AHP. However, it is possible that an AHP of some form could be secured.*

*I therefore conclude that as the proposal would be likely to deliver a surplus, that an AHP, albeit reduced from the full indexed AHP figure, would be applicable in this instance.*

*On this basis, the proposal would fail to make adequate provision for affordable housing. It would be contrary to CS Policy CP4, the content of which I have set out above. It would also fail to accord with advice within the SPD.*

*... for the reasons given above, the appeal scheme would fail to make appropriate provision for affordable housing in an area with a significant need for such, and I cannot be certain that it would not harm protected species.*

*Consequently, the adverse effects of granting planning permission would, in this case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*

- **APP/P1940/W/23/3333829: Ravenswood Farm, Church Lane, Sarratt**  
**Decision Date: 3<sup>rd</sup> July 2024**

*The Council's fourth reason for refusal refers to the absence of a legal agreement. Core Strategy Policy CP4 requires commuted payments towards the provision of off-site affordable housing. This point is not disputed by the appellant and they have indicated a willingness to provide such a contribution and a draft legal agreement was submitted with the appeal.*

*The Procedural Guide: Planning Appeals – England May 2024 is clear that if the appellant intends to send a planning obligation and wants to be certain that it will be taken into account by the Inspector an executed and certified copy of the planning obligation should be provided at the time of making the appeal.*

*I note the appellant's statement in their final comments that one would be provided. However, a completed planning obligation has not been submitted to provide the necessary commuted payments. As such, the proposal does not make adequate provision for affordable housing. The proposal would therefore conflict with Policy CP4 of the Core Strategy and the Framework, which seek to increase the provision of affordable homes in the District.*

- **APP/P1940/W/23/3324209: Cottage Farm, Redhall Lane, Rickmansworth**  
**Decision Date: 3<sup>rd</sup> October 2024**

*Policy CP4 of the Core Strategy seeks an overall provision of around 45% of all new housing as affordable housing. In relation to small sites delivering between one and nine dwellings, the use of commuted payments towards provision off site is considered.*

*The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The Council and the appellant have come to an agreement on a commuted payment of £122,267 towards off site affordable housing provision. Based on the evidence before me, I have no reason to dispute this. The appellant has provided a completed*



*Unilateral Undertaking which would secure the required financial contribution.*

*The contribution sought has been demonstrated to be necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Consequently, the obligation would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework.*

*I therefore conclude that the proposal would make appropriate provision for affordable housing in accordance with Policy CP4 of the Core Strategy.*

- **APP/P1940/W/24/3342047: Land to the Rear of 51-53 Greenfield Avenue**  
**Decision Date: 14<sup>th</sup> October 2024**

*CS Policy CP4 requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites.*

*The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with the National Planning Policy Framework (the Framework), I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above.*

- **APP/P1940/W/24/3340719: Land Adjoining 10 Gypsy Lane, Hunton Bridge**  
**Decision Date: 21<sup>st</sup> February 2025**

*CS Policy CP4 expects 45% of all new housing to be affordable. For small sites such as the proposal, this may be provided through commuted payments for housing elsewhere. Such contributions are payable, unless it can be shown that they would make the scheme unviable.*

*Policy CP4 was adopted prior to the publication of the Written Ministerial Statement in November 2014. This made clear that affordable housing should not be sought for developments such as the proposal. As a result, for a time, the Council did not require affordable housing contributions from some schemes, including for the development now built at 18 Hunton Bridge Road.*

*However, the Council has recommenced requiring such contributions. This follows evidence of the very high house prices and pressing need for affordable housing in the District, which is not disputed. The Council's Annual Monitoring Report for 2023/2024 shows that, out of 17 sites of one or more houses, six made commuted sums. **The use of such sums from small-scale development therefore makes a meaningful contribution to addressing the housing needs of the District.***

*The PPG and Paragraph 65 of the new Framework state that affordable housing should not be sought for non-major residential developments, as here. The need to make financial contributions, or to justify non-viability, results in additional costs and delay particularly to small-scale housing schemes. I understand that some development plan policies in other areas, including in parts of London, do not seek contributions from small-scale proposals.*

*Even so, policy CP4 remains the adopted policy within the District. I am mindful that the new Framework re-states previous national policy, rather than indicating a change in the direction of the Government. As such, **given the acute need for affordable housing locally, and the contribution that small sites make to reducing this***

***need, I give greater weight to CS policy CP4 than to Framework Paragraph 65.***

*Where non-viability is cited for non-compliance with these requirements, policy CP4 requires justification by way of a financial viability assessment. Viability was a matter of dispute between the main parties, including in respect of land values and build costs. However, at the Hearing, the Council and the appellant were able to agree on a contribution that would make some provision for affordable housing whilst not making the proposal unviable. I see no reason to dispute the amount, and the contribution, secured by the UU, would meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.*

*For the reasons given above, I conclude that the proposal would need to make a contribution towards affordable housing provision, and that the amount secured would be sufficient to comply with CS policy CP4. Given its size, this attracts limited positive weight in favour of it.*

## **Conclusion**

- 2.34 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022, February 2023, April 2024 and July 2025 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore, comparisons between 2016-2024 ONS data shows that the affordability of housing in Three Rivers has remained low year on year and the need for affordable housing units is growing. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

**Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3230911, 3230458, 3213370, 3229038, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530, 3327431, 3314469, 3333829, 3324209, 3342047, 3340719)**

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

## **Sources Used:**

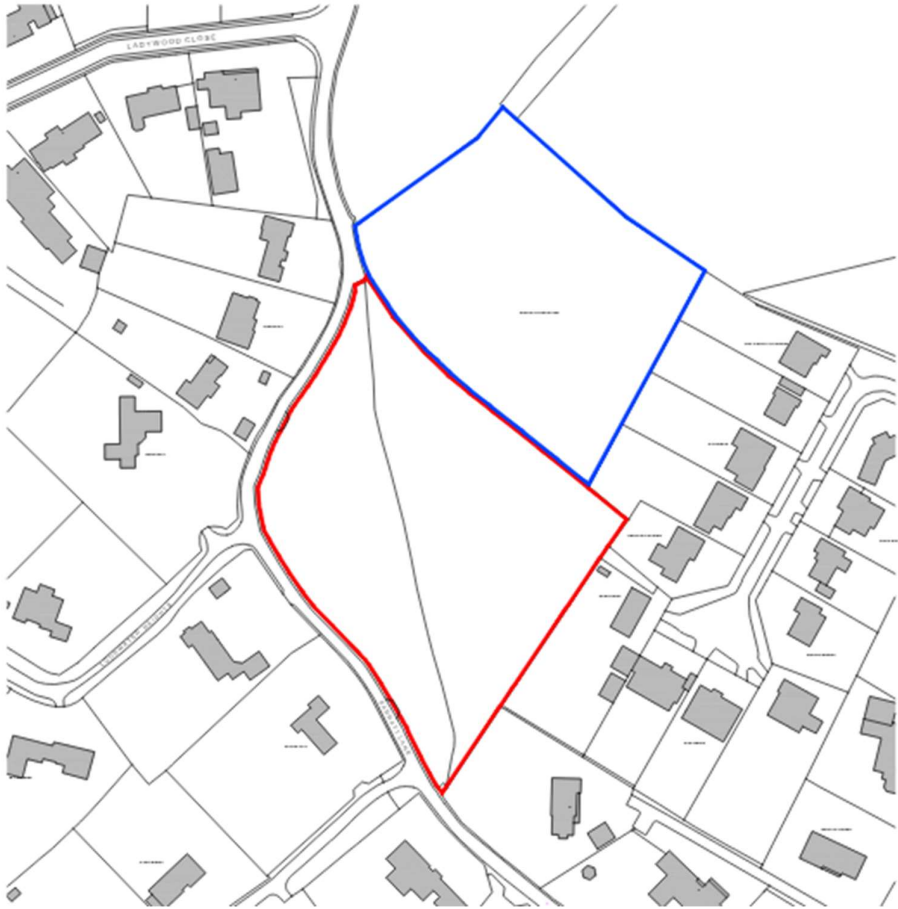
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3. Affordable Housing Supplementary Planning Document (June 2011)  
<http://www.threerivers.gov.uk/eqcl-page/supplementary-planning-documents>
4. South West Hertfordshire Local Housing Needs Assessment Update (March 2024)  
<https://cdn.threerivers.gov.uk/files/2025/02/87ecbcc0-e46a-11ef-91c0-6b9ca2e0e81d-2024%20LHNA%20Report.pdf>
5. Office of National Statistics Housing Data 2002-24  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

**July 2025**

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Map below showing Conservation Area boundaries (taken from TRDC interactive policies map)

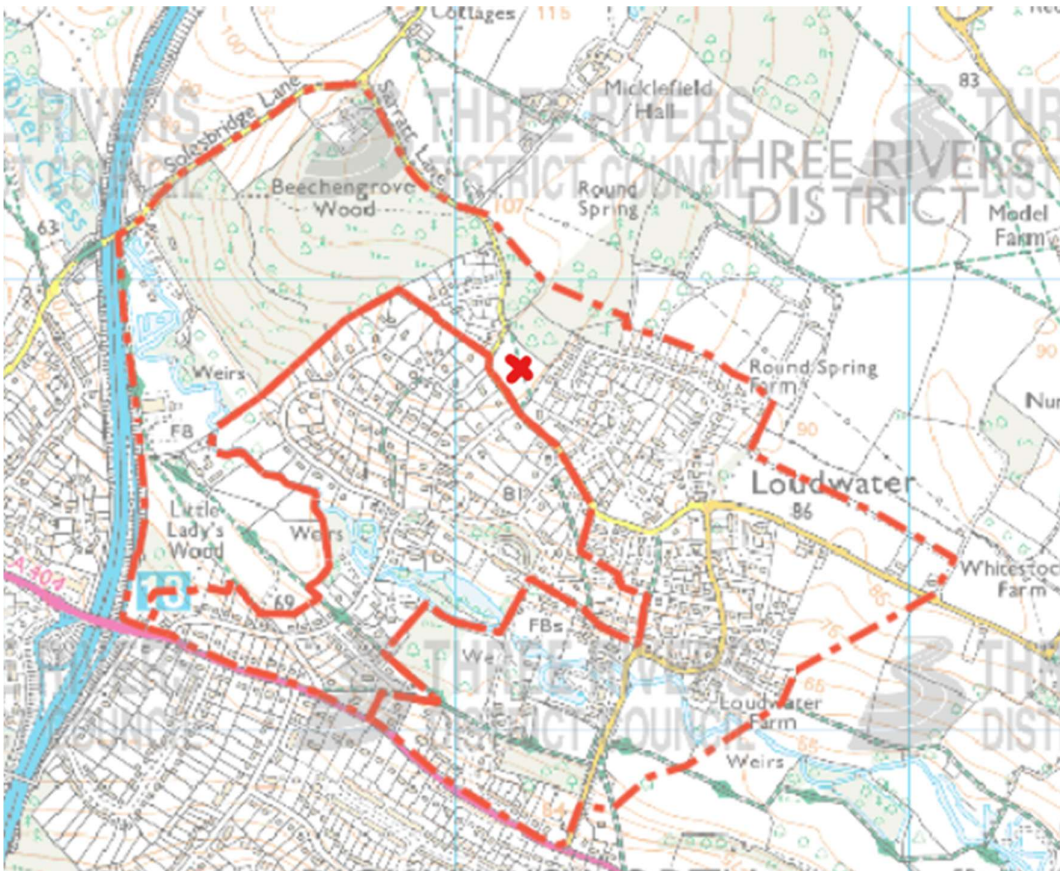




Image from existing access to public footpath looking north up Sarratt Lane

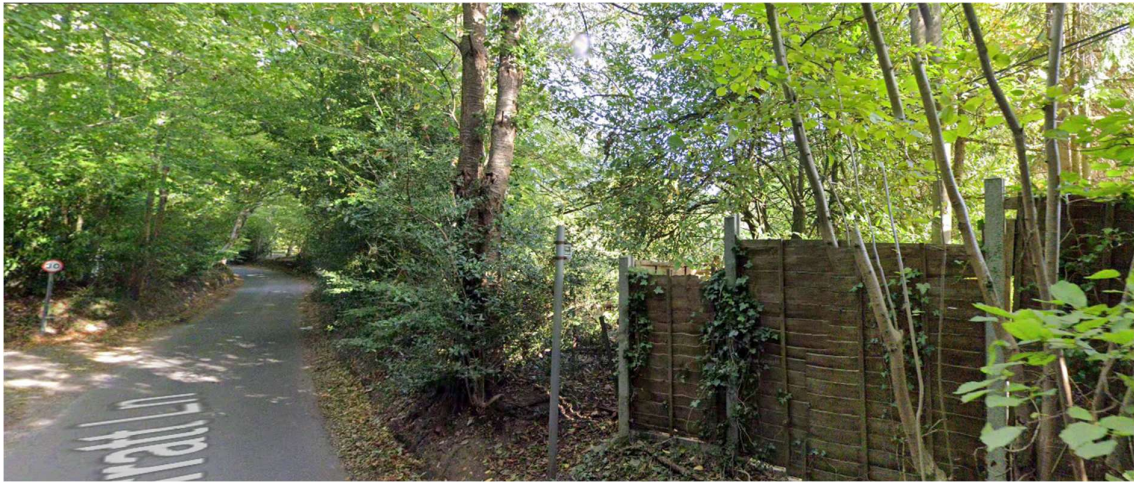


Image from existing vehicular access looking south down Sarratt Lane





Image looking south down Sarratt Lane part way along the site boundary



Photo within the site looking south down the footpath





Photo showing the footpath looking south and the vegetation adjacent to Sarratt Lane



Photo below looking towards the southern exit of the footpath and Bridle Lane



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## PLANNING COMMITTEE – 11 December 2025

**25/1851/FUL - Variation of Condition 2 (plans) pursuant to planning permission 23/1619/FUL to allow the omission of central ridge spanning the front facing gables, and alteration to the window blades on the front elevation at GARAGES BETWEEN 83 AND 89 THE QUEENS DRIVE, MILL END**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 22 December 2025

Ward: Penn and Mill End  
Case Officer: Adam Ralton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application is on Three Rivers District Council owned land.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=T4S24BQFILF00>

### **1 Relevant Planning History**

- 1.1 18/0322/FUL: Demolition of existing garages and construction of three linked two storey buildings consisting of a total of 6 flats for temporary accommodation with associated car parking and landscaping. Approved July 2018. Planning permission was not implemented and has expired.
- 1.2 23/1619/FUL: Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking and landscaping works. Approved November 2023.

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

- 2.1 The application site is located to the north western side of The Queens Drive, south west of its junction with Quickwood Close. The site contains five linked single storey flat roofed garage blocks, containing a total of 22 garages. They are arranged broadly in a U-shape, facing The Queens Drive, with a large concrete forecourt area and access drive. The closest parts of the garages to The Queens Drive are set approximately 20 metres back from the road.
- 2.2 The application site is located on the outside of a bend in The Queens Drive. The site is bound by The Queens Drive to the south-east, No. 83 The Queens Drive to the south, No. 89 The Queens Drive to the north east, and a narrow band of woodland forming part of Pheasants Wood to the west and north with the M25 immediately beyond this woodland. The land to the rear, including Pheasant's Wood, is within the Green Belt. The woodland is identified in the Local Plan as Open Space and a Local Wildlife Site.
- 2.3 The Queens Drive is characterised primarily by two storey semi-detached and terraced dwellings. The dwellings generally have pitched or hipped tiled roofs, and the majority benefit from at least one off-street car parking space within a front forecourt area. The neighbouring houses have ground to ridge heights of approximately 8.1 metres.

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

3.1 This application seeks to vary condition 2 attached to the previous grant of planning permission for the demolition of all existing garage buildings and the construction of a two storey building containing six two-bedroom flats (23/1619/FUL) in order to allow changes to the design of the approved building. Condition 2 attached to the planning permission reads as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1001, 1010, 1050 A, 1055 A, 1060 A, 1070 A, 1071, 1100, 1101, 1200, 1400 and 2023/7170/003 P1.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

3.2 The proposed variation would allow two changes to the approved scheme:

- Change to the roof, removing the central ridge
- Change to the front-projecting window blades, retaining their approved depth but removing the sill/lower portion.

3.3 The previously approved development was described as follows, which remains relevant:

3.3.1 *The submitted plans show the building would be brick built and be two storeys high with a pitched roof. The building would be approximately 8.5 metres high to the ridge and 5.6 metres to eaves. It would be approximately 24 metres wide and 12 metres deep. The front elevation would contain three gable roof forms. The larger front windows would be surrounded by projecting frames and would have brick panelling at first floor level.*

3.3.2 *The proposed building would be set approximately 24 metres back from the edge of the footway along The Queens Drive. The existing vehicular access would be widened to provide entrance to a new parking forecourt containing 10 car parking spaces. Bin and bicycle stores are proposed to the southern boundary of the site, and soft landscaping areas proposed to be introduced to both sides of the front forecourt and between the spaces.*

3.3.3 *The existing footpath to the north of the site through to the rear would be retained.*

3.3.4 *The application is accompanied by the following supporting documents:*

- *Affordable Housing Statement.*
- *Biodiversity Net Gain Report (LC Ecological Services, August 2023).*
- *Design and Access Statement (Black Architecture August 2023).*
- *Ecological Appraisal (LC Ecological Services, August 2023).*
- *Energy Statement (Etude, August 2023).*
- *Noise and Vibration Impact Assessment Report (KP Acoustics, March 2023).*
- *Phase 1 Desktop Study Report (Opus, December 2017).*
- *Transport Statement (RGP, August 2023).*
- *Tree constraints impact assessment and tree protection method statement for new dwellings (B.J.Unwin Forestry Consultancy, August 2023).*



3.4 It should be noted that during the course of this application amended plans were received. The amended plans:

- Amended the proposed landscaping plan, to show the boundary treatment details which were subject of the original approval.
- Changed the nature of the alteration to the front window blades. On submission, the proposal was to reduce their depth. However, following receipt of feedback on this, the depth has been retained but the bottom part (sill) of the blade removed.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Chorleywood Parish Council: [Object]

The Committee had Objections to this application on the following ground and wish to CALL IN, unless the Officers are minded to refuse.

Reduction in the scale of the windows blades will have a significant negative impact on the privacy of the neighbouring properties (83 and 89 The Queens Drive) through overlooking of the existing properties bedrooms and gardens immediately behind the houses from the first-floor living accommodation of the new homes. With the positioning of the new dwellings to an angle behind the neighbouring properties, this can only be addressed by either angling the glazing on the outside windows or providing window blades (as given in the existing permission) to block the views of the neighbouring property.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended plans / information.

**OFFICER COMMENT:** Following receipt of amended plans changing the window blade arrangement, the parish have been notified and any further comments will be reported at the committee meeting.

#### 4.1.1.1 Chorleywood Parish Council (Second response): [No objections]

I have reviewed the amended plans and, on the basis of these, I am happy to remove our Call-In and revise our comments to “No objections”.

#### 4.1.2 National Grid:

Not received at the time of drafting report. Comments received will be reported at committee.

### 4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Displayed 3 November 2025, expired 24 November 2025.

4.2.2 Number consulted: 30

4.2.3 No of responses received: 2 objections received

4.2.4 Summary of objections:

- Window blades were designed to give privacy to neighbours, depth will be reduced from 51 cm to 47cm, changing line of sight and allowing increased views of neighbour.
- Design looks more like flats, out of keeping with the road.
- External stairways should be made internal as will look out of character and could lead of behaviour issues.

## **5 Reason for Delay**

5.1 No delay.

## **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 PSP3, CP1, CP2, CP3, CP4, 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, DM9, DM10, DM13 and Appendices 2 and 5.
- 6.2.6 The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.
- 6.2.7 Chorleywood Neighbourhood Development Plan 2020-2035 (August 2020 Referendum Version, adopted May 2021)
- 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 Background / Principle of Development
- 7.1.1 As noted above, planning application 23/1619/FUL permitted the demolition of the existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking and landscaping work. A copy of that committee report is attached at **Appendix A**.
- 7.1.2 The 2023 planning permission remains extant and there are not considered to have been any material changes to site circumstances or planning policy since its grant. The following analysis therefore focuses on the proposed changes as set out at 3.2 above and their impact on the character and appearance of the area and residential amenity, and any other relevant material considerations. The previously approved and current proposed elevations are shown in **Appendix B**, along with a section of photographs of the site.
- 7.2 Impact on the character and appearance of the street scene and locality, and on the adjacent Green Belt
- 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'.
- 7.2.1 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; [This point will be assessed separately below]
- iii. The generation of excessive levels of traffic; [This point will be assessed separately below]
- iv. Loss of residential amenity; [This point will be assessed separately below]
- 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.)

7.2.2 The Chorleywood Neighbourhood Plan is also relevant. Policy 2 of the Chorleywood Neighbourhood Plan states:

*'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.*

And

*Development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces, and enhance the relationships and linkages between the built and natural environment*

7.2.3 As explained as part of the assessment of the previous application, the application site contains single storey flat roofed garage buildings, and is in an area characterised primarily by two storey pairs of semi-detached dwellings, with some terraces of three or four dwellings also found. The dwellings have a mix of hipped roofs, and pitched roofs, with front projecting gables also being a common feature in the street. The principle of a two storey development on this site has been accepted, and this application seeks to revise the design of the building, to remove the single central ridge running across the width of the building. This would change the appearance of the building somewhat, with the three pitched roofs with gables to the front and rear becoming more prominent as a result of the loss of the roof which infilled the gaps between the gables and provided a solid backdrop.

7.2.4 Whilst this has the effect of visually breaking the building vertically into three elements, the fenestration arrangement to the front and rear façade remains unchanged and consistent. The front gable roofs remain unchanged, and reflect the design of neighbouring properties which have front projecting gable features. The loss of the central parts of the roof reduce the impact of the roof form and reduce the overall massing of the proposed building. Whilst the change will be notable, it is not considered to result in any harm to the character or appearance of the street scene or wider area.

7.2.5 The application also proposes a small alterations to the design of the window blades, with the removal of the lower cill. The blades remain otherwise unchanged and it is not considered the alterations would result in any harm or detrimental effect on the appearance of the building overall.

7.2.6 The proposed development would be visible from the Green Belt to the rear of the site. However, due to the separation distance (approximately 6 metres from the boundary), that the site is previously developed and that the built form would be set back from the Green Belt boundary further than the existing garage buildings, and given the siting is unchanged since the previous approval and the

massing reduced, it is not considered that the proposal as amended would have any adverse impact on the openness of the Green Belt.

7.2.7 In summary, it is considered that the proposed building would be of a layout and appearance that would not have a detrimental impact on the character or appearance of the area. The proposal would accord with Policies CP1 and CP12 of the Core Strategy, DM1 of the Development Management policies LDD or Policy 2 of the Chorleywood Neighbourhood Plan.

### 7.3 Impact on amenity of neighbouring properties

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

#### 7.3.2 Privacy

7.3.2.1 In respect of privacy, Appendix 2 sets out that "distances between buildings should be sufficient so as 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". It also states "where privacy is achieved by means such as careful layout, screening, or differing levels, rear gardens may be of varied lengths. However where rear garden length alone is relied on to provide privacy the minimum length should be 14 metres".

7.3.2.2 The siting of the proposed building is unchanged from the previous grant of planning permission, and window arrangements remain identical in terms of position on the building. In respect of the window blades, the assessment of the previous application commented as follows in respect of the impact on No. 83 (found in 7.5.2.2 at Appendix A):

*At first floor level, the front facing windows would both serve living/dining rooms. The larger window serving this room would have an external projecting frame 0.7m deep which would act to screen most views from the first floor window toward No. 83. Some oblique views would be visible from the smaller window, which is located in a smaller enclosed corner of that room, toward the rear garden and rear facing windows of No. 83, however such views would be oblique and limited to one small window in a corner of a room.*

7.3.2.3 The assessment of the previous application commented as follows in respect of the impact on No. 89 (found in 7.5.2.3 at Appendix A):

*Of the two front-facing windows, the window closest to No. 89 features the same projecting frame referenced above which would restrict views from that first floor room toward No. 89. The second window serving that room would be set further from No. 89. Given the minimum distance of 8.5m between buildings, the orientation of the buildings, and the boundary treatments, it is not considered that the proposal would result in any demonstrable harm to the privacy of the occupants of No. 89.*

7.3.2.4 During the course of this application, the proposal has been amended such that it is no longer proposed to reduce the depth of the window blades. Their design is revised, removing the sill. Their depth remains unchanged. On that basis, the development as amended is not considered to have a materially different impact on the privacy of neighbours to the approved scheme, and no objection is raised.

### 7.3.3 Visual Impact

7.3.3.1 In respect of the impacts of new development, Section 5 of Appendix 2 of the DMP LDD sets out that “new development should take into consideration impacts on neighbouring properties, both within and surrounding the development and visual impacts generally”. It states that new development must “not be excessively prominent in relation to adjacent properties”.

7.3.3.2 The siting of the proposed building has not changed. The alterations to the roof form would be screened from the adjacent neighbours by the main outer roof slope which is not proposed to change, and as a result the new roof form would not materially impact the immediate neighbours. It is not considered that this proposal would materially impact the visual impact of the proposed development on the amenities of occupants of any neighbouring property, and the impact would continue to be acceptable.

### 7.4 Other Matters

7.4.1 This variation does not impact the proposed affordable housing provision (100% affordable). In addition, it has no impact on the proposed landscaping car parking or amenity space provision which all remains as previously approved.

7.4.2 A number of the planning conditions attached to the previous grant of planning permission have been discharged, and the list of conditions below reflects this by referring to approved details where applicable.

7.4.3 The application is exempt from mandatory Biodiversity Net Gain, because the original planning permission to which this S73 application relates was granted before 12 February 2024.

### 7.5 Conclusion

7.5.1 In summary, the proposed changes to the previous grant of planning permission are not considered to dilute or undermine the original grant of planning permission, and the proposed amendments are not considered to diminish the quality of the proposed development overall. On that basis, the proposed variation is considered acceptable.

## **8 Recommendation**

8.1 That planning permission be granted subject to the following conditions:

C1 The development hereby permitted shall be begun before 20 November 2026.

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1001, 1010, 1050 P00, 1055 P01, , 1070 P00, 1100 P01, 1101 P01, 1200 P02, 1400 and 2023/7170/003 P00.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP6, CP9, CP10 and CP12

of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Neighbourhood Plan.

Affordable Housing (Compliance)

- C3 The Affordable Housing shall be provided in accordance with the scheme approved in the Local Planning Authority's letter dated 21 November 2025 relating to application 25/1478/DIS.

The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
  - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
  - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
  - (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
  - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This is a condition to meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

#### Construction Management Plan (Compliance)

- C4 The construction of the development hereby approved shall be undertaken only in accordance with the Construction Phase Health and Safety Plan and Demolition and Construction Management Plan approved in the Local Planning Authority's letter dated 21 November 2025 relating to application 25/1478/DIS.

Reason: This is a condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### Construction Environmental Management Plan (Compliance)

- C5 The development hereby permitted shall be implemented only in accordance with the Construction Environmental Management Plan approved in the Local Planning Authority's decision letter dated 17 November 2025 relating to application 25/1670/DIS..

Reason: In the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

#### Tree Protection (Pre-commencement compliance):

- C6 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as shown on Tree Retention and Protection Plan QDTRP-Aug23 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

The development shall be carried out in full accordance with the approved Tree Constraints, Impact Assessment and Tree Protection Method Statement by B.J.Unwin Forestry Consultancy Ltd (dated 21 August 2023).

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

#### Contaminated Land (pre-commencement, submission required)

C7 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A site investigation, based on the findings of the Phase 1 Desk Study Report prepared by Opus (Report ref. E-E1711.00/LJE/SH), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Materials (Before above ground works)

C8 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials for the building shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

Ecological enhancements (Compliance)

C9 Prior to the first occupation of the development hereby permitted, the ecological enhancement measures shall be installed in accordance with the details approved in the Local Planning Authority's letter dated 20 October 2025 relating to discharge of condition application 25/1525/DIS and maintained as such thereafter.

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

Landscaping (Compliance)



C10 .

All hard landscaping works required by the scheme approved in the Local Planning Authority's letter dated 20 October 2025 relating to discharge of condition application 25/1525/DIS shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the scheme approved in the Local Planning Authority's letter dated 20 October 2025 relating to discharge of condition application 25/1525/DIS 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).

Parking to be provided (Pre-occupation compliance)

C11 Prior to the first occupation of the development hereby permitted, the parking and turning spaces as shown on drawing 1055 Rev P01 shall be provided on site and retained thereafter only for the parking of vehicles associated with this development and visitors.

Reason: This is a condition in the interest of highway safety and traffic movement and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Bicycle storage (Pre-occupation compliance)

C12 No dwelling shall be occupied until its secure cycle storage as shown on plans 1050 P00 and 1400 has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel 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).

Bin store (Pre-occupation compliance)

C13 The development hereby permitted shall not be first occupied until the refuse storage area as shown on plan no. 1400 has been implemented in full, 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, DM3, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

Boundary treatments (Pre-Occupation compliance)

- C14 Prior to the first occupation of the development hereby approved, the boundary treatments shown on Drawing 1055 P01 shall be installed in accordance with that drawing and 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).

Contamination (compliance)

- C15 Following completion of measures identified in the approved remediation scheme and prior to the first occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

Unidentified contamination (compliance)

- C16 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 the

National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (2013).

Energy Statement (Pre-occupation compliance):

- C17 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.

Lighting details (Before installation)

- C18 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity of the lighting. The lighting shall be installed only in accordance with the approved details and retained as such thereafter.

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

Noise mitigation (Compliance)

- C19 The development shall be completed in accordance with the construction methodology and mitigation measures as set out within the submitted Noise and Vibration Impact Assessment Report 16721.NVA.02 including window design and ventilation.

Reason: To ensure that occupiers of the development are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013)

Bird Nesting Season (Compliance):

- C20 No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

Reason: To protect the amenities of wildlife during the primary nesting season and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application 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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

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

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

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

are 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

14 Affordable Housing – Definitions:

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

Affordable Housing Provider means a registered provider registered with the Homes England (HE) or other body registered with the HE under the relevant Housing Act or other body approved by the HE to receive social housing Grant such Affordable Housing Provider in any event to be approved by the Council.

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes England (HE) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of the freehold or no less than a 125 year leasehold interest.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Housing as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.

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## PLANNING COMMITTEE - 16 November 2023

### **23/1619/FUL - Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking and landscaping works at GARAGES BETWEEN 83 AND 89 THE QUEENS DRIVE**

Parish: Chorleywood Parish Council

Ward: Penn and Mill End

Expiry of Statutory Period: 20 November 2023

Case Officer: Adam Ralton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is a joint venture company with Three Rivers District Council, and the application is on Three Rivers District Council owned land.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1J0W9QFH5P00>

#### **1 Relevant Planning History**

- 1.1 18/0322/FUL: Demolition of existing garages and construction of three linked two storey buildings consisting of a total of 6 flats for temporary accommodation with associated car parking and landscaping. Approved July 2018. Planning permission was not implemented and has expired.

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

- 2.1 The application site is located to the north western side of The Queens Drive, south west of its junction with Quickwood Close. The site contains five linked single storey flat roofed garage blocks, containing a total of 22 garages. They are arranged broadly in a U-shape, facing The Queens Drive, with a large concrete forecourt area and access drive. The closest parts of the garages to The Queens Drive are set approximately 20 metres back from the road.
- 2.2 The application site is located on the outside of a bend in The Queens Drive. The site is bound by The Queens Drive to the south-east, No. 83 The Queens Drive to the south, No. 89 The Queens Drive to the north east, and a narrow band of woodland forming part of Pheasants Wood to the west and north with the M25 immediately beyond this woodland. The land to the rear, including Pheasant's Wood, is within the Green Belt. The woodland is identified in the Local Plan as Open Space and a Local Wildlife Site.
- 2.3 The Queens Drive is characterised primarily by two storey semi-detached and terraced dwellings. The dwellings generally have pitched or hipped tiled roofs, and the majority benefit from at least one off-street car parking space within a front forecourt area. The neighbouring houses have ground to ridge heights of approximately 8.1 metres.

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

- 3.1 This application proposes the demolition of all existing garage buildings and the construction of a two storey building containing six two-bedroom flats.
- 3.2 The submitted plans show the building would be brick built and be two storeys high with a pitched roof. The building would be approximately 8.5 metres high to the ridge and 5.6 metres to eaves. It would be approximately 24 metres wide and 12 metres deep. The front

elevation would contain three gable roof forms. The larger front windows would be surrounded by projecting frames and would have brick panelling at first floor level.

- 3.3 The proposed building would be set approximately 24 metres back from the edge of the footway along The Queens Drive. The existing vehicular access would be widened to provide entrance to a new parking forecourt containing 10 car parking spaces. Bin and bicycle stores are proposed to the southern boundary of the site, and soft landscaping areas proposed to be introduced to both sides of the front forecourt and between the spaces.
- 3.4 The existing footpath to the north of the site through to the rear would be retained.
- 3.5 The application is accompanied by the following supporting documents:
- Affordable Housing Statement.
  - Biodiversity Net Gain Report (LC Ecological Services, August 2023).
  - Design and Access Statement (Black Architecture August 2023).
  - Ecological Appraisal (LC Ecological Services, August 2023).
  - Energy Statement (Etude, August 2023).
  - Noise and Vibration Impact Assessment Report (KP Acoustics, March 2023).
  - Phase 1 Desktop Study Report (Opus, December 2017).
  - Transport Statement (RGP, August 2023).
  - Tree constraints impact assessment and tree protection method statement for new dwellings (B.J.Unwin Forestry Consultancy, August 2023).

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: [Object]**

Whilst the Committee wishes to support the creation of further Affordable Housing in the Parish, due to key elements of the proposed design which will impact both residents of the new homes and the existing residents of The Queens Drive, it had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

The positioning of the flats towards the rear of the site will result in considerable adverse impact on resident of the new homes from noise and pollution from the M25. The proposals include no clear commitment to how these will be mitigated, particularly for the bedrooms at the rear of the properties. For this application to be acceptable, the Committee feel that the resolution to this needs to be fully identified / documented and committed to as part of the application.

The impact on the privacy of the neighbouring properties (83 and 89 The Queens Drive) through overlooking of the existing properties bedrooms from the first-floor living accommodation of the new homes. The plans show angled glazing surrounds to the outer flats, but examining the sight lines indicate that this is not sufficient to provide appropriate privacy for the existing dwellings, particularly bearing in mind the close proximity of the new properties to the existing homes. This could be resolved by increasing the angling of these first-floor windows and, rather than using surrounds, using fully angled glazing units.

The small windows to the front of the first-floor flats should be obscured to provide proper privacy to 83 and 89 Queens Drive.

It is proposed that the bin store for the new flats will be in close proximity to the front door of 83 The Queens Drive. To prevent a negative adverse impact on existing residents

through rubbish odours, this store should be move further back, possibly swapping with the cycle store.

The site provides for only 10 parking spaces, despite Appendix 5 of the Development Management Policies requiring 2 per dwelling, i.e. 12 in total. This site is not in close proximity to amenities or public transport; therefore it is not acceptable to reduce the requirement below existing policy. It must also be considered that this site is in a sensitive position, on a right angle bend in the road where street parking introduces significant risk for road users due to lack of visibility.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

#### 4.1.2 Hertfordshire Constabulary – Designing out Crime: [No objection]

Thank you for sight of planning application 23/1619/FUL, Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking, and landscaping works. Garages Between 83 And 89 The Queens Drive Mill End.

I have had a meeting with the architects, and I am content that security has been considered for this application and it is the client's intention to build to the police preferred minimum security standard Secured by Design.

#### 4.1.3 Hertfordshire County Council – Highway Authority: Interim Response

In order for HCC as the Highway Authority to consider the application to be in line with LTP4 policies, it is requested that an amendment is made to alter the realignment/extension of the existing bellmouth, as outlined in the Transport Assessment, to be the installation of a dropped kerb. If alterations are proposed to the access, it would be preferred that those alterations are in line with LTP4, especially policies 1 and 5, and therefore put pedestrian movements above those of vehicles. Under HCC Policy and Guidance, a dropped kerb would be suitable for the number of proposed dwellings at the site and would ensure that pedestrian movements have priority passing the site. The maximum size of a dropped kerb is 7.2m as outlined within the Residential Dropped Kerb Policy and Roads in Hertfordshire: The Highway Design Guide: Section 4. It is noted that the scheme has been previously approved with materially similar plans, however, these plans were submitted prior to the adoption of LTP4; thus, HCC policies have changed.

#### 4.1.3.1 Hertfordshire County Council – Highway Authority (Second Response): [No objections]

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

Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained at a width of no greater than 7.2m (made up of six flat kerbs and two ramped kerbs) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

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

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

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

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

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

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

### **Comments/Analysis**

It is noted that an application at the site under reference 18/0322/FUL for the construction of three linked two storey buildings consisting of a total of 6 flats was previously approved.

### **Description of Proposal**

Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed person flats with associated bin and bike storage, access, parking and landscaping works

### **Site and Surroundings**

The Queens Drive is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is currently a block of garages set back

behind the existing dwellings fronting The Queens Drive in a residential area. The site is located in the north-western corner of Rickmansworth, approximately 2km from the centre of the town. A parade of shops is located within 1km south of the site on Berry Lane. There are a number of bus stops within 500m of the site, these being stops for the R1, R2 and 321 Sapphire buses. Rickmansworth station is approximately 2.5km from the site and is served by Chiltern Railways and the Metropolitan line. The site is therefore within a suitable area for the size of development and provides options for active travel from the site to local facilities.

### **Access and Parking**

The now amended application proposes to alter the existing access into the site from the existing bellmouth to a dropped kerb. The use of a dropped kerb ensures the proposed development is in line with LTP4 by giving priority to pedestrian movements along the footway fronting the site. The dropped kerb has been shown to be 6.8m wide on drawing number 2023/7170/003 Rev P1. This would not be standard size that HCC would construct and therefore, when the access would be altered via S278, it will be constructed to an HCC standard size, the closest being 6.3m or 7.2m. The proposed development of the garages does not impact upon the existing available visibility splays from the access, which is not to change position. These splays are clear and wholly within highway land for the required area of 2.4m x 43m, as outlined within Roads in Hertfordshire: Highway Design Guide 3<sup>rd</sup> Edition Section 4 – Design Standards and Advice. There have not been any collisions fronting the access within the last 5 years.

The proposed 6 dwellings are to replace the existing 22 garages, the garages are described within the Transport Statement as “many of which are currently in-use”, although it is also stated that “the majority of the tenanted garages are used for the purposes of storage” likely due to them being smaller than the now required dimensions for garages to allow a modern car to fit. A trip generation assessment has been provided for the proposed use but not for the existing use. However, the number of proposed dwellings by comparison of the number of existing garages would likely have a negligible difference in trips. The proposed trips shown in Figure 6 of the Transport Statement would not have a significant, nor severe, impact upon highway capacity, especially during the peak periods.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that 10 parking spaces are proposed at the site according to the TA. It is noted that the site is located within parking zone 4 of TRDC parking zones, meaning that 75-100% of the parking provision at the site is required. The 100% parking standard would be 6 assigned spaces, the provision at the site is above this. The Design and Access Statement says there is to be electric vehicle charging provision in 6 of the parking bays. Cycle parking is provided in a secure communal store within the site, capable of storing “at least 6 cycles” according to the TA.

In terms of potential displaced parking caused by the demolition of the garages, the TA includes an assessment of on-street parking stress. The survey suggests that 18 of the 22 garages are occupied and therefore a maximum of 18 displaced cars are to be expected. The stress survey was undertaken overnight, as would be expected, and is reported that there is space for up to 47 additional parked vehicles. Therefore, any displaced parking is likely to be accommodated within the local area on routes which do not have parking restrictions.

### **Refuse and Waste Collection**

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m to that location. The TA states that these distances are not to be exceeded and that refuse collection shall occur on-street in line with the current refuse collection methods for the other dwellings along The Queens Drive.

### **Emergency Vehicle Access**

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the proposed flat's footprint being within this 45m. As stated in the TA, the width of the proposed access is also wide enough to allow for an emergency vehicle to enter if absolutely required, although no swept path drawing has been provided.

### **Conclusion**

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

#### 4.1.4 Herts Ecology:

Not received at the time of drafting report. Comments received will be reported at committee.

#### 4.1.5 National Grid:

Not received at the time of drafting report. Comments received will be reported at committee.

#### 4.1.6 National Highways:

Not received at the time of drafting report. Comments received will be reported at committee.

#### 4.1.7 Three Rivers District Council – Environmental Health: [Comment received]

I have reviewed the Phase 1 Desk Study Report prepared by Opus (Report ref. E-E1711.00/LJE/SH).

The preliminary risk assessment has identified a number of plausible contaminant linkages that require further investigation. The Environmental Consultant has recommended that an intrusive investigation be undertaken.

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

#### 4.1.8 Three Rivers District Council – Environmental Protection: [Comment received]

Collection would be from the road with the bin store as near to the boundary as possible and 1 x 1100 for refuse and 1 x 1100 for recycling.

#### 4.1.9 Three Rivers District Council – Housing Development Officer: [Support]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

Although social rented properties should be provided in the first instance, it is encouraging to see that the affordable rent properties proposed will be capped at the local housing allowance. On the basis that the development will provide 100% affordable housing for the district that fulfils our current main requirement, I can confirm that I generally support this application.

#### 4.1.10 Three Rivers District Council – Tree and Landscape Officer: [No objections]

Recommend: Approval

The submitted plans indicate that a small number of poor-quality trees will need to be removed to facilitate development. Some replacement planting, including new trees, to the front of the proposed development is indicated, further details of numbers, sizes and species should be required by condition.

## 4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Displayed 10 October 2023, expires 31 October 2023.

4.2.2 Number consulted: 28

4.2.3 No of responses received: 5 responses received, comprising 3 objections and 2 comments.

4.2.4 Summary of objections:

- Proposal will not respect the character of the area.
- Site would be better suited to householder properties such as two or three bedroom to storey dwellings
- Wildlife would be impacted
- Occupants of garages would be impacted and have to find alternative space for their vehicles. More vehicles on the road would lead to safety issues and overcrowding and higher risk of accidents.
- Residents could face health impacts due to proximity to M25.
- Access is on a dangerous bend where cars are already driven at speed.
- More residents will use already stretched local amenities ie schools.
- Construction would impact neighbours, including their views and enjoyment of their gardens.
- Neighbours would be overlooked
- Flats are not in keeping with the area.
- Properties are set back from the line of existing and will be an eyesore for neighbours, impacting use of their gardens.
- Six individual properties will create large amount of refuse and require large waste management area which will result in smells for neighbours.
- Recommend more flats are built at Pollards site and 2x 4bed semi-detached houses at Queens Drive which would be in line with existing properties and be more suited to the area.

4.2.5 Summary of comments:



- Will 25% of units be First Homes in line with National and TRDC planning policy? [Officer response: Affordable housing is assessed within the appraisal below]
- The development is suitable for the inclusion of integrated swift bricks within the walls of the proposed building. The submitted Biodiversity Net Gain report proposes a swift brick, however the generalist external nest box proposed does not comply with the British Standard and is unnecessary. Recommend 4 integrated swift bricks are proposed.

## 5 Reason for Delay

5.1 No delay.

## 6 Relevant Planning Policy, Guidance and Legislation

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

In September 2023 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 states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

### 6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies DM1, DM2, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

### 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## **7 Planning Analysis**

### **7.1 Principle of Development**

- 7.1.1 The Spatial Vision within the Core Strategy looks forward to 2026 and beyond, and sets out the priorities for the future which include “to improve access to housing and affordable housing for communities across the whole district”. In order to implement the vision, the Core Strategy sets out a number of objectives which include (S2) “to make efficient use of previously developed land”, (S4) “to balance the community’s need for future homes...by providing sufficient land to meet a range of local housing needs...” and (S5) “To increase levels of affordable housing in the District...”. The application site is located within Mill End, which is identified as a Key Centre in the Core Strategy’s Spatial Strategy. Policy PSP2 sets out that development in Key Centres will “Focus future development predominately on sites within the urban area, on previously developed land”. The supporting text sets out that there is scope for continued infilling within the urban areas, primarily on previously developed land, subject to the protection of existing residential and historic character and amenities.
- 7.1.2 Policy CP1 of the Core Strategy sets out the overarching policy on sustainable development and sets out that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to “make efficient use of land by guiding development onto previously developed brownfield land”. The application site is not allocated for housing within the Site Allocations LDD, and as such is not identified as part of the District’s housing supply. However it is a previously developed brownfield site. The site is therefore to be considered a windfall site. Policy CP2 of the Core Strategy 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; and
  - iv. monitoring information relating to housing supply and the Three Rivers housing target.
- 7.1.3 Having regard to the Spatial Strategy within the Core Strategy, the application site is within Mill End which is identified as a Key Centre where future development should be focussed on previously developed land. The proposed development would be located on previously developed land and would make efficient use of that land. Therefore no objections are raised to the principle of developing this land.
- 7.1.4 When considering the principle of the development, it is also considered important to give some consideration to the planning history. It is acknowledged that planning permission 18/0322/FUL was granted at this site for the construction of three buildings, each containing two flats. Those flats were specifically proposed to be used to provide temporary accommodation. Regardless of the proposed use of the buildings, the principle of developing the site was considered acceptable as part of the consideration of that planning application, subject to other considerations. That planning permission was not implemented and has now expired, and it therefore carries only very limited weight. However given the site circumstances and development plan have not changed, the conclusions reached during the assessment of that application are considered to be of some relevance when considering the current scheme.

- 7.2 Impact on the character and appearance of the street scene and locality, and on the adjacent Green Belt
- 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'.
- 7.2.1 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; [This point will be assessed separately below]
  - iii. The generation of excessive levels of traffic; [This point will be assessed separately below]
  - iv. Loss of residential amenity; [This point will be assessed separately below]
  - 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.)
- 7.2.2 The application site contains single storey flat roofed garage buildings, and is in an area characterised primarily by two storey pairs of semi-detached dwellings, with some terraces of three or four dwellings also found. The development of this site is not considered to comprise tandem development but a modern addition to the existing two storey built form. The proposed building is set further back in its plot than the adjacent houses, and this reflects the siting of the existing built form of the garages. The development in terms of its siting in the plot is considered acceptable.
- 7.2.3 The proposal utilises the front part of the plot for soft landscaping and car parking, and the rear for amenity space. The front part would therefore be similar to the existing which comprises garages and forecourt with some areas of soft landscaping. The footprint of the building would be greater than that of neighbouring buildings, however spacing is retained all around the building such that it is not considered to appear cramped within the plot. The building would appear wide and approximately 0.4m taller than neighbouring buildings, however it would be set back into the plot which mitigates any adverse impact of this height and width.
- 7.2.4 The proposed building would have three front gable projections, which would visually split the building into three parts. Rainwater goods would help to emphasise the vertical divide between the buildings. This would give the building more of the appearance of a terrace of three houses, rather than a single solid block of flats. The multiple entrances to the building would be visible, within the under-croft entrance porch, but its setback into the elevation would minimise its prominence.
- 7.2.5 In terms of materials, few details are given but the drawings suggest red brick and grey windows. They are unclear regarding the colour of the roofing tile. The proposed material pallet appears to be generally acceptable, and the full details would be secured by condition.

- 7.2.6 It is noted that the previously approved scheme included three detached buildings with spaces between them. The current scheme proposes one single building, which would have a greater frontage width overall. However given its setback and its design, it is not considered that the proposed building would result in an adverse impact on the character or appearance of the street scene or the wider locality.
- 7.2.7 The proposed development would be visible from the Green Belt to the rear of the site. However, due to the separation distance (approximately 6 metres from the boundary), that the site is previously developed and that the built form would be set back from the Green Belt boundary further than the existing garage buildings, it is not considered that the proposal would have any adverse impact on the openness of the Green Belt.
- 7.2.8 In summary, it is considered that the proposed building would be of a layout and appearance that would not have a detrimental impact on the character or appearance of the area. The proposal would accord with Policies CP1 and CP12 of the Core Strategy and DM1 of the Development Management policies LDD.
- 7.3 Housing Mix
- 7.3.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:
- 1 bedroom 5% of dwellings
  - 2 bedrooms 23% of dwellings
  - 3 bedrooms 43% of dwellings
  - 4+ bedrooms 30% of dwellings
- 7.3.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide 6 x 2 bedroom flats. Whilst the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy, it is considered that a development of this nature would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 7.4 Affordable housing
- 7.4.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**.
- 7.4.2 Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution (Policy CP4(e)). Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document and are based on the net habitable floor area multiplied by £550 per sqm (Rickmansworth South and Maple Cross) plus indexation.
- 7.4.3 However, in the case of this application the applicant is a Registered Housing Provider whose model is to provide 100% affordable housing on site. Whilst commuted payments are general practice on small schemes that deliver market housing, the Affordable Housing

SPD does not preclude small schemes (less than 10 units) from providing affordable housing on site.

- 7.4.4 The application is accompanied by an Affordable Housing Statement which sets out that the six flats are proposed to be provided as Affordable Rented units, with the rents capped at Local Housing Allowance (LHA) rates, in lieu of Social Rents. It is proposed that the rent be capped at LHA rates in perpetuity to ensure that the development remains affordable.
- 7.4.5 Where affordable housing is to be provided on site, Policy CP4 requires 70% Social Rent and 30% Shared Ownership. It is however acknowledged that Policy CP4 is now out of date with regard to tenure, but if read together with the First Homes Ministerial Statement (24 May 2021) and subsequent PPG, a policy compliant scheme should secure 45% affordable housing with a 70%/25%/5% split between Social Rent, First Homes and Shared Ownership respectively.
- 7.4.6 The application is for 6 dwellings, so 45% of this would be 2.7, rounded to 3 dwellings. Applying the 70%/25%/5% split would require the provision of two social rented dwellings and one first home.
- 7.4.7 As noted above the application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. The applicant's affordable housing statement explains that there are no first homes or shared ownership homes due in part to the funding mechanisms being used to deliver this housing. Funding has been received via the Local Authority Housing Fund and this is critical to make the development viable. These require homes to be provided for Ukrainian and Afghanistan families who have arrived in the UK under various resettlement and relocation schemes.
- 7.4.8 When compared to Social Rent it is recognised that the proposed Affordable Rental tenure means the rental values are increased from approximately 50% of the market rent up to 80% of the market rent. However, it is proposed that the Affordable Rent be capped at LHA rates which means that it would be affordable for households on no, or low, earned incomes if they are eligible for LHA. The cap at LHA rates would remain in perpetuity. The applicant has provided a worked example within their Affordable Housing Statement to demonstrate the difference in affordability:

*As a worked example, assuming the typical 2 Bedroom Flat for rent in Mill End is £1,400 per month (£323/week), at 80% the rent would be £1,120 per month (£258/week).*

*However, with the rents capped at LHA the monthly rent would be £1,000 per month (£230.14/week). This means that the average 2 bed flat would cost £120 less per month compared to 80% Affordable Rent, and representing 71% of the Market Rent. This rent includes all service charges that would normally be applied separately through a social rent. It is therefore, not significantly close to the Affordable Rent figures of 80% of Market Rent.*

- 7.4.9 In summary, the proposal would exceed the 45% affordable housing policy requirement, providing 100% of the proposed dwellings as affordable housing. The scheme proposes to deliver the affordable housing as Affordable Rented units on site. Whilst the proposed rental product is not specified within Policy CP4, it is a recognised affordable rental product and would be capped at LHA rates. The provision of 100% affordable housing weighs in favour of the scheme. Similarly, the provision of affordable housing on site rather than a commuted payment would respond more quickly and directly to the identified pressing need for affordable housing in the District and weighs in favour of the development. It is also noted that the Housing Development Officer is generally supportive of the proposal to provide 100% Affordable Rent capped at LHA. Therefore, the proposed delivery of a 100% affordable housing scheme, with all units delivered on site as affordable rent, is considered to be acceptable.

- 7.5 Impact on amenity of existing neighbouring properties

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'.

#### 7.5.2 Privacy

7.5.2.1 In respect of privacy, Appendix 2 sets out that "distances between buildings should be sufficient so as 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". It also states "where privacy is achieved by means such as careful layout, screening, or differing levels, rear gardens may be of varied lengths. However where rear garden length alone is relied on to provide privacy the minimum length should be 14 metres".

7.5.2.2 The proposed building would be a minimum of 8.6m from the attached garage at No. 83 and 10.2m from the rear wall of the main house. The proposed building would have no side-facing windows and its rear-facing windows would face toward the rear amenity area serving the building. Therefore, any privacy impacts to No. 83 would be limited to the front facing windows in the proposed building. At ground floor level, the front facing windows would have no views of No. 83 due to the boundary treatments. At first floor level, the front facing windows would both serve living/dining rooms. The larger window serving this room would have an external projecting frame 0.7m deep which would act to screen most views from the first floor window toward No. 83. Some oblique views would be visible from the smaller window, which is located in a smaller enclosed corner of that room, toward the rear garden and rear facing windows of No. 83, however such views would be oblique and limited to one small window in a corner of a room. It is noted that the front elevation faces broadly south east and No. 83 faces broadly west. Given the separation and the relationship between the buildings, it is not considered that the proposal would result in any demonstrable harm to the amenities of the occupants of No. 83.

7.5.2.3 In respect of the impact on the privacy of No. 89, the ground floor windows in the proposed building would not impact privacy due to the presence of boundary treatment, and the rear facing windows face the communal amenity space. There are no side facing windows. Of the two front-facing windows, the window closest to No. 89 features the same projecting frame referenced above which would restrict views from that first floor room toward No. 89. The second window serving that room would be set further from No. 89. Given the minimum distance of 8.5m between buildings, the orientation of the buildings, and the boundary treatments, it is not considered that the proposal would result in any demonstrable harm to the privacy of the occupants of No. 89.

#### 7.5.3 Visual Impact

7.5.3.1 In respect of the impacts of new development, Section 5 of Appendix 2 of the DMP LDD sets out that "new development should take into consideration impacts on neighbouring properties, both within and surrounding the development and visual impacts generally". It states that new development must "not be excessively prominent in relation to adjacent properties".

7.5.3.2 The proposed building would be 2.6m from the boundary with No. 83 at the front corner. No. 83 has a rear garden approximately 10m wide and 30m deep. The proposed building would be visible from rear-facing windows and the rear amenity area at No. 83. However, it is noted that the main aspect/outlook from the property is toward the west, with the building visible in wider views from the neighbouring property. The proposed building would splay away from the neighbouring garden and overall given its separation from the house at No. 83 and its garden, the size of the garden at 83 and the splayed layout, it is considered that whilst visible the proposed building would not be excessively prominent or appear overbearing when viewed from No. 83.

7.5.3.3 The proposed building would be approximately 1.8m from the boundary with No. 89 at its closest point (front corner) and then splays away from the boundary. The rear elevation of No. 89 faces north/north-west. The proposed building would be visible from the rear garden and from the rear-facing windows at No. 89. Given the separation distance and the splay of the building relative to the boundary, it is not considered that the proposal would appear overbearing when viewed from No. 89.

7.5.3.4 It is of note that planning permission was granted for two storey built form adjacent to the boundary with each neighbour as part of the previous application at this site. The building subject of the current application is on the whole further from the boundary with No. 89, and closer to the boundary with No. 83. In respect of the relationship with No. 83, whilst closer, it is considered that the orientation is such that the actual visual impact would be comparable to the approved scheme.

## 7.6 Quality of accommodation for future occupants

7.6.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

### 7.6.2 Privacy and Outlook

7.6.2.1 The rear facing windows to the proposed building would not be overlooked and would provide views over the communal garden.

7.6.2.2 The front facing windows to the development would be set back from The Queens Drive and would not be overlooked from the main frontage area. It is noted that they would be set beyond the rear wall of the neighbouring houses at Nos. 83 and 89 The Queens Drive. It is noted that those neighbouring dwellings are angled away from the application site, and this layout, combined with the projected frames to the larger front facing windows, ensure future occupants would not be overlooked. The windows would all have a suitable outlook.

### 7.6.3 Amenity Space

7.6.3.1 Section 3 of Appendix 2 sets out the Amenity Space requirements for new development. it sets out that one bed flats should provide 21 square metres, with 10 square metres for each additional bedroom. This application proposes six 2-bedroom flats, and therefore is required to provide a total of 186 square metres of outdoor amenity space.

7.6.3.2 The amenity space to the rear of the site would have an area in excess of 200 square metres, therefore providing sufficient area. The area of amenity space immediately rear of the building would include some defensible space for occupants of the ground floor flats to ensure some privacy and separation from the main communal area. The space would measure approximately 6m deep, and be enclosed by 1.2m steel chainlink fence with the rearmost part of the garden enclosed by 1.8m high close boarded fence with 0.5m trellis. Therefore, the garden would be secure and useable and provide sufficient space for future occupants.

### 7.6.4 Acoustic environment

7.6.4.1 DM9 sets out that the council will refuse planning permission for development which would or could give rise to polluting emissions by reason of disturbance. It states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.



7.6.4.2 The application site is around 6m from the boundary with the M25 motorway, with the rear elevation of the building itself around 16 metres at its closest. The carriageway of the M25 is approximately 10 metres beyond that point. The motorway is at a lower level to the site with a tall timber fence on the boundary with the motorway. As a result of the proximity to the M25, the application has been accompanied by a Noise and Vibration Impact Assessment. This sets out that measured noise levels allowed a robust glazing specification to be proposed which would provide internal noise levels for all residential environments in accordance with the relevant standards with no further mitigation measures required. These are to be secured by condition. In respect of vibration, the report found that measurements of traffic vibration indicates that levels are below the threshold of human perception.

7.6.4.3 It is acknowledged that the rear garden area would not benefit from the same protection from noise as the internal environment. Nevertheless it is important to note that the M25 is some distance from the site and the site is in a residential area with other residential gardens backing onto the M25 just as close as the application site. Given the intervening distance, it is considered that the communal amenity space would remain useable.

## 7.7 Highways

7.7.1 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.

7.7.2 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*

7.7.3 The application is accompanied by a Transport Assessment.

7.7.4 HCC as Highways Authority (HA) have been consulted and have confirmed that they raise no objection subject to a condition requiring the vehicular access to be provided, and subject to a number of informatives. Whilst not requested by the Highway Authority, officers also consider that a condition requiring a Construction Management Plan (CMP) to be submitted for approval would be reasonable and necessary given the constrained nature of the site and its close proximity to neighbouring properties.

7.7.5 Within their assessment, the HA note that there would be a negligible difference in trips between the proposed six dwellings and the use of the existing 22 garages. They also acknowledge that any displaced car parking is likely to be accommodated in the local area on routes without parking restrictions.

7.7.6 The HA note that in accordance with Manual for Streets, to ensure emergency vehicle access the entirety of the footprint of a dwelling must be within 45m from the edge of the highway, and the development complies with this requirement. The proposed access is wide enough for an emergency vehicle to enter if required.

7.7.7 Therefore, on the basis of the HA's response, the proposal is considered to provide a safe and adequate means of access with no adverse impact on highway safety or the free flow of traffic.

## 7.8 Parking

7.8.1 Policy DM13 of the Development Management Policies LDD (adopted July 2013) advises that development should make provision for parking in accordance with the parking standards set out in Appendix 5. For Use Class C3, the standards require 2 spaces per dwelling (with one assigned space) for 2 bedroom dwellings.

7.8.2 This application proposes six 2-bedroom flats, with a parking requirement of 12 spaces (6 assigned). The proposed layout includes 10 car parking spaces which would represent a shortfall of 2 parking spaces.

7.8.3 The application is accompanied by a Transport Assessment which considers car ownership statistics within the area, and finds that average car ownership based on 2011 census data is between 1.40 and 1.43 cars per property. Based on that ratio, it could be projected that the site could generate demands for between eight and nine cars, and the proposed 10 spaces would be sufficient to accommodate these, with visitor spaces too.

7.8.4 In addition, the Transport Assessment also includes a survey of on-street parking demands. It notes that the site contains 22 garages, of which four are currently vacant and 18 occupied, although some of those are used for storage purposes rather than to accommodate a car. On street parking stress surveys were undertaken in May 2023, based on an area 200m from the site with a lawful capacity of 100 cars. This found between 52 and 53 cars parked in the area overnight, showing space for at least 47 cars to park lawfully on the street. This shows that the street could accommodate 18 displaced cars from the garages with capacity still remaining. Even accounting for 18 displaced cars from garages and the shortfall of two on-site car parking spaces, demands in the survey area would increase to 73 cars, meaning there is still space for 27 cars to park. On the basis of the evidence supplied, it is considered that the car parking provision on site is acceptable.

7.8.5 It is noted that a similar exercise was undertaken during the course of the previous application, which proposed six parking spaces for the six flats, therefore having a shortfall of six. That application was approved on the basis of the evidence provided. Overall, it is considered that the car parking spaces proposed are sufficient.

## 7.9 Sustainability

7.9.1 Paragraph 152 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate" and that it should " support renewable and low carbon energy and associated infrastructure".

7.9.2 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.

7.9.3 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.

7.9.4 The submitted Energy Statement identifies that the proposal is currently forecast to achieve a 61% reduction in carbon emissions over Part L1 of the 2021 Building Regulations, and the proposal would therefore exceed the requirements of DM4. This would be achieved via a fabric first approach, along with air source heat pumps and the use of mechanical ventilation with heat recovery.

#### 7.10 Tree and Landscaping

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

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

7.10.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features.

7.10.3 There are no protected trees in or adjacent to the site. The Tree and Landscape Officer has been consulted and acknowledges that whilst some poor quality trees are proposed for removal, replacement planting is shown on the plans. This will be secured by condition.

7.10.4 Tree protection information has been submitted showing how the retained trees to the rear of the site would be protected during construction works and it is considered reasonable and necessary to ensure the trees are protected in accordance with this document. Subject to conditions, the proposal is considered to comply with DM6.

#### 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 The application is accompanied by an Ecological Appraisal. This notes that the proposal would result in the loss of hardstanding bare ground tall ruderals and buildings but would ensure the retention of broad-leaved woodland which is part of a corridor suitable for commuting and foraging mats. Measures to prevent impacts to bats during and after construction are recommended primarily relating to lighting design. The report recommends the submission of a Construction and Ecological Management Plan and this will be secured by condition. The provision of bird boxes, interplanting of the woodland with native shrubs and providing a hedgehog house are all recommended and would be subject of a condition.

7.11.4 The Environment Act will mandate the requirement for Biodiversity Net Gain (BNG). However mandatory BNG as provided for in the Environment Act will apply by amending the Town and Country Planning Act, and this has not yet happened (it is expected from

January 2024 for major applications and April for non-major). The requirement for 10% BNG is, therefore, not yet enshrined in planning law.

7.11.5 The applicant has submitted a Biodiversity Net Gain report. This details that based on the proposed creation of habitats the scheme is predicted to achieve a gain of 72.93%. This is based on the creation of 0.031ha of vegetated garden and 0.049ha of urban trees to be planted comprising 12 small trees. These would be secured by condition. In addition, one swift box and one bat box are recommended and these will be secured by condition.

7.11.6 On the basis of the matters above which would be secured by condition, it is considered that the proposed development would comply with the requirements of DM6 and would conserve and enhance biodiversity.

## 7.12 Safety and Security

7.12.1 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, 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.

7.12.2 The Designing out Crime officer has reviewed the plans and is content that security has been considered for the application and that it is the applicant's intention to build to the minimum security standard of secured by design. This is considered to comply with CP1 and CP12.

## 7.13 Flood Risk, Drainage and Ground Conditions

7.13.1 The scale of the development is such that there is no statutory requirement for a Sustainable Drainage Scheme (SuDS) to be submitted. Similarly, the site is located within Flood Zone 1 and as such a Flood Risk Assessment is not required to be submitted. Policy DM8 of the Development Management Policies document stipulates that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable, existing flood risks should be reduced.

7.13.2 The existing site contains large areas of hard standing and single storey garage buildings. The proposal would introduce buildings with drainage provision and soft landscaping would also be introduced to the site. As such it is considered that drainage would be improved and the development would not therefore result in any greater risk of flooding within the site or neighbouring properties.

7.13.3 It is acknowledged that the site is within a source protection zone. Comments have not been received from Affinity Water on this application at the time of writing. However as part of the previous application, Affinity Water raised no objections subject to the development works being undertaken in accordance with relevant British Standards and Best Management Practice. The Environment Agency raised no objections to the previous application, and due to changes to consultation requirements since the previous application, have not been consulted as part of the current application. The Environmental Health Officer has raised no objections subject to a standard contaminated land condition.

## 7.14 Refuse and Recycling

7.14.1 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 sight lines

7.14.2 The submitted plans indicate a communal refuse area adjacent to the proposed parking area and adjacent to the boundary with No. 83 The Queens Drive. The store would measure approximately 4.8 metres in width and would be enclosed by 1.8 metre high timber fencing, to match the height of the boundary fence. The proposed store is of sufficient size to accommodate the bins necessary for a development of this size, and is an acceptable distance (12m) from the highway for collection. Whilst the store would be adjacent to the garden of No. 83 The Queens Drive, the height of the enclosure is such that it would not be clearly visible from this neighbouring dwelling and is not considered to appear overbearing or visually intrusive. The proposed refuse and recycling storage arrangements are considered acceptable.

## 7.15 Conclusion

7.15.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.15.2 It is acknowledged that the proposal would result in an uplift of six dwellings. The additional dwellings would therefore add to the district's housing stock and thus would weigh in favour of the development. The units would be provided as Affordable Rented units, with rates capped at LHA to ensure that they remain affordable in perpetuity. The development would make a positive contribution in meeting the pressing need for affordable housing in the district which would also weigh in favour of the development. The development would be on previously developed land and would not result in demonstrable harm to the character or appearance of the area or residential amenity of neighbouring occupiers. The proposed dwellings would exceed national space standards with amenity space provided. No objections are raised on highways safety grounds. There is capacity within the vicinity of the site to accommodate any displacement following the loss of the existing garages and the level of parking to serve the proposed dwellings is considered acceptable. The proposed development would introduce soft landscaping to the site. The development would far exceed the requirements of Policy DM4 in relation to carbon emissions.

7.15.3 It is considered that the development complies with paragraph 11 of the NPPF. However, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

## 8 **Recommendation**

8.1 That planning permission be granted subject to the following conditions:

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1001, 1010, 1050 A, 1055 A, 1060 A, 1070 A, 1071, 1100, 1101, 1200, 1400 and 2023/7170/003 P1.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Affordable Housing (Pre-commencement)

- C3 No development shall take place until a scheme for the provision of six flats to be constructed on the site pursuant to the planning permission as Affordable Housing has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the six x two-bed flats which shall be constructed on the site and provided as Affordable Rented Dwellings.
- ii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
- v. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
- vi. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes England guidance)

The Affordable Housing shall be provided in accordance with the approved scheme. The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
  - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and

- (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
- (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
- (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This is a pre commencement condition to meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

Construction Management Plan (Pre-commencement)

- 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 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 is a pre commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Construction Environmental Management Plan (Pre-commencement)

- C5 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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) including resulting from chemicals and dust and noise suppression.
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- G) Responsible persons and lines of communication.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

Tree Protection (Pre-commencement):

- C6 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as shown on Tree Retention and Protection Plan QDTRP-Aug23 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

The development shall be carried out in full accordance with the approved Tree Constraints, Impact Assessment and Tree Protection Method Statement by B.J.Unwin Forestry Consultancy Ltd (dated 21 August 2023).

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

Contaminated Land (pre-commencement)

- C7 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A site investigation, based on the findings of the Phase 1 Desk Study Report prepared by Opus (Report ref. E-E1711.00/LJE/SH), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any

requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

Materials (Before above ground works)

- C8 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials for the building shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

Ecological enhancements (Pre-occupation, for submission)

- C9 Prior to the first occupation of the development hereby permitted, details of the ecological enhancement measures to be installed at the site as recommended at Section 5.4 of the submitted Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and maintained as such thereafter.

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

Landscaping (Pre-occupation, for submission)

- C10 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, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping including the 12 new trees shown on the approved plans and referenced in the Biodiversity Net Gain report, 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).

Parking to be provided (Pre-occupation)

- C11 Prior to the first occupation of the development hereby permitted, the parking and turning spaces as shown on drawing 1055 Rev A shall be provided on site and retained thereafter only for the parking of vehicles associated with this development and visitors.

Reason: This is a condition in the interest of highway safety and traffic movement and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Bicycle storage (Pre-occupation)

- C12 No dwelling shall be occupied until its secure cycle storage as shown on plans 1050 and 1400 has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel 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).

Bin store (Pre-occupation)

- C13 The development hereby permitted shall not be first occupied until the refuse storage area as shown on plan no. 1400 has been implemented in full, 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, DM3, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

Boundary treatments (Pre-Occupation)

- C14 Prior to the first occupation of the development hereby approved, the boundary treatments shown on Drawing 1055 Rev A shall be installed in accordance with that drawing and permanently maintained as such thereafter.

Reason: This is a pre-commencement condition 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).

Contamination

- C15 Following completion of measures identified in the approved remediation scheme and prior to the first occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

Unidentified contamination

- C16 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 the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (2013).

Energy Statement (Pre-occupation):

- C17 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.

Lighting details (Before installation)

- C18 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity of the lighting. The lighting shall be installed only in accordance with the approved details and retained as such thereafter.

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

Noise mitigation (Compliance)

- C19 The development shall be completed in accordance with the construction methodology and mitigation measures as set out within the submitted Noise and Vibration Impact Assessment Report 16721.NVA.02 including window design and ventilation.

Reason: To ensure that occupiers of the development are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013)

Bird Nesting Season (Compliance):

- C20 No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

Reason: To protect the amenities of wildlife during the primary nesting season and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

14 Affordable Housing – Definitions:

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

Affordable Housing Provider means a registered provider registered with the Homes England (HE) or other body registered with the HE under the relevant Housing Act or other body approved by the HE to receive social housing Grant such Affordable Housing Provider in any event to be approved by the Council.

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes England (HE) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of the freehold or no less than a 125 year leasehold interest.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Housing as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.



## APPENDIX A

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

#### **Background**

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

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

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
  - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
  - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
  - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million<sup>2</sup>** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes<sup>3</sup>.

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

<sup>3</sup> The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure

- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

### **Importance of Small Sites to Three Rivers**

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined<sup>4</sup> by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

## **2 Development Plan Policies and the WMS**

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

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

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

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

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have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

<sup>4</sup> Includes refused and approved applications. Excludes prior approval developments.

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

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

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

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

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

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

#### **General House Price Affordability in Three Rivers**

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016<sup>5</sup>, the lowest quartile house price in Three Rivers in 2016,

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

representing the cheapest properties in the District was £325,000.00, making it the **fifth**<sup>6</sup> most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

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

**Table 1.**

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000<sup>7</sup>. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

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

**Table 2.**

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021<sup>8</sup>, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>9</sup>). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

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

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

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

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

When one considers the median affordability ratio<sup>10</sup> for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio<sup>11</sup> was 13.77, the fourth<sup>12</sup> worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

**Table 3.**

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

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

**Table 4.**

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021<sup>13</sup>.

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

### **Affordable Housing Requirements in Three Rivers**

2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA)

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

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

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

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

and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

#### *Affordable Housing Need - To Rent*

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households<sup>14</sup>.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036<sup>15</sup>.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036<sup>16</sup>.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers<sup>17</sup>. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

#### *Affordable Housing Need - To Buy*

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

#### *Total Affordable Housing Need*

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

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

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

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

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



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

### **Affordable Housing Provision in Three Rivers**

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

2.14 Since the start of the plan period from 1 April 2001 to 31st March 2022 (the latest date where the most recent completion figures are available), 5,168 gross dwellings were completed. From this, 1,162 were secured as affordable housing, a total of 22.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,162 or 22.5% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2022. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

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

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

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<sup>19</sup> Sites with completions in the monitoring year 2021/22

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

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined<sup>20</sup> for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

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

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

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

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<sup>20</sup> Includes refused and approved applications. Excludes prior approval developments.

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2022 there were 255 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (7.1%)<sup>21</sup>. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

### **Relevant Appeal Decisions**

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

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<sup>21</sup> See footnote 3.

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

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

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

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21<sup>st</sup> June 2019:**  
*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”*
- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27<sup>th</sup> June 2019:**  
*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”*
- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5<sup>th</sup> August 2019:**  
*“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”*
- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1<sup>st</sup> November 2019:**  
*“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.*

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<sup>22</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

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

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

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

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

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

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22<sup>nd</sup> May 2019:**

*“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that*

areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

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

**Decision Date 5<sup>th</sup> May 2019:**

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

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

**Decision Date 16<sup>th</sup> August 2019:**

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

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

**Decision Date 10<sup>th</sup> December 2019**

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy.”

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley**

**Decision Date 9<sup>th</sup> March 2020**

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

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**

**Decision Date 7<sup>th</sup> May 2020**

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this

case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

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

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

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

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

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

*“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”*

- **APP/P1940/W/20/3244533 2 Canterbury Way**  
**Decision Date 4<sup>th</sup> March 2021**

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

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**  
**Decision Date 15<sup>th</sup> June 2021**

*“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required*



*to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing."*

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

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

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico Decision Date: 16<sup>th</sup> March 2022**

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

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey Decision Date: 29<sup>th</sup> April 2022**

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

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley Decision Date: 30<sup>th</sup> August 2022**

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

*conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”*

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

**Decision Date: 23<sup>rd</sup> September 2022**

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

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

**Decision Date: 27<sup>th</sup> October 2022**

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

## **Conclusion**

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

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

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

## **Sources Used:**

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

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

**March 2023**

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25/1851/FUL - The Queens Drive - Comparison and Site Photos

Comparison Approved vs Proposed



Approved Scheme



Proposed scheme





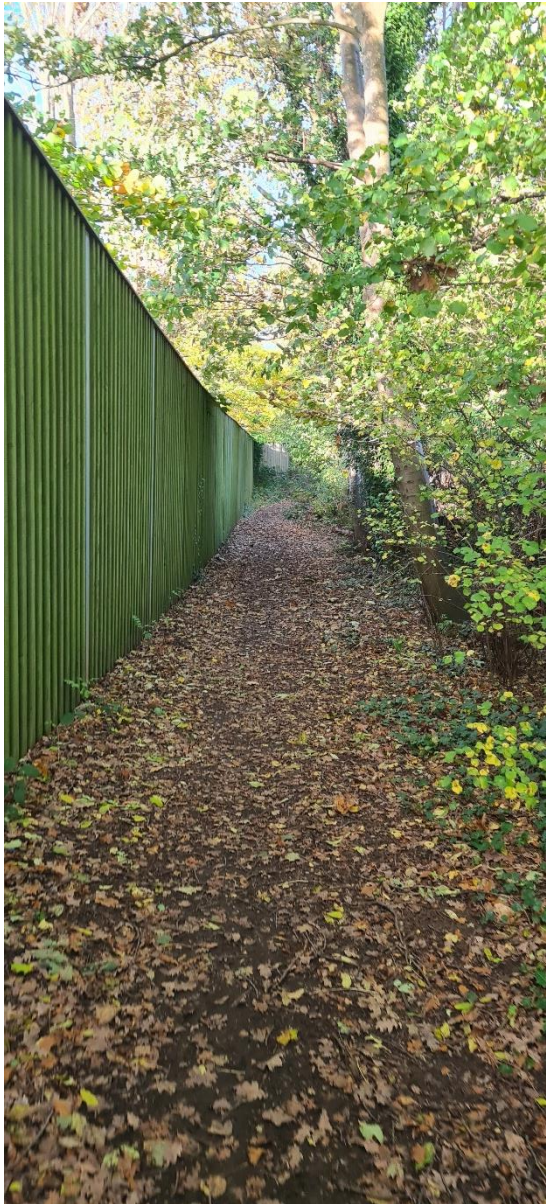
Images from Google Maps



Site Photos







Above = Fence between footpath to rear of site, and M25

Below = Image of footpath to rear of site (site on right)



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## PLANNING COMMITTEE – 11 December 2025

**25/1852/FUL – Variation of Condition 2 (plans) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, removal of green roof to bin/bike stores at GARAGES ADJACENT 13 TO 23 POLLARDS, MAPLE CROSS, HERTFORDSHIRE**

Parish: Non-Parished  
Expiry of Statutory Period: 22.12.2025

Ward: Chorleywood South & Maple Cross  
Case Officer: Claire Westwood

**Recommendation:** That Planning Permission be granted.

Reason for consideration by the Committee: The application is on Three Rivers District Council owned land.

To view all documents forming part of this application please go to the following website:  
[25/1852/FUL | Variation of Condition 2 \(plans\) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, removal of green roof to bin/bike stores | Garages Adjacent 13 To 23 Pollards Maple Cross Hertfordshire](#)

### 1 Relevant Planning History

- 1.1 23/1569/FUL - Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works. Permitted 24.11.2023.
- 1.2 Various Discharge of Conditions applications determined.

### 2 Description of Application Site

- 2.1 The site is located to the south eastern side of Pollards, perpendicular to two existing three-storey flatted blocks (1-11 and 13-23) and opposite a further three-storey block (10 – 32 Pollards). The immediate area is characterised by three-storey flatted blocks with gable ends and shallow sloping roofs and two storey semi-detached and terraced dwellings. There are balconies evident on some existing flatted blocks.
- 2.2 The site currently contains a single block of 10 flat roofed garages of brick construction sited adjacent to the rear site boundary where the garages share a wall with four storage sheds (outside of the site) which it is understood are leased to tenants of the existing adjacent flats.
- 2.3 There is vehicular access from Pollards with a dropped kerb across the full site frontage. There are no significant land level changes within/adjacent to the site.

### 3 Description of Proposed Development

- 3.1 Planning permission 23/1569/FUL granted consent for the 'demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works'.
- 3.2 The current application seeks a variation of Condition 2 (plans) pursuant to planning permission 23/1569/FUL to allow repositioning of building, alterations to the placement of balconies, alterations to windows, erection of dormer above staircase, and removal of green roof to bin/bike stores. The development is otherwise as approved via 23/1569/FUL. The development is described in full below.

- 3.3 The proposed building would be set back from the highway by approximately 6.9 metres (previously approximately 7.2 metres) and would be set off the rear site boundary with the existing stores (outside of the application site) by approximately 0.3 metres (previously set up to the boundary). The proposed building would have a width of 27 metres and depth of 8.7 metres (unchanged from the previous consent). The building would be 3 storeys with a 4th floor of accommodation provided at roof level, served by front and rear dormer windows. The building would have a ridge height of 12.6 metres and eaves height of 9 metres (unchanged from the previous consent). To both the front and rear elevations a single dormer window is proposed, the central section of both dormers would be slightly recessed, set back further from the eaves. The rear dormer remains as previously approved with a width of 26 metres, height of 2 metres and maximum depth of 2.9 metres. The front dormer would have a width of 26 metres, height of 2 metres and maximum depth of 2.9 metres. It is noted that the previous consent included two front dormer windows each with a width of 11.7 metres. The front dormer would include 2 recessed balconies, one to each end. A rooflight is proposed within the flat roof section of the recessed section of the front dormer window.
- 3.4 Fenestration is proposed to all elevations. Recessed balconies are proposed to the front elevation, their ends open to both flanks. It is acknowledged that the previous approval included front and flank (south) facing recessed balconies.
- 3.5 In terms of materials, these are shown as a buff multi brick to match the neighbouring dwellings. Windows will have dark grey frames and the roof will be formed from a mix of dark zinc standing seam to the dormers and grey concrete tiles.
- 3.6 The flats would each provide an open plan kitchen, living and dining area; 2 bedrooms and bathroom. Each flat would also have a 7sqm balcony. The flats would be accessed via a door within the centre of the front elevation which would lead to a central communal stair core. To either side of the front entrance door a brick structure is proposed. One would provide a bike store and the other would provide refuse/recycling storage. The structures would be 4.7 metres wide, by 2.4 metres high and 1.8 metres deep. They would be of brick construction to match the material proposed for the flats, the previously proposed green roofs to the refuse and cycle stores have been omitted due to fire safety considerations. To the front of the flats 8 car parking spaces are proposed, 4 to either side of the main entrance. A narrow planted buffer would be provided between the rear of the spaces and front elevation of the flats.
- 3.7 The application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. This reflects that approved via 23/1569/FUL.
- 3.8 In summary, the changes between the previous approval (23/1569/FUL) and current application (25/1852/FUL) are:
- 0.3m spacing provided between rear of building and rear site boundary.
  - Single dormer to front elevation (in lieu of 2 previously approved).
  - Re-orientation of eastern end recessed balconies to face front elevation.
  - Minor alterations to position of some windows following re-orientation of balconies.
  - Omission of green roof to bin and bike store.
- 3.9 During the application additional information was provided in the form of hard and soft landscaping proposals. The hard landscaping proposals incorporate 3 no. Swift boxes in response to comments received during the application.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 National Grid: [No response received]

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 42

4.2.2 Responses received: 1 comment

4.2.3 Summary of responses:

- Concern regarding loss of green roof.
- The loss could be rectified by requiring Swift bricks to be integrated into the walls of the new building instead. The original application had Swift bricks listed as an informative only, however, since that decision was made, Paragraph 187(d) of the 2024 NPPF and the 2025 NPPG have been updated and now make clear that the government expects Swift bricks to be required on new developments.

4.2.4 Officer comment: During the application additional information was provided in the form of hard and soft landscaping proposals. The hard landscaping proposals incorporate 3 no. Swift boxes.

4.2.5 Site Notice: Posted 4.11.25 Expired 25.11.25

## **5 Reason for Delay**

5.1 No delay.

## **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 PSP3, CP1, CP2, CP3, CP4, 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, DM9, DM10, DM13 and Appendices 2 and 5.
- 6.2.6 The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

### 6.3 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 Background / Principle of Development

- 7.1.1 As noted above, planning permission 23/1569/FUL granted consent for the 'demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works'. A copy of the committee report for 23/1569/FUL is attached at **Appendix A**.
- 7.1.2 Application 23/1569/FUL remains extant and there are not considered to have been any material changes in site circumstances or policy since its grant. The following analysis therefore focuses on the proposed changes set out at 3.8 above and their impact on the character and appearance of the area and residential amenity, and any other relevant material considerations. The previously approved and current proposed elevations are shown in **Appendix B**.

### 7.2 Character & Appearance

- 7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should:
- '...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.'*
- 7.2.2 The National Planning Policy Framework (NPPF) encourages the effective use of land. At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.
- 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.

- 7.2.4 It was concluded that application 23/1569/FUL would make efficient use of previously developed land and that the proposed building would be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area.
- 7.2.5 It is proposed to provide 0.3m spacing between the rear of the building and the rear site boundary. The planning statement notes that this is to ensure that the existing storage structures within the adjacent site that adjoin the site boundary, are retained. The 0.3m spacing proposed is not considered to materially alter the appearance of the approved development or result in harm to character. Similarly, the building being sited 0.3m closer to the highway is not considered to increase its prominence.
- 7.2.6 The approved plans included a single dormer to the rear elevation with central recessed section and two dormers to the front elevation. It is proposed to replace the two approved front dormers with a single dormer with recessed section that would reflect that approved to the rear elevation. It is acknowledged that the proposed front dormer would occupy a significant proportion of the roof width but like that to the rear, it would be set down considerably from the roof ridge, set in from each flank and set back from the rear wall. The central section has also been stepped to break up the linear form. It is considered that the dormer would be subordinate within the host roof.
- 7.2.7 The approved plans included recessed balconies to all flats across the ground, first and second floors, with the main elevations of those to the western end of the building facing the front and the main elevation of those to the eastern end of the building facing to the east (side). No changes are proposed to those to the western end of the building, however, the balconies to the eastern end are proposed to be re-orientated so that their main elevations would also face towards the front. There would be some associated alterations to fenestration to the front and flank as a result. The proposed changes would introduce a more symmetrical appearance to the front elevation than approved, however, it is not considered that this would be harmful on character or appearance grounds.
- 7.2.8 It is proposed to omit the green roof originally approved to the bin and bike store. It is understood that this is in order to comply with Building Regulations. Given the small scale of the structures the change is not considered to result in harm to character or appearance.
- 7.2.9 In summary, the proposed changes are not considered to dilute or undermine the original grant of consent. The proposed building is considered to be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area. The development would therefore accord with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.3 Impact on Neighbouring Amenity
- 7.3.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. 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 area.
- 7.3.2 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. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations.

- 7.3.3 It was concluded that application 23/1569/FUL would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities or result in demonstrable harm through overshadowing or loss of light.
- 7.3.4 As noted above, a single dormer is proposed to the front elevation in lieu of two dormers. The central section that would be added would be partly recessed. The siting of the building relative to neighbours is such that there would be no detrimental impact in terms of overshadowing or loss of light. The previous report concluded that windows and balconies to the front would be separated from properties opposite by the highway and the front to front relationship, intervening road and separation is such that it is not considered that unacceptable overlooking would be facilitated. The provision of a single dormer in lieu of two is not considered to alter this conclusion.
- 7.3.5 In the previously approved plans, the recessed balconies to the eastern end were orientated such that the main elevation faced to the eastern flank and their narrower end elevation faced the front elevation. It is proposed to reverse this so that the wider opening of the balcony would face to the front, mirroring that approved to the opposite end of the building. As noted above, the previous report concluded that windows and balconies to the front would be separated from properties opposite by the highway and the front to front relationship, intervening road and separation is such that it is not considered that unacceptable overlooking would be facilitated. It is not considered that the increased extent of balcony to the front elevation would alter this conclusion.
- 7.3.6 Flats 1 – 11 are located to the south-east of the application site, orientated at 90 degrees to the application site and proposed building. There are no flank openings in this adjacent block facing the application site. The extent of balcony opening to the flank would be reduced in comparison to the approved scheme and would therefore not detrimentally impact neighbouring amenity.
- 7.3.7 It is not considered that the provision of 0.3m spacing to the rear of the building or omission of green roof to bin and bike store would affect neighbouring amenity.
- 7.3.8 In summary, it is considered that the development would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities, or result in demonstrable harm through overshadowing or loss of light, and the proposal would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Other Matters
- 7.4.1 The application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. This reflects that approved via 23/1569/FUL.
- 7.4.2 Similarly, access, parking and amenity space provision remains as approved via 23/1569/FUL.
- 7.4.3 The Energy Statement submitted with the original application demonstrated that the proposal would far exceed the current policy, achieving a 66% reduction in carbon emissions against the Building Regulations Part L (2021). A condition on any grant of consent would require compliance with the approved Energy Statement.
- 7.4.4 During the application additional information was provided in the form of hard and soft landscaping proposals. The hard landscaping proposals incorporate 3 no. Swift boxes. Appropriate conditions will be attached to ensure that these are provided/maintained.
- 7.4.5 The application is exempt from Mandatory Biodiversity Net Gain as the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024.

## 7.5 Conclusion

7.5.1 In summary, the proposed changes are not considered to dilute or undermine the original grant of consent and are not considered to result in harm.

7.5.2 Where conditions of the original consent have been previously discharged, they have been updated as required below. The conditions have also been amended to include the implementation of the updated hard landscaping plan incorporating 3 no. swift boxes.

## 8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions:

C1 TIME: The development hereby permitted shall be begun before the 24 November 2026.

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

C2 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans: 050 P02; 100 P01; 101A P01; 101B P01; 200 P01; 300 P00; 400 P00; BUG24946-11A; BUG24946-12A.

Reason: For the avoidance of doubt in the proper interest of planning and to meet the requirements of Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 AFFORDABLE HOUSING: The Affordable Housing shall be provided in accordance with the scheme approved pursuant to discharge of condition 3 of planning application 23/1569/FUL via LPA ref. 25/1475/DIS dated 31 October 2025.

The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
  - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
  - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer



- of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
- (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
  - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: To meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

- C4 CONSTRUCTION MANAGEMENT PLAN: The Construction Method Statement approved pursuant to discharge of condition 4 of planning application 23/1569/FUL via LPA ref. 25/1475/DIS dated 31 October 2025 shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- C5 LANDSCAPING: All hard landscaping works required by the approved scheme as shown on BUG24946-12A and including the installation of 3. No swift boxes, 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 as shown on BUG24946-11A shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 MATERIALS: Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C7 PARKING MANGEMENT PLAN: A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details following occupation of the units and maintained thereafter.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as to not 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).

- C8 ELECTRIC VEHICLE CHARGING POINTS (EVCPs): Prior to the first use of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

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

- C9 LIGHTING: No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use of the lighting commences.

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

- C10 ENERGY STATEMENT: The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted and approved pursuant to planning application 23/1569/FUL 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.

- C11 BICYCLE STORAGE: No dwelling shall be occupied until its secure cycle storage as shown on plans 100 P01 and 400 P00 has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel 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).

- C12 REFUSE STORAGE: The development shall not be occupied until the approved refuse scheme as shown on plans 100 P01 and 400 P00 has been provided 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).

- C13 ECOLOGY RECOMMENDATIONS: The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal prepared by Syntegra Consulting June 2023 (ref. 23-10798) approved pursuant to planning permission 23/1569/FUL and shall include the addition of 3 no. swift boxes as shown on BUG24946-12A.

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

### **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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
- 15 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. 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>
- 16 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles

leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

- 17 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 arrangement which mean that the biodiversity gain conditions does not always 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.

The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- a) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
- b) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

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 - 16 November 2023

**23/1569/FUL - Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works at Garages Adjacent 13 To 23, Pollards, Maple Cross, Hertfordshire**

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 24.11.2023 (Agreed Extension)

Case Officer: Claire Westwood

**Recommendation: That planning permission be granted subject to conditions.**

Reason for consideration by the Committee: The applicant is a joint venture company with Three Rivers District Council, and the application is on Three Rivers District Council owned land.

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

[23/1569/FUL | Demolition of existing garages and erection of 3 storey \(plus roof accommodation\) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works. | Garages Adjacent 13 To 23 Pollards Maple Cross Hertfordshire \(threeivers.gov.uk\)](#)

### 1 Relevant Planning History

1.1 No relevant planning history at application site.

*Garages rear of 22 – 32 Pollards*

1.2 23/1570/FUL - Demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking and landscaping works. Pending consideration.

### 2 Description of Application Site

2.1 The site is located to the south eastern side of Pollards, perpendicular to two existing three-storey flatted blocks (1-11 and 13-23) and opposite a further three-storey block (10 – 32 Pollards). The immediate area is characterised by three-storey flatted blocks with gable ends and shallow sloping roofs and two storey semi-detached and terraced dwellings. There are balconies evident on some existing flatted blocks.

2.2 The site currently contains a single block of 10 flat roofed garages of brick construction sited adjacent to the rear site boundary where the garages share a wall with four storage sheds (outside of the site) which it is understood are leased to tenants of the existing adjacent flats.

2.3 There is vehicular access from Pollards with a dropped kerb across the full site frontage. There are no significant land level changes within/adjacent to the site.

### 3 Description of Proposed Development

3.1 Planning permission is sought for the demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

3.2 The proposed building would be set back from the highway by 7.2 metres. It would extend for the full width of the site and would be set flush with the rear site boundary. The proposed

building would have a width of 27 metres and depth of 8.7 metres. The building would be 3 storeys with a 4th floor of accommodation provided at roof level, served by front and rear dormer windows. The building would have a ridge height of 12.6 metres and eaves height of 9 metres. To the front elevation 2 dormer windows are proposed, each would have a width of 11.7 metres, height of 2 metres and depth of 2.9 metres. A single rooflight would be sited between the front dormer windows. To the rear, a single dormer window is proposed with a width of 26 metres, height of 2 metres and maximum depth of 2.9 metres. The central section of the rear dormer would be slightly recessed, set back further from the eaves. Fenestration is proposed to all elevations, although to the rear elevation no fenestration is proposed at ground floor level where the building would adjoin the existing adjacent storage sheds. Fenestration to the upper floors to the rear would include recessed balconies to the flank and rear elevations.

3.3 In terms of materials, the Design and Access Statement describes a buff multi brick to match the neighbouring dwellings. Windows will have dark grey frames and the roof will be formed from a mix of dark zinc standing seam to the dormers and grey concrete tiles.

3.4 The flats would each provide an open plan kitchen, living and dining area; 2 bedrooms and bathroom. Each flat would also have a 7sqm balcony. The flats would be accessed via a door within the centre of the front elevation which would lead to a central communal stair core. To either side of the front entrance door a brick structure is proposed. One would provide a bike store and the other would provide refuse/recycling storage. The structures would be 4.7 metres wide, by 2.4 metres high and 1.8 metres deep. They would be of brick construction to match the material proposed for the flats, with a green roof to each. To the front of the flats 8 car parking spaces are proposed, 4 to either side of the main entrance. A narrow planted buffer would be provided between the rear of the spaces and front elevation of the flats.

3.5 The application is accompanied by:

- Application form.
- Existing and proposed plans.
- Visuals.
- Tree Constraints Plan.
- Arboricultural Impact Assessment.
- Tree Removal Plan.
- Tree Protection Plan.
- Affordable Housing Statement.
- Energy Statement.
- CIL Form.
- Transport Assessment.
- Preliminary Ecological Appraisal.
- Phase 1 Environmental Report.

3.6 Amended plans were received during the application which proposed minor adjustments to the window design to allow secure nighttime ventilation at ground floor level. As the changes did not materially change the size or siting of the openings, re-consultation was not undertaken. Additional information (Sightline Assessment) was also provided in response to the initial comments from Hertfordshire Highways who have been reconsulted.

## **4 Statutory Consultation**

4.1.1 Landscape Officer: [No objection]

Recommend: Approval. The submitted plans given some indication of new landscaping to the parking area of the proposed development, additional information and details should be required by condition.



4.1.2 Hertfordshire Ecology: No response received.

4.1.3 Housing Officer: [No objection]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

Although social rented properties should be provided in the first instance, it is encouraging to see that the affordable rent properties proposed will be capped at the local housing allowance. On the basis that the development will provide family sized, 100% affordable housing for the district that fulfils our current main requirement, I can confirm that I generally support this application.

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

4.1.4.1 Initial Response: [Objection]

#### **Recommendation**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The proposed parking layout at the development does not have the adequate visibility splays from each of the parking spaces. Insufficient visibility greatly impacts the safety of the highway and therefore infringes upon Policies 1 and 5 in the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

#### **Comments/Analysis**

##### **Description of Proposal**

Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

##### **Site and Surroundings**

Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is a footway to either side and opposite the site but there is not one fronting the site itself and the existing area fronting the garages are not highway land. The closest bus stop to the site is approximately 270m away on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.2km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 900m walk.

### **Highway Impact**

No visibility splays have been provided with the application, however, from drawing splays onto the proposed block plan, drawing number 050, the required visibility splay of 2.4m x 43m would be interrupted. The 2.4m x 43m visibility splays which are required for the speed and classification of the route, as outlined in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice and Manual for Streets, are as clear as can be given the geometry of Pollards, under the existing use. However, although no highway works are proposed, as shown on drawing numbers 050 and 100, the proposed cycle parking and bin store would interrupt the visibility splays for the adjacent parking spaces. Additionally, the proposed at each end of the parking spaces, which is shown in drawing number 700 but not dimensioned, would be within the visibility splays and appears to be above the height of 600mm. Visibility splays should remain clear from a height of 0.6m and 2m to ensure that children can be seen walking on the adjacent footway by vehicles egressing the site. Without these splays, the proposed parking arrangement, and therefore, the development would not be considered safe.

It is also to be noted that the proposed footway shown to be approximately 1.2m, although located within the private land of the site, should still comply with HCC standards and should measure 2m wide, or 1.5m as an absolute minimum as outlined in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice.

### **Conclusion**

HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to highway safety concerns as the proposals are contrary to the design standards contained in Roads in Hertfordshire: Highways Design Guide and Manual for Streets.

#### 4.1.4.2 Further comments: [No objection]

### **Recommendation**

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

#### **1) Construction Management Plan / Statement**

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

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

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

**Comments/Analysis**  
**Description of Proposal**

Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

### **Site and Surroundings**

Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is a footway to either side and opposite the site but there is not one fronting the site itself and the existing area fronting the garages are not highway land. The closest bus stop to the site is approximately 270m away on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.2km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 900m walk. Given the location within an existing residential area, the site does provide options for a number of active travel methods.

### **Access and Parking**

The application proposes to make use of the existing vehicular access into the site formed by a dropped kerb, no changes are proposed meaning no highway works are required. The amended site plan, drawing number 050 Rev A, moves the proposed bin and cycle stores further back into the site meaning that they are no longer located in the visibility splays for the parking area. Additionally, according to the Sightline Assessment document, the boundary walls at the site have been reduced to be less than 0.6m in height, further ensuring that the visibility splay from the parking spaces are not interrupted. A speed survey has now been provided within the Sightline Assessment which indicates that the 85th percentile speed past the site is 16mph, drastically reducing the length of the required visibility splay to 18m. These splays are shown on drawing number P2762/TN/2, and are unobstructed. The proposed, unadopted, footway fronting the site has been increased from 1.2m in width to around 1.6m in width according to drawing number 050 Rev A, this is a more suitable width, being just above the minimum width outlined within Roads in Hertfordshire. There have not been any collisions on Pollards, nor the surrounding network within the residential area, within the last 5 years.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that there are 8 proposed parking spaces to the front of the site, the equivalent of one space per flat. 8 secure and covered cycle parking spaces have been provided in the site, and with the amended plans no longer sit within the visibility splays. Electric vehicle charging is also to be provided at the site in each space. Regarding displaced parking from the existing garages, the Transport Statement suggests that of the 20 garages to be demolished across both Pollards sites, 14 are in use. According to the TA, 14 of those garages in use, 5 live within the parking survey extent and therefore this would be the estimated maximum number of expected displaced vehicles. In the event that this number is higher, the parking stress survey mentioned within the TA, and provided within the appendix figures, indicates that much of the surrounding area has unrestricted parking with a parking stress of 62%. It is therefore likely that on street parking would be available without causing the parking stress to increase to an unacceptable level.

### **Refuse and Waste Collection**

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste further than 30m to this location. Due to the location of the proposed bin store these distances at the site are not exceeded.

### **Emergency Vehicle Access**

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the footprint of the flats being within this 45m.

## **Conclusion**

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

### **4.1.5 Crime Prevention Design Advisor: [No objection]**

Thank you for sight of planning application 23/1569/FUL, Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking, and landscaping works.

I am content that security and crime prevention have been considered for this application and it is the client's intention to build to the Secured by Design standard.

### **4.1.6 Environmental Protection: [No objection] (Comments relate to 23/1569/FUL and 23/1570/FUL)**

The block of flats we have no issues with, the 2 properties behind the flats as long as the access road and junction with pollards are kept clear from parked vehicles there shouldn't be any issues my only concerns are the number of vehicles that are in that area.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 41

4.2.2 No of responses received: 3 (2 objections, 1 comment)

4.2.3 Site Notice: Expired 20.10.2023                      Press Notice: Not required.

4.2.4 Summary of Responses:

Comment:

This development is suitable for the inclusion of integrated Swift bricks within the walls of the new building.

Objection:

Disagree with parking survey, cars are currently parked everywhere.

Insufficient parking.

Will make a congested area worse.

Dangerous for children to play.

Overlooking, will directly overlook existing flats and garden.

Too close to existing buildings.

Loss of sunlight.

Highways concerns.

How much pavement left for pedestrians?

Potential damage to existing property (storage sheds).

Impact and disturbance from building work.

## **5 Reason for Delay**

5.1 No delay.

## **6 Relevant Planning Policy, Guidance and 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).

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

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

#### 6.2 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 PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

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

#### 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015). The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

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

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

## **7 Planning Analysis**

### **7.1 Principle of Development**

- 7.1.1 The NPPF (2023) advises that planning policies and decisions should promote efficient use of land, making efficient use of previously developed land.
- 7.1.2 The Spatial Vision within the Core Strategy looks forward to 2026 and beyond, and sets out the priorities for the future which include “to improve access to housing and affordable housing for communities across the whole district”. In order to implement the vision, the Core Strategy sets out a number of objectives which include (S2) “to make efficient use of previously developed land”, (S4) “to balance the community’s need for future homes...by providing sufficient land to meet a range of local housing needs...” and (S5) “To increase levels of affordable housing in the District...”.
- 7.1.3 The site is located within Maple Cross, identified as a Secondary Centre in the Core Strategy (adopted October 2011). Policy PSP3 of the Core Strategy sets out that development in Secondary Centres will a) focus future development predominantly on sites within the urban area, on previously development and b) will provide approximately 24% of the District’s housing requirements over the plan period.
- 7.1.4 Policy CP2 of the Core Strategy 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.
- 7.1.5 As noted above, the Spatial Strategy states that in Secondary Centres, new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas. Secondary Centres should between provide for approximately 24% of the District’s housing requirements. The site is situated in an urban location on previously developed land. The proposal therefore complies with Policy PSP3 of the Core Strategy (adopted October 2011), the Three Rivers Spatial Strategy and the National Planning Policy Framework’s (NPPF) core planning principle of encouraging the effective use of previously developed land. However this is subject to consideration against other material planning considerations as discussed below.
- 7.1.6 The loss of garages is considered in the parking section below.

### **7.2 Housing Mix**

- 7.2.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:
- 1 bedroom 5% of dwellings
  - 2 bedrooms 23% of dwellings
  - 3 bedrooms 43% of dwellings
  - 4+ bedrooms 30% of dwellings
- 7.2.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site



factors. The nature of the proposed development means that it would provide 8 x 2 bedroom dwellings. Whilst the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy, it is considered that a development of this nature, which proposes two new houses, would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

### 7.3 Affordable Housing

- 7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**.
- 7.3.2 Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution (Policy CP4(e)). Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document and are based on the net habitable floor area (449sqm) x £550 per sqm (Rickmansworth South and Maple Cross) which would result in a financial contribution of £246,950 plus indexation of £145,700.50 (based on the RPI as of July 2023), so a total contribution of £392,650.50 in this case.
- 7.3.3 However, in the case of this application the applicant is a Registered Housing Provider whose model is to provide 100% affordable housing on site. Whilst commuted payments are general practice on small schemes that deliver market housing, the Affordable Housing SPD does not preclude small schemes (less than 10 units) from providing affordable housing on site.
- 7.3.4 The application is accompanied by an Affordable Housing Statement which sets out the eight flats are proposed to be provided as Affordable Rented units, with the rents capped at Local Housing Allowance (LHA) rates, in lieu of Social Rents. It is proposed that the rent be capped at LHA rates in perpetuity to ensure that the development remains affordable.
- 7.3.5 Where affordable housing is to be provided on site, Policy CP4 requires 70% Social Rent and 30% Shared Ownership. It is however acknowledged that Policy CP4 is now out of date with regard to tenure, but if read together with the First Homes Ministerial Statement (24 May 2021) and subsequent PPG, a policy compliant scheme should secure 45% affordable housing with a 70%/25%/5% split between Social Rent, First Homes and Shared Ownership respectively.
- 7.3.6 The application is for 8 dwellings, so 45% of this would be 3.6, rounded to 4 dwellings. As only 4 affordable dwellings would be required it would be difficult to apply a 70/25/5 split, however, it is acknowledged that the highest percentage requirement is for Social Rent.
- 7.3.7 As noted above the application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. The applicant's affordable housing statement explains that there are no first homes or shared ownership homes due in part to the funding mechanisms being used to deliver this housing. Funding has been received via the Local Authority Housing Fund are critical to make the development viable. These require homes to be provided for Ukrainian and Afghanistan families who have arrived in the UK under various resettlement and relocation schemes.
- 7.3.8 When compared to Social Rent it is recognised that the proposed Affordable Rental tenure means the rental values are increased from approximately 50% of the market rent up to 80% of the market rent. However, it is proposed that the Affordable Rent be capped at LHA rates which means that it would be affordable for households on no, or low, earned incomes if they are eligible for LHA. As a working example provided by the applicant, assuming that

a typical 2 bedroom flat for rent in Maple Cross is £1,400 per month (£323/week), at 80% the rent would be £1,120 per month (£258/week). However, with the rents capped at LHA (which would remain in perpetuity), the rent would be £1,000 per month (£230.14/week). This means that the average home would cost £120 less per month compared to 80% Affordable Rent, and representing 71% of the Market Rent. This rent includes all service charges that would normally be applied separately through a Social Rent.

- 7.3.9 In summary, the proposal would exceed the 45% affordable housing policy requirement, providing 100% of the proposed dwellings as affordable housing. The scheme proposes to deliver the affordable housing as Affordable Rented units on site. Whilst the proposed rental product is not specified within Policy CP4, it is a recognised affordable rental product and would be capped at LHA rates. The provision of 100% affordable housing weighs in favour of the scheme. Similarly, the provision of affordable housing on site rather than a commuted payment (£246,950 plus indexation which may be subject to viability) would respond more quickly and directly to the identified pressing need for affordable housing in the District and weighs in favour of the development. It is also noted that the Housing Development Officer is generally supportive of the proposal to provide 100% Affordable Rent capped at LHA. Therefore, the proposed delivery of a 100% affordable housing scheme, with all units delivered on site as affordable rent, is considered to be acceptable.

#### 7.4 Character & Appearance

- 7.4.1 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 states that development should:

*‘...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.’*

- 7.4.2 The National Planning Policy Framework (NPPF) encourages the effective use of land. At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

- 7.4.3 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.)

- 7.4.4 Points ii, iii and iv are referred to in the relevant sections below.

- 7.4.5 Firstly, no objection is raised on character grounds to the demolition of the existing flat roofed garages that occupy the site.

- 7.4.6 The proposed block would front the street and would not represent tandem development.

- 7.4.7 The existing character of this part of the street is three-storey flatted blocks with gable ends, shallow sloping roofs and some balconies evident. In terms of layout, the proposed building would have a footprint which would be comparable with that of existing development in the area. The proposed building would front the street in a similar way to the four existing flatted blocks within this central area that front Pollards and Bradbery, set back a similar distance from the highway. It is considered that the proposed layout would reflect existing development and would not result in harm to the character of the area.
- 7.4.8 The development would however appear as four-storeys due to the design and extent of accommodation to be provided at roof level. It would have a ridge height of 12.6 metres and eaves height of 9 metres. It is acknowledged that this would introduce a building of greater mass and bulk than existing, the neighbouring three-storey buildings have ridges of approximately 10 metres height. It is also noted that the building's prominence may be increased due to its forward siting relative to its two immediate neighbours. However, whilst it would be visible, it would be set back from the road to the frontage and to the flanks, and given the variation in building heights in the area and spacing it is not considered that it would appear excessively prominent within the street scene.
- 7.4.9 The building would include gables to the flanks which would be reflective of the design of the existing flats. The proposed roof level accommodation would be served by dormer windows, these are not an existing feature within the area. Guidance within Appendix 2 requires that dormer windows are subordinate, set down from the ridge, back from the rear wall and in from the flanks. Two dormer windows are proposed to front elevation. These would be wide, however, they would be set in from both flanks, set down a good distance from the ridge, set back from the rear wall and with space between them. The rear dormer is a single feature, it would occupy a significant proportion of the roof width but like those to the front, it would be set down considerably, set in from each flank and set back from the rear wall. The central section has also been stepped to break up the linear form. It is considered that the dormers would be subordinate within the host roof. Existing flatted blocks in the area include a mix of recessed and projecting balconies. The proposed development includes balconies which would not therefore be out of character, however, they would be recessed thereby not increasing the external mass of the building.
- 7.4.10 Additionally, in terms of materials the Design and Access Statement refers to the use of a buff coloured brick which is reflective of existing materials within the area. Windows are proposed to be dark grey frames, with the roof formed of dark zinc standing seam to the dormers and grey concrete roof tiles. The indicated materials are considered acceptable, however, details/samples would be required by condition of any grant of consent.
- 7.4.11 The proposed flats would have hardstanding to the front to provide parking. There is limited opportunity for soft landscaping, however, a buffer is proposed between the parking area and building which is welcomed. Additionally green roofs are proposed to the two ancillary structures (cycle and refuse stores). Full details of the cycle and refuse stores have been provided with the application and therefore further details are not required by condition.
- 7.4.12 In summary, the proposed development would make efficient use of previously developed land. The proposed building is considered to be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area. The development would therefore accord with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 7.5 Impact on Neighbouring Amenities

- 7.5.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. 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 area.

- 7.5.2 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. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations.
- 7.5.3 Flats 1 – 11 are located to the south-east of the application site, orientated at 90 degrees to the application site and proposed building. As the proposed building would be set forward of this neighbour and given the spacing that would be retained (5.6 metres between the two closest corners) it is not considered that there would be harm by virtue of overshadowing or loss of light to these neighbouring flats. There are no flank openings in this adjacent block facing the application site. There are windows and balconies to the rear of Flats 1 – 11 and it is acknowledged that the outlook from these would change, however, there is no right to a view in planning terms and the proposed building would be sited at an oblique angle to the existing openings with their direct outlook remaining over the amenity space serving the existing blocks. Windows are proposed to the rear of the proposed building and there would therefore be opportunity for views towards the existing flats (1 – 11), however, as noted above the relationship would mean views would be at an oblique angle with no back to back or direct facing relationship and as such it is not considered that the development would result in demonstrable harm through overlooking of Flats 1 – 11.
- 7.5.4 Flats 13 – 23 are located to the south-west of the site. They face the same direction as the proposed flats and the front elevation of the existing flats would be roughly level with the rear elevation of the proposed building with 3 metre spacing between. Given the relative siting it is not considered that there would be harm by virtue of overshadowing or loss of light to these neighbouring flats. It is also noted that the existing flats (13 – 23) are favourably sited to the south-west. There are no flank windows within the adjacent block that would be overlooked by the proposed development. The proposed building would include flank openings which would face towards the area to the front of the adjacent building. It is not considered that the flank openings would facilitate overlooking of habitable rooms. The rear openings proposed would not facilitate overlooking of Flats 13 – 23 given the set back nature of this adjacent building.
- 7.5.5 Flats 14 – 24 are located to the south of the site with a distance of approximately 25 metres between the rear of this building and the application site. The rear elevation of the proposed building would face the rear of this existing building, however, the buildings are staggered such that it is not a direct back to back relationship for the full width of either building. The spacing would be less than the 28 metre guidance figure referenced in Appendix 2, it is also acknowledged that this refers to 2-storey development. However, it is an indicative figure and regard also has to be had to the site circumstances. The site is within an urban area with a degree of existing overlooking between existing flatted blocks and it is not considered that the proposed development would result in overlooking of Flats 14 – 24 that would result in such demonstrable harm justifying refusal of planning permission.
- 7.5.6 To the rear no ground floor openings are proposed but windows and balconies are proposed over all upper levels. These would face an existing communal amenity space used by neighbouring existing flats. Whilst there would be overlooking of this area, given the existing flats all overlook this area it is not private and it is not considered that the proposal would result in demonstrable harm through overlooking. The existing storage sheds that adjoin the site boundary provide separation such that it is not considered that the proposed building would be overly dominant to those using the communal amenity space. The relationship between the proposed building and amenity space would be comparable to the relationship between this space and the existing flats.

- 7.5.7 Windows and balconies to the front would be separated from properties opposite by the highway and the front to front relationship, intervening road and separation is such that it is not considered that unacceptable overlooking would be facilitated.
- 7.5.8 The rear elevation would adjoin the existing storage sheds but would not affect the use of these buildings which are outside of the application site. Concerns regarding impact of construction on these buildings is noted, however, the grant of planning permission does not convey consent required by other legislation such as building regulations.
- 7.5.9 In summary, whilst it is acknowledged that there would be a change in outlook, it is considered that the development would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities, or result in demonstrable harm through overshadowing or loss of light, and the proposal would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.6 Quality of Accommodation for Future Occupiers
- 7.6.1 Whilst TRDC does not have its own internal spaces standards, the Design and Access Statement confirms that the proposed flats have been designed to meet national space standards, ensuring a good quality of accommodation for future occupiers.
- 7.6.2 The development is designed so that each dwelling would benefit from a private balcony of 7sqm. Amenity space standards are set out in Appendix 2 of the Three Rivers Local Plan (adopted July 2013) and specify a requirement for 31sqm for 2 bedroom flats. This would result in a total requirement for 248sqm to serve the proposed development. As noted above each flat would benefit from 7sqm amenity space in the form of private balconies. No communal amenity space is provided. The development would therefore result in a shortfall of 24sqm per flat (184sqm in total).
- 7.6.3 The site is located within close proximity to publicly accessible open space including Beechen Wood (5 minutes), Beechen Wood Play Area (4 minutes), Hornhill Road Play Area (10 minutes) and Denham Way Play Area (16 minutes).
- 7.6.4 The shortfall in amenity space is acknowledged, however, the provision of balconies to each unit would ensure that each flat had a private and easily accessible outdoor area. As noted above there are also publicly accessible facilities within short walking distance. It is not considered that the shortfall in amenity space would result in such demonstrable harm to the amenity of future occupiers to justify refusal of planning permission.
- 7.6.5 In terms of privacy, as set out above, the site is within an urban area with a degree of existing overlooking between existing flatted blocks. However, it is considered that the siting of the proposed building and spacing around it is such that future occupiers would be afforded a good degree of privacy.
- 7.7 Safety & Security
- 7.7.1 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, 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.
- 7.7.2 The Crime Prevention Design Advisor has confirmed that the development complies with Gold Secured by Design requirements.

## 7.8 Trees & Landscape

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

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

7.8.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features.

7.8.3 The application is accompanied by an Arboricultural Impact Assessment (AIA) which has been reviewed by the Landscape Officer. The AIA notes that there are no on site trees and no off-site trees within the vicinity that would be affected by the proposed development. The Landscape Officer therefore raises no objections and no conditions regarding tree protection are required.

7.8.4 The Landscape Officer notes that some limited soft landscaping is indicated on the proposed block plan. It is considered appropriate to require further details by condition to ensure that the landscaping proposed is acceptable and enhances the development. Subject to condition, the development is considered to accord with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 7.9 Highways & Access

7.9.1 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.

7.9.2 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*

7.9.3 The application is accompanied by a Transport Assessment.

7.9.4 HCC as Highways Authority (HCCHA) raised an initial objection, however, following the receipt of amended/additional information HCCHA have confirmed that they raise no objection subject to a number of informatives. HCCHA also request that a Construction Management Plan (CMP) be secured via condition.

7.9.5 HCCHA noted that Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is a footway to either side and opposite the site but there is not one fronting the site itself and the existing area fronting the garages is not highway land. The closest bus stop to the site is approximately 270m away

on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.2km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 900m walk. Given the location within an existing residential area, the site does provide options for a number of active travel methods. Having regard to the above HCCHA comment that they are satisfied that the site is in a suitably sustainable location for the size of development, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

- 7.9.6 The application proposes to make use of the existing vehicular access into the site formed by a dropped kerb, no changes are proposed meaning no highway works are required. The amended site plan, drawing number 050 Rev A, moves the proposed bin and cycle stores further back into the site meaning that they are no longer located in the visibility splays for the parking area. Additionally, according to the Sightline Assessment document, the boundary walls at the site have been reduced to be less than 0.6m in height, further ensuring that the visibility splay from the parking spaces are not interrupted. HCCHA also note that a speed survey has now been provided within the Sightline Assessment which indicates that the 85th percentile speed past the site is 16mph, drastically reducing the length of the required visibility splay to 18m. These splays are shown on drawing number P2762/TN/2, and are unobstructed. The proposed, unadopted, footway fronting the site has been increased from 1.2m in width to around 1.6m in width which HCCA consider a more suitable width, being above the minimum width outlined within Roads in Hertfordshire. HCCHA also note that there have not been any collisions on Pollards, nor the surrounding network within the residential area, within the last 5 years.
- 7.9.7 In relation to refuse collection, HCCHA refer to Manual for Streets Paragraph 6.8.9 which states that waste collection vehicles must be able to get within 25 metres of the bin storage location and residents must not have to carry waste for more than 30 metres to this location. HCCHA note that these distances would not be exceeded and raise no objection in this regard.
- 7.9.8 In relation to emergency vehicle access, HCCHA note that in accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45 metres from the edge of the highway so an emergency vehicle can gain access. HCCHA note that this is the case at this site with all of the footprint of the flats being within this 45m.
- 7.9.9 In summary, HCCHA has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, raise no objections on highway grounds. The application is considered to accord with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) in this regard.

## 7.10 Parking

### Loss of Existing Garages

- 7.10.1 The application site is currently occupied by 10 garages which are proposed to be demolished to facilitate the proposed development. The garages are not proposed to be replaced, with the 8 parking spaces proposed as part of the application intended to serve the proposed dwellings (parking for the proposed dwellings is discussed below).
- 7.10.2 The application is accompanied by a Transport Assessment (TA) which has considered the implications of the loss of the existing garages in terms of the potential displacement of parking. The TA includes a parking survey. Regarding displaced parking from the existing garages, the TA suggests that of the 20 garages to be demolished across both Pollards sites, 14 are in use. According to the TA, of the 14 garages in use, 5 are used by people who live within the area of the parking survey and therefore this would be the estimated maximum number of expected displaced vehicles. In the event that this number is higher,



the parking stress survey mentioned within the TA, and provided within the appendix figures, indicates that much of the surrounding area has unrestricted parking with a parking stress of 62%. HCCHA therefore consider it likely that on street parking would be available without causing the parking stress to increase to an unacceptable level.

- 7.10.3 It is noted that application 23/1570/FUL for 2 x 4 bedroom dwellings following demolition of 10 garages to the rear of 22 – 32 Pollards is pending consideration. The applications are separate applications and must be considered individually on their own merits. However, it is relevant to note that the TA submitted (as referenced above) was undertaken as a joint TA in relation to both sites and therefore considers the cumulative impact of the loss of both sets of garages (20 in total). As noted above, the TA identified sufficient capacity of unallocated on-street spaces to accommodate any displaced parking.

#### Proposed Development

- 7.10.4 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) set out the car parking requirements for the District. The proposed development of 8 x 2 bedroom flats would result in a requirement for 16 spaces of which 8 should be assigned. The proposal includes 8 car parking spaces so provides the requisite number of allocated spaces, however, there would be an overall shortfall of 8 spaces. As noted above, the submitted TA demonstrates availability of unallocated on-street spaces which it is considered would accommodate any vehicles displaced from the existing garages. The availability of on-street parking is also considered sufficient to overcome the shortfall in parking on site. It is assumed that the 8 spaces would be allocated as 1 space per flat and a Parking Management Plan is suggested via condition to ensure details of allocation/management are provided.
- 7.10.5 The submitted Transport Assessment sets out that an Electric Vehicle Charging Point (EVCP) will be provided for each dwelling. Whilst there is no current policy requirement, the provision of EVCP is supported by both TRDC and HCCHA. As the EVCP is not detailed on the submitted plans, it is considered appropriate to require further details via condition.
- 7.10.6 A secure cycle store is proposed to the front of the building. This would provide cycle parking for each flat which would exceed the Policy requirement for 1 space per 2 units.

#### Parking Conclusion

- 7.10.7 In summary, the proposed development would provide 8 parking spaces to serve the proposed development, thereby providing the required number of allocated spaces. It is considered that there is sufficient capacity of unallocated parking spaces within the vicinity of the existing garages to accommodate any vehicles displaced as a result of the loss of the 10 garages in addition to the shortfall in parking (8 spaces) to serve the proposed development. Cycle parking for the proposed development would exceed standards and details of EVCP would be secured via condition. Subject to conditions the proposed level of parking is considered acceptable and would not result in demonstrable harm and the development is therefore considered acceptable in this regard in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### 7.11 Sustainability

- 7.11.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.11.2 An Energy Statement has been submitted with the application which demonstrates that the proposal would far exceed the current policy, achieving a 66% reduction in carbon emissions against the Building Regulations Part L (2021). A condition on any grant of consent would require compliance with the approved Energy Statement.

## 7.12 Wildlife & 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.

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

7.12.3 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”.

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

7.12.5 The PEA notes that habitats on site are considered to be of mostly negligible ecological value with the presence of protected species therefore negligible to low potential. No further surveys are considered necessary, however, mitigation and precautionary measures are suggested, including careful consideration of lighting. The PEA makes other recommendations in relation to construction, including that any trenches or holes are covered or mammal ladders provided, and in relation to the completed development eg. provision of bird boxes. Compliance with the PEA would be a condition on any grant of consent.

7.12.6 Subject to compliance with the PEA, the development is considered acceptable in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 7.13 Refuse & Recycling

7.13.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

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

7.13.2 The submitted layout plan indicates that an area for refuse and recycling storage would be provided to the front of the building which would provide sufficient storage for the required number of bins and would be easily accessible for collection from Pollards.

7.13.3 Environmental Protection have raised no objection to the details provided, the roadside collection would reflect the existing collection arrangements of neighbouring flatted blocks. HCC as Highway Authority also consider the arrangements to be acceptable.

## 7.14 Conclusion

- 7.14.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.14.2 The proposal would result in an uplift of 8 dwellings. The additional dwellings would therefore add to the district's housing stock and thus would weigh in favour of the development. The units would be provided as Affordable Rented units, with rates capped at LHA to ensure that they remain affordable in perpetuity. The development would make a positive contribution in meeting the pressing need for affordable housing in the district which would also weigh in favour of the development. The development would be on previously developed land and would not result in demonstrable harm to the character or appearance of the area or residential amenity of neighbouring occupiers. The proposed dwellings would exceed national space standards with private balconies provided. There would be a shortfall in amenity space, however, this is not considered to result in demonstrable harm justifying refusal of planning permission. No objections are raised on highways safety grounds. There is capacity within the vicinity of the site to accommodate any displacement following the loss of the existing garages and the level of parking to serve the proposed dwellings is considered acceptable subject to conditions. The development would far exceed the requirements of Policy DM1 in relation to carbon emissions.
- 7.14.3 It is considered that the development complies with paragraph 11 of the NPPF. However, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

## 8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions:
- C1 TIME: 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 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 010, 020, 030, 101 (1<sup>st</sup> and 2<sup>nd</sup> Floor), 101 (3<sup>rd</sup> Floor and Roof), 300, 050 A, 100 A, 200 A, 400 A.
- Reason: For the avoidance of doubt in the proper interest of planning and to meet the requirements of Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 AFFORDABLE HOUSING: No development shall take place until a scheme for the provision of eight flats to be constructed on the site pursuant to the planning permission as Affordable Housing has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the eight x two-bed flats which shall be constructed on the site and provided as Affordable Rented Dwellings.
- ii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
- v. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
- vi. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes England guidance)

The Affordable Housing shall be provided in accordance with the approved scheme. The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
  - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
  - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
  - (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
  - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This is a pre commencement condition to meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

- C4 CONSTRUCTION MANAGEMENT PLAN: 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:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

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

- C5 LANDSCAPING: 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, including details of the proposed green roofs. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

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

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

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

- C6 MATERIALS: Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C7 PARKING MANGEMENT PLAN: A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details following occupation of the units and maintained thereafter.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not 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).

- C8 ELECTRIC VEHICLE CHARGING POINTS (EVCPs): Prior to the first use of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

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

- C9 LIGHTING: No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

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

- C10 ENERGY STATEMENT: 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.

- C11 **BICYCLE STORAGE**: No dwelling shall be occupied until its secure cycle storage as shown on plans 50 A and 400 A has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel 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).

- C12 **REFUSE STORAGE**: The development shall not be occupied until the approved refuse scheme as shown on plans 50 A and 400 A has been provided 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).

- C13 **ECOLOGY RECOMMENDATIONS**: The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal prepared by Syntegra Consulting June 2023 (ref. 23-10798).

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

## 8.2 **Informatives:**

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

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

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

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

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

{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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 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 applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 Swifts are one of four red-listed species of conservation concern. The applicant is encouraged to consider the integration of a swift brick(s) within the development. More information can be found on the RSPB website and via [www.swiftmapper.org.uk](http://www.swiftmapper.org.uk)



16 Affordable Housing – Definitions:

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

Affordable Housing Provider means a registered provider registered with the Homes England (HE) or other body registered with the HE under the relevant Housing Act or other body approved by the HE to receive social housing Grant such Affordable Housing Provider in any event to be approved by the Council.

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes England (HE) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of the freehold or no less than a 125 year leasehold interest.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Housing as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.

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

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

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

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

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

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

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

## APPENDIX A

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

#### **Background**

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

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

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
  - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
  - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
  - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million<sup>2</sup>** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes<sup>3</sup>.

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

<sup>3</sup> The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure

- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

### **Importance of Small Sites to Three Rivers**

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined<sup>4</sup> by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

## **2 Development Plan Policies and the WMS**

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

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

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

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

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have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

<sup>4</sup> Includes refused and approved applications. Excludes prior approval developments.

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

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

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

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

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

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

#### **General House Price Affordability in Three Rivers**

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016<sup>5</sup>, the lowest quartile house price in Three Rivers in 2016,

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

representing the cheapest properties in the District was £325,000.00, making it the **fifth**<sup>6</sup> most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

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

**Table 1.**

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000<sup>7</sup>. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

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

**Table 2.**

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021<sup>8</sup>, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>9</sup>). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

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

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

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

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



When one considers the median affordability ratio<sup>10</sup> for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio<sup>11</sup> was 13.77, the fourth<sup>12</sup> worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

**Table 3.**

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

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

**Table 4.**

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021<sup>13</sup>.

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

### **Affordable Housing Requirements in Three Rivers**

- 2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA)

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

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

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

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

and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

#### *Affordable Housing Need - To Rent*

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households<sup>14</sup>.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036<sup>15</sup>.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036<sup>16</sup>.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers<sup>17</sup>. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

#### *Affordable Housing Need - To Buy*

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

#### *Total Affordable Housing Need*

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

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

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

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

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

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

### **Affordable Housing Provision in Three Rivers**

- 2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.14 Since the start of the plan period from 1 April 2001 to 31st March 2022 (the latest date where the most recent completion figures are available), 5,168 gross dwellings were completed. From this, 1,162 were secured as affordable housing, a total of 22.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,162 or 22.5% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2022. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites<sup>19</sup> delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:
- Four out of the 22 sites provided viability justification, in line with CP4 policy, for the absence of affordable housing provision. One of the 22 sites was found to have suitable viability justification by the Planning Inspector at an Appeal.
  - One of the 22 sites was found to not have appropriately secured affordable housing contributions in breach of CS policy CP4. However there was no agreement between the parties in respect of the viable quantum of affordable housing and the Inspector nevertheless granted planning permission. This is the only appeal decision out of the 32 that have been determined since September 2017 where the Council's position on the relative weight to be afforded Policy CP4(e) was not fully upheld.
  - One of the applications completed during the monitoring period 2021/22 which did not contribute towards affordable housing had contributed towards on-site provision during the previous monitoring period 2020/21.
  - Five of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
  - Of the 10 schemes which did contribute, five made contributions via commuted sums towards off-site provision; all five schemes were minor developments, demonstrating the important role of small sites in collecting financial payments to be spent on affordable housing provision. Of the remaining five schemes which contributed via on-site provision in 2021/22, two were major developments and three were minor developments.

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<sup>19</sup> Sites with completions in the monitoring year 2021/22

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

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined<sup>20</sup> for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:  
*APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: "It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

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

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

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

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<sup>20</sup> Includes refused and approved applications. Excludes prior approval developments.

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2022 there were 255 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (7.1%)<sup>21</sup>. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

### **Relevant Appeal Decisions**

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

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<sup>21</sup> See footnote 3.

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

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

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

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21<sup>st</sup> June 2019:**

*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”*

- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27<sup>th</sup> June 2019:**

*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”*

- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5<sup>th</sup> August 2019:**

*“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”*

- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1<sup>st</sup> November 2019:**

*“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.*

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<sup>22</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

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

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

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

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

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

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22<sup>nd</sup> May 2019:**

*“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that*

areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

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

**Decision Date 5<sup>th</sup> May 2019:**

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

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

**Decision Date 16<sup>th</sup> August 2019:**

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

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

**Decision Date 10<sup>th</sup> December 2019**

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy.”

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley**

**Decision Date 9<sup>th</sup> March 2020**

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

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**

**Decision Date 7<sup>th</sup> May 2020**

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this



case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

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

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

- **APP/P1940/W/20/3259397 24 Wyatts Road**

**Decision Date 8<sup>th</sup> February 2021**

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

- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green**

**Decision Date 18<sup>th</sup> February 2021**

*“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”*

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

**Decision Date 4<sup>th</sup> March 2021**

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

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

**Decision Date 15<sup>th</sup> June 2021**

*“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required*

to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

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

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

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico Decision Date: 16<sup>th</sup> March 2022**

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

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey Decision Date: 29<sup>th</sup> April 2022**

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

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley Decision Date: 30<sup>th</sup> August 2022**

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

*conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”*

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

**Decision Date: 23<sup>rd</sup> September 2022**

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

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

**Decision Date: 27<sup>th</sup> October 2022**

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

## **Conclusion**

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

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

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

## **Sources Used:**

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

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

**March 2023**

**Approved Front Elevation (23/1569/FUL)**



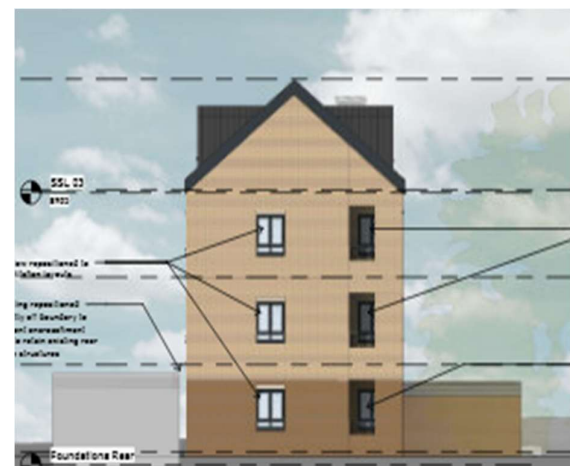
**Proposed Front Elevation (25/1852/FUL)**



**Approved Flank Elevation (23/1569/FUL)**



**Proposed Flank Elevation (25/1852/FUL)**



Approved Rear Elevation (23/1569/FUL)



Proposed Rear Elevation (25/1852/FUL)



Approved Flank Elevation (23/1569/FUL)



Proposed Flank Elevation (25/1852/FUL)













## PLANNING COMMITTEE - 11 DECEMBER 2025

### **25/1909/FUL – Creation of vehicle access and dropped kerb onto Henderson Place at 318 TOMS LANE, KINGS LANGLEY, HERTS, WD5 0RB**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 1 January 2026

Ward: Abbots Langley and Bedmond  
Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Land within the application site is owned by Three Rivers District Council.

To view all documents forming part of the application, please go to the following website:  
[25/1909/FUL | Creation of vehicle access and dropped kerb onto Henderson Place | 318 Toms Lane Kings Langley Hertfordshire WD5 0RB](#)

#### **1 Relevant Planning History**

1.1 No relevant planning history.

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

2.1 The application site contains a two storey semi-detached dwelling located along Toms Lane. The dwelling is sited on a corner plot with the front elevation angled in a north west direction facing the junction of Toms Lane and Henderson Place.

2.2 The site contains an area of hardstanding sited along the southern boundary with No.1 Henderson Place. This is served by gates. Cars were parked on the hardstanding at the time of the site visit although the site is not served by a cross over and area of grasscrete leads from the road up to the footpath in front of the site.

2.3 A footpath runs along the western boundary of the site, between the footpath and road is a large green verge. Henderson Place is characterised by dwellings being set back from the road with large green verges on both sides sited between the residential properties and highway. Grasscrete has been installed on the grass verges that runs parallel to the road.

2.4 The application site is located within the Metropolitan Green Belt.

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

3.1 This application seeks planning permission for the creation of a vehicle access and dropped kerb onto Henderson Place.

3.2 The access would extend from the western boundary to the road for a length of 12.7m and would cross both the footpath and grass verge, including the grasscrete. The access would have a maximum width of 4.7m. A dropped kerb onto Henderson Place with a width of 4.6m is proposed. No alterations within the curtilage of the site are proposed.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: [No objection]

Members assume the visibility splay conforms to Highway requirements for a road of the size and have no comment.

#### 4.1.2 Herts Highways 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.

AN1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN2) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

##### Comments

Context: The development site is located on Toms Lane, a local access 'C' road subject to a 30mph speed limit. The development site proposes to have vehicular access on Henderson Place, an unclassified local access road with a 30mph speed limit. Henderson Place and Toms Lane are both considered highway maintainable at public expense. On Hertfordshire County Council's Place and Movement network, Toms Lane and Henderson Place are categorised as P2/M1s (e.g. Residential Street). No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal. The county council considers Toms Lane to be traffic sensitive between the hours of 07:00 - 09:30 and 16:00 - 18:30 Monday to Friday.

Access: No vehicular access currently exists on the development site. It appears (from historical imagery of the site) that vehicles have been accessing the site via an unauthorised vehicle crossover, crossing over a Hertfordshire Highways-maintained footpath in order to access the site. The applicant is reminded that if this application for planning permission is refused or withdrawn then the unauthorised vehicle crossovers should cease and that this is enforceable under the Highways Act 1980.

The above notwithstanding, the Highway Authority has not identified any concerns with the proposals in terms of access. Visibility appears to be achievable considering the low traffic environment of Henderson Place and the grasscrete verge allows for a vehicle to stop and wait for an obstruction to clear.

Trip generation: The nature of this development is unlikely to result in an increase in trips to and from the site, therefore no impact on the highway network is identified.

Parking: Informal grasscrete parking bays appear to line both sides of Henderson Place; the positioning of the proposed dropped kerbs and ramped kerbs allow one vehicle to continue parking to the north of the proposed access point.

A dropped kerb and vehicle crossover arrangement in this position would not result in a net decrease of parking spaces overall, as where one vehicle could have parked parallel, the proposed access point will allow two vehicles to enter and park on site. This removes two vehicles from needing to utilise on-street parking.

The Highway Authority therefore has no concerns with the proposal in relation to parking but notes that the Local Planning Authority have their own parking standards, which naturally the application will need to meet.

Emergency vehicle and waste collection vehicle access: The proposal will not affect existing access arrangements for either emergency vehicles or refuse collection vehicles.

## Conclusion

HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above highway informative / advisory notes.

4.1.3 National Grid: No comments received.

## 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5

4.2.2 No of responses received: 0

4.2.3 Press/Site Notice: Not required.

4.2.4 Summary of Responses: Not applicable.

## 5 Reason for Delay

5.1 Not applicable.

## 6 Relevant Planning Policy, Guidance and Legislation

6.1 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.

## 6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP9, CP10, CP11 and CP12.

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

## 6.3 Other

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

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

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

## **7 Planning Analysis**

### 7.1 Green Belt

7.1.1 The application site falls within the Metropolitan Green Belt.

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". 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 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”.
- 7.1.5 Paragraph 154 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this includes:
- 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”.
- 7.1.6 NPPF Paragraph 143 sets out the purposes of including land within Green Belt:
- 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.
- 7.1.7 The installation of a drop kerb and hardstanding would constitute an engineering operation. The application site is located within a residential cul-de-sac where there is evidence of cars parked on the highway and existing grasscrete on the green verge, including in front of the application dwelling. The character is therefore residential in nature interspersed with green space. The addition of the access would introduce a hard landscaped feature on an existing green verge and would facilitate the movement of cars along the verge, although these are already facilitated by the existing grasscrete along the grass verge. Considering the context of the site within a residential street surrounded by built form and highway infrastructure the proposed development would not adversely affect the openness of the Green Belt within the site or wider context. Taking the character of the site and immediate surroundings into account the land on which application site is located does not contribute to the purposes of including land within Green Belt. As such, the proposal would not conflict with the purposes of including land within the Green Belt. The hardstanding and dropped kerb would be an appropriate form of development within the Green Belt.
- 7.1.8 The proposed development would be in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF.
- 7.2 Character and Impact on the street scene.
- 7.2.1 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'; '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'. Policy DM1 and Appendix 2 of the Development Management Policies LDD advises that development should not be unduly prominent in the streetscene.

7.2.2 The proposed access would be sited adjacent to an existing access serving No.1 Henderson Place. There is also an example of an access on the opposite side of Henderson Place. These accesses are of similar scale in terms of depth and width to that of the proposed development. The proposed access would therefore not appear contrived or unduly prominent within the street scene or setting and would not result in demonstrable harm to the visual amenities or character of the area.

7.2.3 The development would be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

### 7.3 Impact on amenity of neighbours

7.3.1 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'

7.3.2 The addition of a dropped kerb, hardstanding and use of land to allow vehicles to access the residential curtilage would not result in any loss of light, harm to the visual amenities or noise and disturbance to the surrounding neighbouring properties.

7.3.3 The proposal would not result in any harm to the residential amenities of the surrounding neighbouring properties in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

### 7.4 Highways, Access and Parking

7.4.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access and Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out off street car parking standards.

7.4.2 The site contains an area of hardstanding currently, which whilst not served by an existing dropped kerb, was observed at the time of the officer site visit to accommodate a vehicle. The proposed development would not alter the existing extent of hardstanding within the sites curtilage but would provide a formal means of access. It would however provide a more formal access to serve the existing parking provision through the addition of a dropped kerb and access over the footpath. The Highways Officer has raised no objections to the proposed development in terms of impact on highway safety and confirmed that visibility would be achievable. The proposed plans indicates that the existing hedging would be removed or lowered to facilitate visibility in regard to the adjacent footpath. Thus, sufficient visibility would be provided to protect users of the highway from cars exiting the site onto the footpath and adjacent road.

7.4.3 It is noted that there is a set of gates along the frontage of the existing hardstanding that open into the site. There is sufficient space within the proposed access to allow vehicles to stand clear of both the footpath and road whilst these gates are opened. As such, the proposal would not result in an obstruction to users of the highway.

7.4.4 It is noted that the access would cross over existing grasscrete which provides a parking space. However, the Highways Officer has confirmed that the proposal would facilitate off road parking and as such raised no objection to the removal of the grasscrete to facilitate access.

- 7.4.5 The proposed hardstanding would be flanked by grass where any water could run off. Any planning permission would also include a condition requiring details of materials to be submitted which could ensure that the materials would be porous. The existing land where the access would be located also appeared compact when viewed on the site visit also facilitated by the grasscrete. It is therefore considered that the proposed addition of the hardstanding would result in excess runoff of water onto the highway.
- 7.4.6 The proposed development would not adversely affect highway safety or existing parking facilities in accordance with Policy CP10 of the Core Strategy and Policies DM8, DM13 and Appendix 5 of the Development Management Policies LDD.
- 7.5 Landscaping
- 7.5.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997'.
- 7.5.2 A tree is sited close to the proposed access on the existing verge. The plans indicate that this tree would be retained and would not be removed to facilitate the development. The siting of the access would not affect the health and longevity of the tree and green space would be retained to support the tree.
- 7.5.3 The plans indicate that approximately 3m length of hedging forming the boundary treatment with Henderson Place would be reduced in height to facilitate the development. As this serves a residential property and the hedging would be retained, the lowering of a residential hedge to facilitate the development would not affect local amenity or materially affect the nature conservation value of the site or surroundings.
- 7.6 Wildlife and Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.6.3 In this case, a Biodiversity Checklist has accompanied the application and details that no protected species would be affected as a result of the development. Given the nature of the proposed development it is not considered that the proposal would result in any harm to any protected species as such, no objections are raised.
- 7.7 Mandatory Biodiversity Net gain.
- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the

proposal would be di-minimis. The area to be covered by hardstanding is approximately 25sq.m in area and largely constitutes grasscrete which facilitates the parking and passing of cars so there would be no net loss of habitat. The hedging along the frontage with Henderson Place would be reduced in height which would reflect routine maintenance of a residential hedge as such there would be no net loss of hedging. The proposal would therefore fall within this exception.

**8 RECOMMENDATION: That PLANNING PERMISSION BE GRANTED subject to the following conditions:**

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

L(10)010 P01, L(20)010 P01, L(20)011 P01, L(20)100 P01, L(20)200 P01, L(20)200 P01.

Reason: For the avoidance of doubt, in the proper interests of planning, the character of the area and Green Belt, and the residential amenities of neighbouring dwellings in accordance with Policies CP1, C9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and NPPF.

C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external permeable materials to be used for the access, 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 development being constructed in inappropriate materials and to ensure provision for surface water, in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM8 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The development shall not be occupied until visibility splays have been provided in accordance with the approved details.

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

**8.1 Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you



on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

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

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

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

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

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

- 12 The 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.

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>.

- 15 New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
  
- 16 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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View of Henderson Place from Toms Lane



View of the site and neighbouring access

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