

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 26 February 2026 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, 18 February 2026*

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. 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.

3. Declarations of Interest

To receive any declarations of interest.

4. 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 5 - 100)

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.

Recommendation: That authority is delegated to the Head of Regulatory Services to grant planning permission following the completion of a S106 agreement securing the Heads of Terms (set out in 10.18.2 of the report), subject to planning conditions (set out at section 11.1.2) and to make any minor amendments necessary to the Heads of Terms and planning conditions in consultation with the Planning Committee Chair.

5. 25/1055/FUL - Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works at Land To The Rear Of Woodlands Cottage, Oxhey Lane, Carpenders Park, Watford, Hertfordshire WD19 5RF. (Pages 101 - 250)

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

Recommendation: that authority is delegated to the Head of Regulatory Services to grant planning permission, following completion of a S106 Agreement (securing the Heads of Term set out at 7.21 below including affordable housing provision, travel plan, contributions to infrastructure including education, healthcare and waste infrastructure and monitoring fees) subject to conditions and to make any minor amendments to the Heads of Terms and Planning Conditions in consultation with the Planning Committee Chair.

6. **25/1943/FUL - Demolition of existing building and construction of a new three storey building to provide community centre at ground floor level and 8 residential units to the two upper floors with associated landscaping, access, and parking alterations at British Red Cross, Community Way, Croxley Green, Herts WD3 3HB** (Pages 251 - 308)

Demolition of existing building and construction of a new three storey building to provide community centre at ground floor level and 8 residential units to the two upper floors with associated landscaping, access, and parking alterations at British Red Cross, Community Way, Croxley Green.

Recommendation: that planning permission be approved subject to conditions.

7. **25/2120/FUL - Removal of condition 3 (Lighting Hours) pursuant to planning permission 25/1012/RSP at 57 - 59 High Street, Abbots Langley, Hertfordshire WD5 0AE** (Pages 309 - 322)

Removal of condition 3 (Lighting Hours) pursuant to planning permission 25/1012/RSP at 57 - 59 High Street, Abbots Langley.

Recommendation: that planning permission be granted.

8. **25/2182/FUL - Construction of single storey rear extension, garage conversion and loft conversion with side rooflights and windows to side elevation, relocation of entrance door at 99 Byewaters, Croxley Green, Watford, Hertfordshire WD18 8WH** (Pages 323 - 348)

Construction of single storey rear extension, garage conversion and loft conversion with side rooflights and windows to side elevation, relocation of entrance door at 99 Byewaters, Croxley Green.

Recommendation: that planning permission be granted subject to conditions.

9. **Other Business - if approved under item 2 above**

Exclusion of Public and Press

If the Committee wishes to consider any items in private, it will be appropriate for a resolution to be passed in the following terms:

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

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

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

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PLANNING COMMITTEE – 26 FEBRUARY 2025

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

Development type: Major Development

Recommendation: That authority is delegated to the Head of Regulatory Services to grant planning permission following the completion of a S106 agreement securing the Heads of Terms (set out in 10.18.2 of the report), subject to planning conditions (set out at section 11.1.2) AND to make any minor amendments necessary to the Heads of Terms and planning conditions in consultation with the Planning Committee Chair.

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 for consideration to be given to Grey Belt.

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 Executive Summary

- 1.1 This report makes a full assessment of planning application 25/0484/OUT, for the proposed development comprising 75 new dwellings, parking and landscaping with associated access onto Chalfont Road at land at north of Chalfont Road in Maple Cross. The application is in Outline, with details of access provided for full consideration. Appearance, landscape, layout and scale are reserved matters.
- 1.2 The assessment has considered all relevant material planning considerations, including the provision of the 2024 National Planning Policy Framework (NPPF) and the Three Rivers Local Development Plan. The responses from consultees have also been considered, and are listed at section 6. The majority of consultees raised no objection subject to conditions and/or S106 agreement. All statutory consultees raise no objection.
- 1.3 The primary planning considerations include the principle of the development in the Green Belt; impact on landscape, character and heritage; housing provision; highways and access considerations and residential amenity. Officers have assessed these matters and all other planning considerations and conclude that the proposal is acceptable.
- 1.4 In relation to Green Belt, officers consider that the site is Grey Belt and the proposal accords with clauses (a) – (d) of Paragraph 155 of the NPPF. As such, it is considered that the development is an appropriate form of development in the Green Belt. In relation to the existing use, the development would result in the loss of part of an arable field but is only a small section of a much larger field. Subject to conditions/S106 there are no objections on highways, amenity or other grounds.

1.5 The benefits of the scheme are considered at section 10.20 and include the need for housing, the need for affordable housing, compliance with the 'Golden Rules' – all of which are afforded significant weight in support of the application.

1.6 This report therefore recommends approval, subject to conditions and a S106 agreement.

1.7 This executive summary provides an overview. It is not exhaustive and should be read in conjunction with the full report for a complete understanding.

2 Update since the preliminary committee hearing

2.1 A preliminary report was discussed at the Planning Committee meeting on 17 July 2025, where the Committee were asked to note the report and make general comments with regard to the material planning issues raised by the application.

2.2 The analysis has been updated to provide a full justification for the officer recommendation, including in relation to the material points raised when the preliminary report was discussed.

2.3 At the December 2025 Planning Committee meeting Members also agreed for officers to arrange a site visit ahead of the application being returned to committee for determination. The site visit has taken place.

3 Relevant Planning History

3.1 None.

4 Description of Application Site

4.1 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.

4.2 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.

4.3 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.

4.4 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.

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

5 Description of Proposed Development

5.1 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.

5.2 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.

- 5.3 The illustrative proposed site layout plan 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.
- 5.4 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 pedestrian footway on Chalfont Road/Oakhill 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.
- 5.5 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

- 5.6 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

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

- Highways Technical Note (29th September 2025)
- Highways Technical Note - 2025 Modelling Note (9th 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)
- Legal Opinion from Landmark Chambers on Green Belt policy and site meeting definition of “Grey Belt”.
- Boyer Update note post November committee.
- Hedgerow and Tree Removals mark-up plan (Sheet 1 Rev-P01)

6 Consultation

6.1 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
Conservation Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	Comments received

National Health Service	1.1.21	Comments received
East of England Ambulance Service	1.1.22	Comments received

7 Public/Neighbour Consultation

- 7.1 Site Notice: Posted – 08.04.2025 Expired – 01.05.2025
- 7.2 Press notice: Published – 11.04.2025 Expired - 04.05.2025
- 7.3 Number consulted: 183
- 7.4 No of responses received: 27 (24 Objections; 3 neutral)
- 7.5 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.

7.6 Other Representations:

7.6.1 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.

7.6.2 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.

7.6.3 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.

8 Reason for Delay

- 8.1 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.

9 Relevant Planning Policy, Guidance and Legislation

9.1 Legislation

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

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

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

The Environment Act (2021)

9.2 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

9.3 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.

9.4 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 (June 2024)

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)

10 Planning Analysis

10.1 Principle of Development – Impact on the Green Belt

- 10.1.1 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.
- 10.1.2 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
- 10.1.3 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.
- 10.1.4 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

10.1.5 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.

10.1.6 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.*

10.1.7 In respect of paragraph a), 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’.

10.1.8 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.*

10.1.9 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:

- 10.1.10 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 part of an open field, and is free of built form.
- 10.1.11 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.
- 10.1.12 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.
- 10.1.13 In this case, the application site is currently open in character, 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

- 10.1.14 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.
- 10.1.15 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.'

10.1.16 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

10.1.17 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 the application site would make a weak contribution to this purpose on the basis that Maple Cross has no areas of historical significance.

10.1.18 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 only a moderate contribution to purpose a) and weak contributions to both purposes b) and d) 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.

10.1.19 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. Consequently, it is concluded that the proposal complies with paragraph 155a).

10.1.20 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.'

10.1.21 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.

10.1.22 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. Furthermore, within Maple Cross is, Hornhill Play Area and Denham Way Play Area, West Hyde and Maple Cross Cricket Club and Tennis Courts, Maple Cross and West Hyde Community Centre. 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 PRoW Footpath 009 located on the south-west of the proposed site. As for Footpath 008, this is located further south along the bend and therefore would require removal of a substantial amount of hedgerow to provide necessary visibility splays – thus a direct link to this footpath is not proposed. Pedestrian access would also be provided throughout the site in the form of 2m footways or shared surfaces depending on the location.

10.1.23 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.

10.1.24 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.

10.1.25 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.’*

- 10.1.26 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).
- 10.1.27 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).
- 10.1.28 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

- 10.1.29 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).

10.2 Existing Use

- 10.2.1 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.
- 10.2.2 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.
- 10.2.3 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 weigh 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.

10.3 Housing Mix

10.3.1 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.

10.3.2 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%

10.3.3 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.

10.4 Affordable Housing

10.4.1 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.

10.4.2 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.

10.4.3 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.

10.4.4 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 supporting 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.

- 10.4.5 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.
- 10.4.6 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.

10.5 Impact on the character and appearance of the locality/landscape

- 10.5.1 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.
- 10.5.2 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'.
- 10.5.3 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.'
- 10.5.4 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.

10.5.5 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 that the new access serving the development would result in the loss of some existing hedging; however, the access is located in the south-eastern corner close to existing well established built form and would therefore be read in conjunction with this existing built form which officers consider would mitigate against its visual impact. There is a second smaller opening proposed, providing the link to the footpath 009; however, this is relatively small and has a negligible impact. Furthermore, it is noted from the submitted indicative masterplan 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.

10.6 Highways and Access

10.6.1 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.

10.6.2 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”.

10.6.3 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.

10.6.4 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

- 10.6.5 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.
- 10.6.6 At the December committee meeting, Members requested that consideration be given to relocating the site entrance further west along Chalfont Road. The applicant has advised that several layout/design options were assessed for the outline application; however, landscape, ecology and visual considerations informed the location of the proposed access point. Moving the access further would have resulted in the removal of far more vegetation/hedgerow to account for required visibility splays, required widening of the carriageway and the extension of the footway along the road. This would have resulted in an increase in the perceived urbanisation of Chalfont Road, which the current scheme seeks to avoid.
- 10.6.7 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/Maple Lodge 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**.
- 10.6.8 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.
- 10.6.9 With regards to the queue length survey data, the applicant provided survey data which was undertaken on Tuesday 16th 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).
- 10.6.10 Further clarification has been provided by the applicant since the December planning committee in response to Member comments. The applicant has confirmed that the traffic survey was undertaken after the formation of the new junction layout at the crossroads of Chalfont Road, Denham Way and Maple Lodge Close. Undertaking a single traffic survey is standard practice when assessing traffic capacity. The survey was undertaken on a neutral weekday to ensure that the data accurately represents typical traffic conditions. This approach was agreed with the Highway Authority. 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 increase in traffic arising from the proposed development will be imperceptible with less than one additional vehicle movement per minute at peak times.

The traffic modelling for the peak times confirms the impact would be negligible. This has been accepted by the Highway Authority.

- 10.6.11 At the planning committee in December, Members queried whether consideration had been given to the major development of 400 houses at Newland Park on Gorelands Lane, Chalfont St Giles in the assessment of future traffic levels on Chalfont Road. Officers consider that the Newlands Park development is located a significant distance away and is closer to Chalfont St Peter than it is to Maple Cross, and Chalfont St. Peter has more facilities so officers do not consider that future occupants of this development would all leave and come to Maple Cross. In addition, given the distance there are a variety of routes available for car users which would dilute the flow of traffic meaning that traffic would not solely travel down Chalfont Road. Therefore, officers do not consider that the major development Newland Park would have any significant impact on traffic levels on Maple Cross.
- 10.6.12 The Highway Authority noted that the junction Chalfont Road/Maple Lodge 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.
- 10.6.13 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.
- 10.6.14 As set out at paragraph 10.1.23 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, buildouts 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.
- 10.6.15 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).

10.7 Drainage & Flood Risk

- 10.7.1 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.

- 10.7.2 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).
- 10.7.3 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.
- 10.7.4 At the December committee Members expressed concerns in respect of the current flooding issues on Chalfont Road and Oakhill Road, whether the development would cause extra flooding and what flooding improvements would the proposal deliver. As part of the application submission, a hydraulic model was prepared to better understand surface water flood risk to the site and the surrounding area, including Chalfont Road. Chalfont Road is shown to be at risk of flooding from surface water for all modelled return periods, and flow along Chalfont Road is shown to be the primary flooding mechanism for the site and downstream properties.
- 10.7.5 The proposed development would provide additional flood storage within the site in the form of a compensation basin. This is designated to reduce flow that would otherwise pass through the site and onwards to downstream properties. Hydraulic modelling has shown that this compensation is effective at providing mitigation; as such, the site accommodates its own needs, and there is no off-site detriment as a result of the development. In addition, it has been calculated that flood depths to properties downstream are shown to reduce by up to 95mm as a result of the additional storage being provided on site. The development is shown to provide betterment for all modelled annual exceedance probabilities (AEPs). The hydraulic flood modelling has been approved by the LLFA.
- 10.7.6 In addition to the flood compensation basins located south of the development to capture flood water, there are several sustainable drainage systems (ponds and basins) within the site which form part of the development's proposed surface water management plan. They are located in the ideal low spot location within the southeast of the site and have enough access area around them for maintenance. All the ponds/basins to serve the residential development have been appropriately designed up to and including the 1% AEP with allowance of 40% for additional climate change impact.
- 10.7.7 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.
- 10.7.8 The LLFA are 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.

- 10.7.9 Thames Water have confirmed that they have identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed. Officers consider this approach to be acceptable.
- 10.7.10 With regards to both Foul Water network and Surface Water network capacities that Thames Water do not have any objection to the above planning application, based on the information provided.
- 10.7.11 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).

10.8 Contamination – Land, Water and Air

- 10.8.1 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.
- 10.8.2 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.
- 10.8.3 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.
- 10.8.4 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).

10.9 Parking

- 10.9.1 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)

10.9.2 As this is an outline application, the car parking details will be considered at reserved matters stage; however, at this outline stage it is required to demonstrate that car parking can be accommodated on site in accordance with the local standards. 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 details that the proposal would provide 168 car parking spaces, in line within the required standards. Furthermore, it 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.

10.9.3 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. At the December meeting Members expressed the view that there should be compulsory EV charging for every property. Since the meeting the applicant has confirmed that the proposal would provide one active EV charging point for each dwelling this would be secured at reserved matters stage.

10.10 Refuse and Recycling

10.10.1 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 sight lines

10.10.2 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.

10.10.3 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.

10.11 Impact on nearby Heritage Assets

10.11.1 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.

10.11.2 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.

10.11.3 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. The Conservation Officer was verbally consulted on the application and raised no objection to the proposal because it is unlikely there would be harm from a development in this location due to the separation distances.

10.11.4 Herts Archaeology were consulted on the application and commented 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. As such, subject to conditions, it is not considered that the development would be contrary to Policy DM3 in this regard.

10.12 Impact on Neighbours

10.12.1 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.

10.12.2 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.

10.12.3 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.

10.12.4 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.

10.13 Open Space

10.13.1 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.

10.13.2 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.

10.13.3 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. The applicant has clarified since the December committee that the western area of the site will include an equipped children's play area (which would be maintained by the management company, secured through the S.106), as well as grassland, meadow and surfaced recreational footpaths to give residents the suitable recreational opportunities. The submitted Design and Access Statement provides further information on the children's play space, stating that this could be designed in a way that offers a range of play opportunities for children of various ages and abilities. The space could feature planting, timber play equipment and natural items, such as logs and boulders that would be in keeping with the character of the open space. The topography of the land would also provide opportunities to create playful profiling such as terraces, mounding and embankment slides. This would be decided fully considered as part of any subsequent Reserved Matters application.

10.14 Energy Efficiency

10.14.1 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".

10.14.2 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.

10.14.3 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.

10.14.4 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.

10.15 Wildlife & Biodiversity

10.15.1 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.

- 10.15.2 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.
- 10.15.3 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.
- 10.15.4 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.
- 10.15.5 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.
- 10.15.6 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.
- 10.15.7 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.
- 10.15.8 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.
- 10.15.9 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).
- 10.16 Mandatory Biodiversity Net Gain
- 10.16.1 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.
- 10.16.2 This application is subject to mandatory biodiversity net gain. A biodiversity metric and biodiversity net gain assessment have been submitted.

- 10.16.3 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.
- 10.16.4 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.
- 10.16.5 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.
- 10.16.6 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.
- 10.16.7 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 £7,510.
- 10.16.8 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.
- 10.17 Impact on Trees
- 10.17.1 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.
- 10.17.2 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.
- 10.17.3 The Tree and Landscape Officer raised no principle objections on tree impact 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.
- 10.17.4 At the December committee meeting Members highlighted the importance of retaining as much hedging as possible. The applicant has confirmed that the proposed development seeks to retain 0.19km of hedgerow through sensitive design and 0.89km of new/additional hedgerow proposed. The submitted Hedgerow and Tree Removals mark-up plan (Sheet 1

Rev-P01) indicates what vegetation requires removal. Vegetation that is necessary to be removed is limited to scrub at the eastern boundary and category C & U trees at the access location. Hedgerow along the southern boundary predominantly remains intact and the proposal has been specifically designed to achieve this. Additional and strengthened hedgerow is proposed to the north and south-western boundaries.

10.17.5 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.

10.17.6 The Highway Authority noted there is mention of 2 additional groups to be removed but there are no further details including reference numbers. The applicant has since clarified that all removals are referred to and recorded within the submitted Arboricultural Impact Assessment and the applicant has also provided the mark-up plan (Sheet No.1 Rev-PO1) to reflect this. 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.

10.18 Infrastructure Contributions

10.18.1 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).

10.18.2 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.

Authority	Reason	Amount
HCC Highways	To fund bus stop improvements including, but not limited to real time info boards, Kassel kerbs, buildouts for the bus stops on Hornhill Road and Chalfont Road.	£45,000 (plus SPONS indexation)
HCC Highways	Evaluation and Support Fee for Travel Plan	£1,200 per annum
HCC Growth & Infrastructure Unit	Primary Education Contribution towards the expansion of Maple Cross JMI and/or delivery of a new primary school to serve the development and/or provision serving the development	£871,854 index linked to BCIS 1Q2024 and BCIS Regional Factor*
HCC Growth & Infrastructure Unit	Secondary Education Contribution towards the delivery of the new secondary school at Carpenter's Park	£864,943 (which includes land costs of £17,117) index linked

	(subject to the adoption of the Three Rivers Local Plan) and/or provision serving the development	to BCIS 1Q2024 and BCIS Regional Factor*
HCC Growth & Infrastructure Unit	Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development	£146,169 index linked to BCIS 1Q2024 and BCIS Regional Factor*
HCC Growth & Infrastructure Unit	Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development	£7,762 index linked to BCIS 1Q2024*
HCC Growth & Infrastructure Unit	HCC Monitoring Fees	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI Jan 2024).
National Health Service	To provide additional primary healthcare services arising from the proposed development	£125,400 indexed from the date of the planning permission
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

*As this is an outline application, the contribution figure provided at this stage is indicative only, and a recalculation of contributions will be required at the reserved matters stage when the development mix is confirmed.

- 10.18.3 The applicant is aware of the above contributions; however, the applicant is currently in disagreement with the requested contributions sought by the HCC Growth and Infrastructure Unit (HCC GIU) referring to the Council's Annual Infrastructure Funding Statement (August 2025) within which it states that the Education and Healthcare Facilities will be covered by CIL contributions. As such, the applicant contends that the council has clearly set out that Education & Healthcare Facilities should be sought through CIL. The applicant therefore consider the Council should not be requesting both monies from CIL as well as other contributions which cover Education & Healthcare Facilities as part of S.106 agreement. HCC have confirmed to officers that their requested obligations are CIL compliant and that the LPA can "double dip". The applicant is currently engaging with the HCC Growth and Infrastructure Unit on the financial contributions sought and Members will be updated verbally at the meeting.

10.19 Referral to Secretary of State

- 10.19.1 The Town and Country Planning (Consultation) (England) Direction 2024 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.
- 10.19.2 Applications required to be referred to the Secretary of State include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. Whilst officers consider the site to be Grey Belt and therefore not inappropriate in the Green Belt, in the event that Members conclude that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued.

10.20 Planning Balances: Issues for consideration

Very special circumstances

- 10.20.1 As set out in the analysis above, officers consider 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.

- 10.20.2 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.
- 10.20.3 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 NPPF 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:
- 10.20.4 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.*

10.20.5 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.

10.20.6 The need for Housing:

10.20.7 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 75 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 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.

10.20.8 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.

- 10.20.9 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:

- 10.20.10 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.
- 10.20.11 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'

- 10.20.12 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

- 10.20.13 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.
- 10.20.14 Officers consider that these benefits should be afforded **moderate weight** in the decision-making process.

Local Highway Improvements

- 10.20.15 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.

- 10.20.16 These enhancement works are viewed positively; however, officers consider that they would be afforded **limited weight** in the decision-making process.

Economic Benefits

- 10.20.17 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**.

Energy Efficient Development

- 10.20.18 The energy efficiency 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

- 10.20.19 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.

- 10.20.20 Officers consider that a BNG figure in excess of 10% should be afforded **moderate weight**.

10.20.21 Conclusion

- 10.20.22 Having regard to the tilted balance, officers consider that any adverse impacts of the development are significantly and demonstrably outweighed by the benefits. For convenience those benefits detailed above are listed against the harms in the comparison table below.

- 10.20.23 Whilst officers consider the site Grey Belt and accords with clauses (a) – (d) of Paragraph 155 of the NPPF, having regard to the above, it is the view of officers that all the above considerations would amount to very special circumstances which would outweigh any harm identified to the Green Belt and any other harm.

Benefits	Harms
• Deliver 75 residential dwellings • Delivery of 50% affordable housing • Compliance with the 'The Golden Rules' • Provision of 1.79ha of new public open space • Local highway improvements • Short and long-term economic benefits • Energy efficient development • Delivery of Biodiversity Net Gain in excess of 10%	• Minor loss of existing arable field • Minor impact on rural character of the application site

11 Recommendation

- 11.1.1 That authority is delegated to the Head of Regulatory Services to grant planning permission subject to the completion of a S106 agreement securing the Heads of Terms (set out in

10.18.2 of the report) and planning conditions (set out at section 11.1.2) AND to make any minor amendments necessary to the Heads of Terms and planning conditions and to grant planning permission subject to those amendments.

11.1.2 Conditions:

C1 Time Limit – Reserved Matters (TRDC)

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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 Reserved Matters Details (TRDC)

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act.

C3 Time Limit – Commencement (TRDC)

The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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.

C4 Plans – Detailed Element (TRDC)

The access hereby permitted shall be carried out in accordance with the following approved plans: Proposed Access Arrangements (2209054-01) (Rev C) and Proposed Access Arrangements (2209054-03) (Rev C)

Reason: In the interests of highway safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C5 Parameter Plan (TRDC)

The reserved matters application(s) pursuant to this permission shall be made in general accordance with the approved plan Parameter Plan – (005) (Rev D).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

Pre-commencement conditions

C6 Construction Management Plan (HCC Highway Authority)

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

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

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP10 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Dust Management Plan (TRDC)

Prior to the commencement of development, a Dust Management Plan shall be submitted and agreed, in writing, by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by earthworks and construction operations and to prevent the emission of dust from the site. The approved Dust Management Plan shall be adhered to throughout the construction period.

Reason: To protect the residential amenities of neighbouring dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Archaeological Written Scheme of Investigation (HCC Historic Environment)

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- 1. The programme and methodology of site investigation and recording
- 2. The programme for post investigation assessment
- 3. Provision to be made for analysis of the site investigation and recording
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C9 Intrusive Ground Investigation (Affinity Water)

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

An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the development does not impact public water supply in accordance with Policy DM9 of the Development Management Policies LDD (July 2013) and the NPPF (2024).

C10 Surface Water Drainage (Affinity Water)

Prior to the commencement of development (excluding access and investigation works), a Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants, ensuring protection of surface and groundwater, shall be submitted to and approved in writing by the local planning authority. The drainage system shall thereafter be implemented prior to the first occupation of any dwelling only in accordance with the approved documents.

Reason: To ensure that the development does not impact public water supply in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C11 Construction Environmental Management Plan (Herts Ecology)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including a section for ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not necessarily be limited to, the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C12 Site Waste Management Plan (HCC Waste & Minerals Team)

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C13 Remediation Strategy (Affinity Water)

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - All previous uses.
 - Potential contaminants associated with those uses.
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. No residential unit shall be occupied until a verification report for that unit demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: This condition will ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with Policy DM9 of the Development Management Policies LDD (July 2013) and the NPPF (2024).

C14 Surface Water Management Plan (HCC – Lead Local Flood Authority)

No development shall take place until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details and maintained throughout the construction phase.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C15 Badger Survey (Herts Ecology)

No development shall take place (including demolition, ground works, vegetation clearance) until a badger survey, no earlier than two months prior to the commencement of the development, is carried out. This survey shall determine whether any new badger setts have been excavated onsite, and within 30m of the site. The results of this survey shall be submitted to the LPA for approval.

Reason: This is a pre-commencement condition to protect ecology on this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C16 Species Enhancement Plan (Herts Ecology)

No development shall take place (including vegetation clearance, demolition and ground works), until a Species Enhancement Plan has been submitted. It will include graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval, and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority. The Species Enhancement Plan shall include the following:

- One cluster of integrated swift bricks per dwelling.
- One integrated bat box per dwelling.
- Hedgehog highways
- Wildlife friendly planting.

Reason: This is a pre-commencement condition to protect and enhance ecology on and adjacent to this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C17 Habitat Management and Monitoring Plan (Herts Ecology)

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

1. A non-technical summary;
2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

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

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

Prior to any works above slab level

C18 Off-site Highway Improvements (HCC Highway Authority)

A) Design Approval: Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers 2209054-03C & 2209054-01C have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All issues raised within the RSA S1 review must also be resolved, alongside the delivery of highway safety measures along Chalfont Road to support existing and future residents' access to PRoW RICKMANSWORTH 009.

B) Implementation / Construction: Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

Prior to/or in conjunction with Reserved Matters application(s)

C19 Drainage Strategy (HCC – Lead Local Flood Authority)

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted Flood Risk Assessment and or Drainage Strategy (Flood Risk Assessment and Drainage Strategy | prepared by Waterman | September 2025 | Ref: 21050-WAT-EWE-XX-RP-N-930100-S2-P03-FRADS | Ref:

P03), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i. As infiltration is proven to be unfavourable, the post development runoff rates will be attenuated to the equivalent Greenfield runoff rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). These rates have been agreed with the Lead Local Flood Authority and any changes to this rate must be agreed in writing.
- ii. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
- iii. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- iv. The design of the detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- v. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- vi. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- vii. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Prior to Occupation

C20 Travel Plan (HCC Highway Authority)

Prior to the first occupation of any part of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C21 Sewage Works Upgrades (Thames Water)

No part of the development shall be first occupied until confirmation has been provided that either: - all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Other

C22 Unexpected Contamination (Affinity Water)

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

C23 Biodiversity Net Gain Plan (TRDC / Herts Ecology)

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 4th March 2025

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

C24 Notification that Habitat Management & Monitoring Plan has been implemented (TRDC)

Notice in writing shall be given to the Local Planning Authority when the agreed Habitat Management and Monitoring Plan ("the HMMP") as secured by Condition 19, has been implemented.

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

C25 Compliance – Maintenance of the Habitat Management & Monitoring Plan (TRDC)

The created and / or enhanced habitat specified in the approved HMMP (as secured by Condition 19), shall be managed and maintained in accordance with the approved HMMP for 30 years from the date of first operation of the development.

Reason: To ensure that the created and enhanced habitat is maintained for 30 years from the first operation of the development and can be monitored and enforced by the Local Planning Authority, in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013) and for the purposes of para 9(2) and 9(3) of Schedule 7A of the Town and Country Planning Act 1990.

11.2 Informatives:

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

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

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

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

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

(a) Making a Non-Material Amendment

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

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

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

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

- 12 Positive & Proactive: The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 Biodiversity Net Gain (BNG): 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 relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out applies).

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>.

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

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.

- 16 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 17 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 18 Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
- 19 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.

- I10 **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>.

- I11 **Ecology:** In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
- I12 **Ecology:** If great crested newts, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
- I13 **Ecology:** To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
- I14 **S106 Agreement:** The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

25/0484/OUT APPENDIX A – CONSULTEE COMMENTS

1.1.1 Herts Archaeology – No objection, subject to conditions.

Thank you for consulting us on the above application.

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

There has been several archaeological investigations in the immediate area related to the widening of the M25, which have produced evidence of occupation and settlement of the area from the prehistoric period onwards.

The parcel of land immediately west of the site, at Maple Cross Bund and Pond 5 [Event Hertfordshire no. 8445] revealed a prehistoric hearth [Historic Environment Record no. 31457] along with features and finds dating from the Bronze Age period through to the Roman period before declining thereafter. Further afield, to the south of the current site, archaeological evaluations were undertaken regarding works associated with the Colne Valley South Embankment (M25 slip road) and the re-routing of water mains (etc.) at land to the south of Chalfont Lane [EHT 8666]. Archaeological features of largely prehistoric date were also identified during both of these evaluations.

We welcome the inclusion of heritage in the Design and Access Statement as well as the Heritage Statement submitted in support of the application, however, the discussion of ‘heritage’ regarding the proposed development only considered the impacts to the setting of designated assets and not the direct impacts associated with non-designated assets. We would have hoped, given the archaeologically rich landscape, that the below-ground impacts of the site would have been assessed and submitted as part of the application.

We therefore consider 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 we therefore recommend that the following provisions be made, should you be minded to grant consent:

- 1. The archaeological supervision of the removal of soil and overburden to the archaeological horizon, via a ‘strip and record’ exercise, within the footprint of the development, and of any other areas of ground reduction required, and the investigation and recording of any archaeological features or deposits thereby revealed, prior to the commencement of the groundworks associated with the development;*
- 2. The analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;*
- 3. Such other provisions as may be necessary to protect the archaeological interests of the site.*

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 218, etc. of the National Planning Policy Framework, the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice

in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*
- 3. Provision to be made for analysis of the site investigation and recording*
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

1.1.2 British Pipeline Agency: Comments Received

Thank you for your correspondence regarding the above noted planning application.

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

1.1.3 Affinity Water: No objection, subject to conditions.

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

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

Provided that the below conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

Contamination through **Ground Works**:

If any works involving excavations are necessary, then the following condition needs to be implemented:

Condition 1

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

An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

- A **Remediation Strategy/Report** if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A **Risk Assessment** identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A **Foundations Works Method Statement and Risk Assessment** detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- **Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement** in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

Contamination **during construction**:

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

Condition 2

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A **Remediation Strategy/Report** detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Contamination through **Surface Water Drainage**:

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

Condition 3

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

- A **Surface Water Drainage Scheme** demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

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

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

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

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

Water efficiency

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

Infrastructure connections and diversions

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

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

1.1.4 Local Plans Section: Comments received

Outline application for the erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road (Appearance, Layout, Landscaping and Scale as reserved matters). The application site is located wholly within the Metropolitan Green Belt.

The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

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

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The site is not within a defined settlement (although is located adjacent to the secondary centre of Maple Cross) and is not previously developed land. The development would result in the net gain of up to 75 dwellings. The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of up to 75 dwellings would make a significant and positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. The submitted design and access document states that development will include 50% affordable housing. Further detail, including housing mix, of the proposed affordable housing provision would be required at a later stage.

Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 further sets out that very special circumstances will

not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless certain exceptions apply. Paragraph 154 of the NPPF sets out the following exceptions to inappropriate development in the Green Belt:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Additionally, paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157

Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

It must be noted that Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. The application would result in a net gain of up to 75 dwellings and subsequently would be required to contribute to affordable housing provision. For sites delivering a net gain of ten or more dwellings (i.e. the proposal site), on-site provision will be required. Policy CP4 states that in assessing affordable housing requirements, the Council will treat each case on its merits, taking into account site circumstances and financial viability. A viability assessment which demonstrates that the scheme would be financially unviable will be required if applicable. The viability assessment will be assessed by an independent financial advisor and following this, the proposal's conformity with Policy CP4 can be fully considered. Policy CP4 sets out that the Council will "as a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate".

On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and formed a material consideration in decision making. As a result of the introduction First Homes and changes to national policy, the Council released a First Home Policy Position Statement. This Policy Position Statement amended the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) as:

- 25% First Homes*
- 70% social rented, and*
- 5% intermediate*

However, changes were made to national policy following the publication of the newest version of the NPPF in December 2024. Within paragraph 6 of the NPPF, reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted. As such, the Council will be reviewing its Policy Position Statement. It is advised that development complies with Policy CP4 as written, apportioning 70% of the affordable housing provision as social rented and 30% as intermediate.

1.1.5 Hertfordshire County Council - Minerals & Waste Planning Team: Comments received

I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.

The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. British Geological Survey (BGS) data also identifies potential superficial sand/gravel deposits at the application site.

The Minerals Planning Authority identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks, as Mineral Consultation Areas.

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

In accordance with paragraph 225 of the NPPF (Dec 2024) development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

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

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

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

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

Waste

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

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

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

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management,*

is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

The supporting documents to this application, specifically the Energy & Sustainability statement, make no reference to the adopted Waste Core Strategy and Development Management Policies DPD (2012). The policies in the adopted DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). The section on the Circular Economy and Waste within the Energy & Sustainability statement notes that a SWMP will be prepared prior to commencement of the project. The county council welcomes this commitment.

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

As a minimum, the SWMP should include the following:

Project and People

- Identification of the client*
- Identification of the Principal Contractor*
- Identification of the person who drafted the SWMP*
- Location of the site*

- *An estimated cost of the project*
- *Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)*

Estimating Waste

- *A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)*
- *Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)*

Space for Later Recordings

- *Space for the recording of actual figures against the estimated figures*
- *Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to*
- *Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates*

As a SWMP has not been produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

Condition:

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

1.1.6 Housing Officer: No objection.

Policy CP4 of the Adopted Core Strategy requires that 45% of new housing should be provided as Affordable Housing, unless it can be clearly demonstrated through financial evidence that this is not viable. As a guide, the tenure split should be approximately 70% rented (of which 70% should be social rent and 30% affordable rent) and 30% affordable home ownership (with an indicative split of 50% First Homes and 50% shared ownership).

The Local Housing Market Assessment (2024) outlines the recommended proportions for housing mix in development proposals submitted to Three Rivers District Council. These proposals should generally aim for a mix of 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 4-bed units.

However, the identified need for affordable housing, based on the current housing register and the family composition of customers in temporary accommodation

provided by the Council, suggests the following updated preferred mix: 20% 1-bed units, 45% 2-bed units, 30% 3-bed units, and 5% 4+ bed units. The primary need is for 2-bed, 4-person units, as there is a significant demand for family-sized accommodation to ensure families in temporary housing are offered permanent, suitable properties in a timely manner.

In the absence of the tenure information, I can confirm that Housing Services would generally support this application in principle, on the basis that 70% of the affordable housing to be provided is at social rent and the size of dwellings provided fulfils our current requirements.

1.1.7 Herts Ecology: Initial objection raised but overcome subject to conditions:

Summary of Advice:

- In line with the recommendations of the ecology report, surveys for reptiles, GCN (eDNA), and bats should be undertaken **prior to determination**.
- No trees with roosting features should be removed without further assessment for bats.
- BNG sufficient.
- **Condition 1** – CEMP.
- **Condition 2** – Pre-commencement badger survey.
- **Condition 3** – Species Enhancement Plan.
- **Condition 4** – HMMP.

Supporting documents:

- Preliminary Ecological Appraisal (Urban Edge Environmental Consulting, March 2025).
- Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, March 2025).
- Biodiversity metric.

Comments:

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. We have no existing species or habitat data for this site.

A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application (Urban Edge Environmental Consulting, March 2025). We have no fundamental objections to the development, however there is currently insufficient information on protected species to advise determination of the application.

Great crested newts: There are two ponds present 225m and 410m from the site. Given the distance of P2 to the site and that GCN tend to use terrestrial habitat within 250m of their breeding pond, I do not consider P2 a constraint to the development, and further surveys for this pond are not necessary.

P1 could not be assessed during the PEA, therefore it has been recommended in the ecology report that eDNA samples should be taken from this pond to determine GCN presence/absence. Great crested newts and their habitats are fully protected under national and international law. Sufficient information on the status of GCN is therefore required prior to determination to ensure the LPA can consider the impact of the proposal on this species and discharge their legal obligations under the Conservation of Habitats and Species Regulations 2019 (as amended).

Consequently, I advise that the eDNA survey recommended in the ecology report should be undertaken prior to determination. If GCN are confirmed to be present in this pond, then further surveys to determine population sizes may be required, and a license sought from Natural England.

The results of the eDNA survey should be submitted to the LPA for approval prior to determination.

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. Some suitable trees are present in the central section of one of the hedgerows (H2), however since this part of the hedgerow is to be unaffected, no further assessments have been recommended. **Under no circumstance should any tree identified to possess roosting features be removed without further assessment.**

Most of the habitats onsite were deemed to be of low suitability for foraging and commuting bats, therefore bat activity surveys of the whole site were deemed to be disproportionate, which I do not dispute. It has been noted in the report that static automated monitoring of H2 will be carried out to determine bat activity.

Reptiles: The site was deemed to be suitable for reptiles with habitats such as scrub, vegetated strips, rough grassland, and hedgerows present. Presence/absence surveys have been recommended. **These surveys should be undertaken prior to determination, and the results incorporated into a reptile report which should be submitted to the LPA for approval.**

Badgers: No evidence of badgers was found during the PEA, however habitats appropriate for sett building were present. A pre-commencement badger survey has been recommended.

Hazel Dormouse: Surveys for the hazel dormouse have been recommended. However, given the lack of records in recent years in Hertfordshire, hazel dormice surveys are not expected to form part of this application.

Nesting birds: There is some nesting bird habitat onsite in the form of trees and scrub. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. To reduce the risk of an offence being committed a precautionary approach is required and, consequently, **I recommend the following Informative is added to any consent:**

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

Biodiversity net gain: This application is subject to mandatory biodiversity net gain. A biodiversity metric and biodiversity net gain assessment have been submitted.

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.

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 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. All trading rules have been met for habitats and hedgerows.

The minimum requirement of a completed baseline has been demonstrated. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. We advise that the government template for the biodiversity gain plan should be used, and a metric which corresponds with the gain plan should be submitted alongside this gain plan.

The claims for BNG for this site would be considered as 'significant' net gain. This is because of the creation of medium and high distinctiveness habitats. In this instance the LPA are advised to secure this significant net gain for the respective habitat units via legal agreement whether through an S106 agreement or conservation covenant.

Given that BNG for this site is significant, if the LPA were minded granting permission, a Habitat Management and Monitoring Plan (HMMP) should be added as a Condition of approval. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

Conditions:

Condition 1 - A Construction Environmental Management Plan (CEMP) should be submitted to the LPA as a Condition of approval. It should be noted that dependent on the results of the further species surveys above, additional species-specific measures may be recommended to be included in the CEMP.

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Condition 2 – Pre-commencement badger survey.

No development shall take place (including demolition, ground works, vegetation clearance) until a badger survey, no earlier than two months prior to the commencement of the development, is carried out. This survey shall determine whether any new badger setts have been excavated onsite, and within 30m of the site. The results of this survey shall be submitted to the LPA for approval.

Condition 3 – Species Enhancement Plan.

No development shall take place (including vegetation clearance, demolition and ground works), until a Species Enhancement Plan has been submitted. It will include graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority. The Species Enhancement Plan shall include the following:

- One cluster of integrated swift bricks per dwelling.
- One integrated bat box per dwelling.
- Hedgehog highways
- Wildlife friendly planting.

Condition 4 – Habitat Management and Monitoring Plan (HMMP):

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

1. A non-technical summary;
2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

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

1.1.8 Herts Ecology - Second Consultation:

Further to our comments dated 19/05/2025, an ecology Technical Note (Urban Edge Environmental Consulting, July 2025) has now been submitted.

We previously advised that there was insufficient information on great crested newts and reptiles to advise determination of the application. The below advice will supersede any prior comments on reptiles and GCN, however all advice relating to the CEMP, badger pre-commencement survey, bats, nesting birds, Species Enhancement Plan, and BNG still stands, and should still be followed.

Great crested newts: An eDNA sample was taken from P1 returning a negative result which indicates the likely absence of GCN in the pond. Therefore, no further GCN surveys are required for the application to proceed. **In the unlikely event that**

GCN are found during the works, I advise the following informative should be added to any permission granted:

“If great crested newts, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed”.

Reptiles: Reptile surveys were carried out in between April and June 2025. No reptiles or evidence of them was found during the surveys, indicating the likely absence of reptiles onsite. No further surveys are required for this group, however, to ensure an offence is not committed, **I advise the following informative should be added to any permission granted:**

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

1.1.9 Hertfordshire County Council – Lead Local Flood Authority: Initial objection raised but overcome subject to conditions:

This is an Outline planning application for up to 75 new dwellings, parking and landscaping.

We are concerned about the existing surface water flow path at the entrance of the site and the impacts the proposed access road will have. We require further evidence that the flow path is not being adversely impacted, and that safe access and egress is being provided to the proposed development. While the majority of the site is at low risk of flood risk, we recommend that you as the Local Planning Authority ensure that you are satisfied that the sequential test has been passed.

We are also concerned that finished floor levels are not clear within the documentation. We would like to remind the applicant that finished floor levels must be set to the statutory 300mm above the maximum design water level and 150mm above the external ground levels. Additionally, the parameters for the calculations are unclear. All calculations should use a CV value of 1 and include 10% urban creep allowance.

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

- *The proposed SuDS are likely to increase the risk of flooding elsewhere.*
- *The development is not in accordance with NPPF, PPG or Three Rivers local policies including Three Rivers SFRA Level 1.*

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in

a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

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

1.1.10 Hertfordshire County Council – Lead Local Flood Authority Second Consultation:

The following documents have been reviewed.

- Report: Flood Warning and Evacuation Plan, prepared by Waterman, September 2025, REF 21050109-WAT-EWE-XX-RP-N-930100-S0-P01-FWEP REV S2-P01*
- Report: Flood Risk Assessment and Drainage Strategy for Land to the North of Chalfont Road, prepared by Waterman, September 2025, REF 21050-WAT-EWE-XXRP-N-930100-S2-P03-FRADS REV S2-P03*
- Report: Flood Risk Assessment and Drainage Strategy for Land to the North of Chalfont Road, prepared by Waterman, 07 March 2025, REF 21050-WAT-EWE-XX-RP-N-930100-S2-P02-FRADS REV S2-P0*

This is an Outline planning application for up to 75 new dwellings, parking and landscaping.

We previously responded to this reference on 30 May 2025, outlining several points of objections. Post this, the LLFA met with the applicant and outlined an agreed approach. Further documentation was required, including a Flood Warning and Evacuation Plan. The LLFA have reviewed the documentation as submitted and have the following comments to make.

The applicant has provided a Flood Risk Assessment (FRA) and a Drainage Strategy and a Flood Warning Evacuation Plan, as listed in the Annex. These are to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and Local Plan policy Three Rivers SFRA Level 1.

*The LLFA remains concerned with safe access and egress from the site during a surface water flood event however we note that this is outside of the red line boundary of the site. We would ask the LPA to consider the Sequential Test on this basis, but we have **no objection subject to conditions being attached to any consent** if this application is approved.*

We suggest the following wording:

Condition 1:

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and or Drainage Strategy (Flood Risk Assessment and Drainage Strategy | prepared by Waterman | September 2025 | Ref: 21050-WAT-EWE-XX-RP-N-930100-S2-P03-FRADS | Ref: P03), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s,*

Or:

- ii. *If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.*
- iii. *Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).*
- iv. *Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:*
 - *3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.*
 - *1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.*
- v. *The design of the detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.*
- vi. *Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.*
- vii. *Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.*
- viii. *A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.*

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

Condition 2:

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

1.1.11 Hertfordshire County Council – Highway Authority: Initial objection raised but overcome subject to conditions:

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:

- *Further consideration is required regarding the site access with continues footpath access and visibility splays not clear due to overgrown vegetation and trees that reduce the splays.*
- *No details have been submitted with regards to the continuous footpath access to the site and Footpath 009. These need to be presented as drawings for review by the county.*
- *Calculation used for parking provision is incorrect and the proposed number of spaces are higher than the LPAs standards for a residential development.*
- *Queue length survey data has not been presented in the appendices to the TA, this needs to be provided to validate the traffic models*

Proposal

Outline planning application for up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road (Appearance, layout, landscaping and scale as reserved matters).

Site Description

The proposed scheme consists of the development of 75 houses on the site located to the northwest of Maple Cross.

The site is about 3.92 Hectares and is an undeveloped agricultural field. The site is bounded to the south and west by Chalfont Road, to the east by the rear of residential properties along Oakhill Road, and to the north by additional agricultural land. The site is approximately 400 metres west of Maple Cross Village centre.

Chalfont Road is a two-way single-carriageway road and forms the southern boundary of the site.

Chalfont Road is subject to a 30 miles per hour speed limit in the vicinity of the site. To the east, Chalfont Road connects with the Chalfont Road/Denham Way/Maple Lodge Close crossroads.

Denham Way provides access to Junction 17 of the M25 via the Maple Cross Roundabout to the north of the site. The M25 provides access to Greater London and the wider highway network.

Analysis

In its earlier response, Hertfordshire County Council (HCC) provided comments in relation to the documentation submitted in March 2025.

Below are the requirements highlighted in the previous response:

- *Review of relevant policies, guidelines and design standards*

- Assessment of the current infrastructure provision at the nearest bus stops and incorporate potential improvement proposals.
- Review of the most recent five-year personal injury collision data obtained directly from the relevant authority.
- Upgrading the site access junction to a 'Copenhagen Style' arrangement prioritising pedestrian safety and convenience.
- Submitting detailed design of the proposed pedestrian access for further review.
- It was also recommended that the applicant discuss any improvement proposals with the HCC PRow officer.
- Reducing level of car parking to align with the requirements set out in the Three Rivers District Council Development Management Policies.
- Swept path analysis for service vehicles approaching from the east, demonstrating that such vehicles can safely enter and exit the site in a forward gear.
- Kerb line and green areas to be kept clear of vehicle overrun and revised layouts must ensure that swept paths remain within hardstanding. More details were required to review the junction modeling.
- More comprehensive and robust Travel Plan is required.
- Construction Traffic Management Plan will be required
- A condition will be required to provide electric vehicle charging points for each residential dwelling.
- Properly marked disabled parking spaces on the plan.

The applicant has submitted additional documentation in support of this application:

- N03 - Highways Response to HCC Consultation (Dated 4 July 2025)
- Proposed Access Arrangements (DWG. 2209054-01 Rev. C)

Policy Review

The latest submission, 'N03 - Highways Response to HCC Consultation', hereafter referred to as the Technical Note (TN), does not include a review of the national and local policies and guidance identified earlier in the previous HCC response.

Accessibility

Walking and Cycling

The Applicant notes that a 2.0-metre-wide footway is provided on the northern side of Chalfont Road, to the east of the site, offering a direct pedestrian route towards the centre of Maple Cross. However, this footway is partially obstructed by overgrown vegetation and terminates approximately 220 metres west of the proposed site access.

A pedestrian refuge island, with dropped kerbs and tactile paving, is located approximately 180 metres east of the site and facilitates access to local bus stops. Further east, signal-controlled pedestrian crossings are available at the Chalfont Road/Denham Way/Maple Lodge Cross junction, providing connectivity to local amenities.

In addition, the Applicant highlights that a number of Public Rights of Way (PRowS) are accessible in proximity to the site. These include Footpath 008 and Footpath 009, located on the south-western side of Chalfont Road near the site's south-western boundary. Footpath 009 provides pedestrian access to Chalfont Common.

The TA also highlights that the site is situated approximately 400 metres west of Maple Cross village centre and benefits from proximity to a range of local amenities. These include a Morrisons Daily convenience store, recreational facilities, and a post office. Maple Cross JMI & Nursery School is located approximately 1 kilometre to the south of the site, while The Reach Free School (a secondary school) lies approximately 1.6 kilometres to the north-east, equivalent to a 22-minute walk. Walking isochrones presented in Figure 3.4 of the Transport Assessment illustrate the range of local amenities and facilities accessible within a 5 to 25-minute walking distance.

The TA also identifies shared foot/cycleways on the eastern side of Denham Way, providing a direct route towards Rickmansworth, forming part of the Maple Cross to Rickmansworth Cycle Route.

National Cycle Network (NCN) Route 6 is located approximately 2.8 kilometres east of the site and provides connections north to Rickmansworth and south to Uxbridge. Additionally, the Milton Route Cycle Trail lies to the west of the site, offering a circular cycling route between Chalfont St Peter and Amersham. Figure 3.5 of the TA presents cycling isochrones and highlights the accessible local facilities within a 5 to 25-minute cycling distance.

The applicant has proposed widening of the existing footway along Chalfont Road to 2 metres, which will enhance pedestrian connectivity to the surrounding area. Additionally, tactile paving and dropped kerbs are provided at the Oakhill Road crossing point, improving accessibility for all users, including those with mobility impairments. This is considered acceptable.

Additionally, a pedestrian link will also be provided to Footpath 009 which can be accessed from the southern side of Chalfont Road at the south-western corner of the site.

Stage 1 Road Safety Audit

HCC Road Safety team has reviewed the RSA1 and provided commentary presented below:

RSA Problem Reference: 2.3

Consideration: Obstructed pedestrian route may lead to pedestrians being struck.
HCC Road Safety Review comment: The designer's response is considered acceptable.

In addition to the issues identified within the Road Safety Audit, the Highway Authority (HCC) has outlined the following relevant concerns.

RSR HCC Problem Reference HCC: 1

Consideration: Signage

HCC Road Safety Review comment: The proposed widening of both the carriageway and footway adjacent to No. 70 Chalfont Road will result in a reduction of the existing verge. The reviewer is concerned that this may compromise the available clearance for the warning signs currently installed within the verge.

RSR HCC Problem Reference HCC: 2

Consideration: Signage

HCC Road Safety Review comment: The existing "Pedestrians in Carriageway" warning sign located outside No. 70 Chalfont Road is currently oriented incorrectly and should be repositioned to face westbound traffic.

RSR HCC Problem Reference HCC: 3

Consideration: Footpath 009

HCC Road Safety Review comment: The proposed works include the removal of vegetation to establish an appropriate visibility splay at the junction where the new development's footway link connects to Chalfont Road. However, no corresponding visibility improvements have been proposed on the opposite side of Chalfont Road, where pedestrians will be expected to cross from footpath 009, in order to access the new footway link.

In addition, the surfacing specification of the new footway link has not been provided. Depending on the construction type, this may inadvertently encourage users, particularly those with limited mobility who are unable to access footpath 009, to continue their journey along a route that is not suitably designed for their needs.

The HCC assesses the risk of a reduction in the level of road safety associated with the development proposal as Low Risk of reduction in service level. However, HCC will need to check that all proposed amendments in the designer's response, which have been accepted by the Reviewer, have been implemented in the design.

Public Transport

Accessibility by Bus

HCC in its previous response highlighted that bus stops on Hornbill Road (Long Croft Road and Ladywalk) and Longcroft Road (Pinchfield) have only flag and pole arrangements and lack Kassel kerbing, shelter, seating etc. and therefore recommended assessing the current infrastructure provision at the nearest bus stops and incorporate potential improvement proposals, including but not limited to pedestrian crossings, Kassel kerbing, seating, and a real-time information system, to enhance the attractiveness of public transport.

The submitted TN argues that the Long Croft Road bus stop, being the closest and serving both directions of travel, is the most practical option for residents, making it unlikely they would bypass it in favour of more distant stops. As such, the applicant has proposed to provide a pedestrian crossing on Hornhill Road in the form of dropped kerbs and tactile paving adjacent to the Long Croft Road bus stop to facilitate access to the bus stop. Kessel kerbing is also proposed at this bus stop. (Reference Appendix of TN, DWG. 2209054-05).

While the feasibility of a shelter was explored it the applicant confirms that insufficient footway width prevents its delivery. The Highway Authority considers the proposed infrastructure improvements on Hornbill Road to be acceptable.

Accessibility by Rail

The closest railway station to the site is Rickmansworth railway station, located approximately 5 kilometres north-east of the site, which equates to a 20-minute cycle or can be accessed via bus routes 320, 322, 724 and R1. Rickmansworth railway station provides frequent services to Aylesbury and London Marylebone.

Highway safety

The applicant has submitted additional Personal Injury Collision (PIC) data obtained from HCC, included at Appendix C of the Technical Note. This dataset covers the most recent five-year period (2019–2024). The Technical Note confirms that the updated PIC data does not identify any additional collisions within the study area beyond those previously reported in the Transport Assessment. Accordingly, no

further mitigation measures are considered necessary. This is considered acceptable.

Highway Layout

Vehicular Access

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 the M25 to the west, 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.

The applicant has proposed widening Chalfont Road by increasing the width of the carriageway to 5.5 metres and the northern footway to 2 metres at the site access, extending for a short distance towards the east. About 57m to the east, the Chalfont Road features a chicane, reducing the width of the carriageway to 3m.

The access arrangements have been designed with a 5.5-metre-wide carriageway along with a 2m wide footway. (DWG. 2209054-01 C). However, in its previous response the Highway Authority recommended the site access junction to be upgraded to a 'Copenhagen Style' arrangement prioritising pedestrian safety and convenience.

In the TN, the applicant highlights that as there is no footway on the western side of Chalfont Road, pedestrian movements at the site access are not anticipated. Instead, pedestrians will use the eastern footway and internal routes within the development, linking to Footpath 009. On this basis, a Copenhagen crossing at the site access is not considered necessary, with internal pedestrian crossings to be designed at the reserved matters stage in accordance with Hertfordshire County Council's Place and Movement Guidance.

The Highway Authority observes that a continuous footway exists to the west of the proposed site access; however, this section is currently overgrown with vegetation and terminates approximately 100 metres short of the connection to Footpath 009.

The Road Safety Team raised concerns that the absence of a specified surfacing standard for the new footway link may inadvertently encourage continued use of a route unsuitable for users with limited mobility.

It is also noted that the concerns previously raised by HCC regarding the loss of trees have not been discussed within the TN.

The applicant has conducted ATC survey and recorded 85th percentile vehicle speeds in excess of the posted speed of 30mph. The eastbound speed recorded as 33.6mph while the westbound recorded a speed of 33mph. The visibility splay (DWG. 2209054-01 C) provided are 2.4m by 50m to the east of the proposed site access and 2.4m by 51m to the west. This is considered acceptable.

However, 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 (approx 27.8m2).

It is re-iterated from the Pre-app note that HCC's Highways Tree Management Strategy (2024) states that "Highways do not remove trees that are considered to be healthy and contributing positively to the Highway environment. Highways will only remove trees on the advice of our own arboriculturists, if a select set of criteria are met." Therefore the tree survey would assist in identifying whether or not the proposals are acceptable and in accordance with the TMS.

Internal Layout

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 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 recommends 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.

Measures to prevent surface water runoff onto the public highway will need to be demonstrated.

Any works within the highway boundary (including alterations to the footway) will need to be secured and approved via an s278 Agreement with HCC.

Pedestrian/Cycle Access

A 2-metre-wide footway is proposed on the eastern side of the access road to connect with the existing footway along the northern side of Chalfont Road. The proposals include widening the existing footway along Chalfont Road, between the site access and the Oakhill Road/Chalfont Road junction, to 2 metres to enhance pedestrian connectivity to the local area. An informal crossing point, featuring dropped kerbs and tactile paving, will be provided across Oakhill Road to the east of the site access.

The Illustrative Landscape Master Plan (DWG. D3332-FAB-00-XX-DR-L-5000 Rev. P01) demonstrate additional pedestrian linkages to the existing PRoWs including Footpath 008 and Footpath 009 located on the south-west of the proposed site.

Pedestrian access will be provided throughout the site in the form of 2 metre footways or shared surfaces depending on the location. 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 in accordance with LTN 1/20.

Considering the access location to Footpath 009 is on the bend of Chalfont Road, vehicles will be decelerating and therefore it is estimated that vehicle speeds are below 30mph. As such, pedestrian visibility splays of 43 metres are provided at the crossing point between the site the PRoW.

Earlier, HCC recommended that the detailed design for the proposed pedestrian access be submitted for further review. It was also advised that the applicant consult with the HCC Public Rights of Way (PROW) officer regarding any proposed improvements.

The Technical Note (TN) provided does not include detailed drawings for the proposed connection to Footpath 009. Furthermore, it will be necessary to submit details for any proposal to connect to Footpath 008.

Car Parking

Table 4.2 of the TA indicates that a total of 168 car parking spaces are provided within the curtilage of the site, of which 20 are provided within garages. The inside of garages will measure a minimum of 6 metres in length and 3 metres wide.

The Highway Authority in its previous response, noted that the proposed car parking provision exceeds the adopted standards and is therefore not considered acceptable. It is recommended that the level of car parking be reduced to align with the requirements set out in the Three Rivers District Council Development Management Policies.

The applicant in the TN notes that the application is in outline form and therefore car parking will be considered in detail later at the reserved matters stage. Table 4.2 of the Transport Assessment accords with the parking standards set out within Three Rivers District's Development Management Policies document (2013). This is considered acceptable. However, the Highway Authority would highlight that the parking provisions for 3 bed units exceeds the standards.

The TA highlights that one active electric vehicle charging point will be proposed to be provided for each dwelling, in accordance with HCC's LTP4, Policy 5. This is considered acceptable.

Cycle Parking

The TA highlights that The Three Rivers District Council's standards require a minimum of 1 long-term cycle parking space per unit if no garage or shed is provided. As such, cycle parking for the proposed houses will be provided in garages and/or garden stores with appropriate access provided. This is considered acceptable.

Refusing and servicing

The applicant has highlighted that the refuse collection will occur from the internal access road within the site. Whilst 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 included at Appendix H, demonstrates the refuse vehicle entering, navigating and exiting the site.

The TA also highlights that emergency access to the site will be taken from Chalfont Road via the proposed access. The site layout will be designed such that access for a pumping appliance is provided within 45 metres of all points of the dwellings.

Previously, It was noted that on several occasions the swept path analysis indicated overrun onto kerbs and landscaped areas.

The TN resolves the concerns raised previously and is considered acceptable. The drawings 2209054-TK04 and 2209054-TK05 attached to appendix D of the TN demonstrate safe site access from the east. This is considered acceptable.

Growth Factors: (TEMPPro)

A 6-year post application (2030) has been assessed and the growth factors derived from TEMPRO.

These factors are considered acceptable and will provide a robust assessment of the local highway network.

Trip Generation

TRICS online database (version 7.7.1) has been interrogated to assess the trip generation potential of the proposed development. The assessment has been carried out based on total vehicle trip rates derived for 'Residential – Houses Privately Owned'

The TA highlights that the proposed development could generate around 40 vehicular movements during each peak hour and around 344 vehicular movements over a typical weekday.

The 'Three Rivers 009' super output area experiences a higher proportion of car driver trips than the average trip rate taken from the TRICS surveyed sites, with 59 two-way movements in the morning peak hour and 49 two-way movements in the evening peak hour.

Trip Distribution

The applicant has submitted traffic flow diagrams as a part of this submission.

Junction Assessment

Previously, HCC raised the following comments:

- The controller spec and signal timing log are not provided to verify the inputs.
- Opposing movements selected to give way and non-blocking storage are incorrectly entered.
- Geometric measurements (including RR67 measurement file for LinSig models) for the modelled junction is not provided in the TA. However, Highway Authority has checked the geometries uses google earth and significant variation are observed on all the arms.
- The flow input in the model currently uses vehicle values. However, it is recommended to use PCU values. This may results in significant variation in outputs realised.
- For Denham Way (N) non signalized approach and Chalfont Rd, significant variation is observed in modelled and observed queue as per Google map traffic data.
- Suitable evidence of validation of the base model is not reported. It is recommended to report the validation of the base model in the TA.
- The capacity assessment shows that in the base, 2024, the junction is operating within the theoretical capacity of the junction during both the morning and evening peak periods. In 2030, with committed development as well with committed and proposed development, both the scenario, the junction operates within the theoretical capacity during both AM and PM peaks. However, it is observed that the junction would experience queues on Denham Way Arms.

The applicant has updated the junction modelling for the Chalfont Road Denham Way (Signalised Junction).

The TN highlights that, during the morning and evening peak periods, the signal junction will work within the theoretical capacity of the junction with a minimal increase in the degree of saturation generated by the development and a minimal increase in the mean max queue along the junction arms. As such, it can be concluded that the proposed development will not have a detrimental impact on the operation of the signalised junction.

Site Access Junction

Geometric measurements for the modelled junction is not provided in the TA. However, Highway Authority has checked the geometries uses google earth and found to be acceptable.

Traffic flow inputs are considered acceptable. At the Chalfont Road / Site Access priority junction, the junction capacity assessment demonstrate that the junction would operate within its design capacity, with minimal delays anticipated. In 2030 future year scenario, the site access would operate at a maximum RFC of 0.1 in the evening peak period.

The Highway Authority has reviewed the submission. Below are the comments:

- HCC agrees with the use of inputs from the Transport Assessment for application 24/1963/FUL to develop the base model
- As per the junction modelling report provided in Appendix E the opposing movements selected to give way for the Chalfont Road and Maple Lodge Close arms have been updated. This coupled with exclusion of non-blocking storage on the Denham Way arms are found acceptable for a robust assessment.
- The traffic flow inputs for the signalised junction have been revised to Passenger Car Units (PCUs) to enhance accuracy, and these inputs are deemed acceptable. The modelling output presented in Appendix E indicates that more robust flow data for the 16:00–17:00 peak period has been incorporated into the Origin-Destination (OD) matrix, which is also considered acceptable.
- However, the report currently identifies the PM peak hour as 17:00–18:00. Therefore, it is recommended that the applicant update the report to reflect this discrepancy and ensure consistency throughout.
- It is understood that the applicant has used the same geometric measurements (RR67 measurement for LinSig model) as Transport Assessment for application 24/1963/FUL. However, the turning radii for Denham Way (N) left turn movements need to be updated.
- HCC acknowledge the applicant's reasoning that there could be a possible error in the review of queues observed using Google Maps due to roadworks being in place. It is also noted that the applicant has opted the same base model validation approach as within the 24/1963/FUL application
- However, the queue data was not provided in Appendix K of the submitted Transport Assessment or that of 24/1963/FUL application. The applicant is suggested to provide the queue length survey data to cross-check model validation.

Travel Plan

The Highway Authority provided its commentary against the submitted Framework Travel Plan (FTP) as mentioned below.

- Interim Travel Plan coordinator contact details are required.

- Once a TPC is appointed, a secondary contact will also need to be provided.
- Time allocated to the TPC role and details on where they will be based (on-site or off-site) is required.
- Dr Bike or similar should be included to encourage / support cycling.
- Incentives for public transport use should be included (see travel pack contributions comment).
- Residential travel pack contribution is required (£50 per flat, £100 per house) to be redeemed in the form of bus tickets or any public transport offer.
- Monitoring surveys should take place annually.
- Travel plan review must take place annually following data collection and a review report submitted to HCC for review.
- Evidence of incentives should be provided to HCC and uptake should also be measured.

Additionally, it was also highlighted that for inclusion in S106, A full travel plan will be required for the site to be in place from first occupation until 5 years post full occupation. A £1,200 per annum Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme. Residential developments are also required to provide Residential Travel.

In submitted TN, the applicant has acknowledged the comments received and has suggested that these be addressed through an appropriately worded planning condition.

Construction Traffic Management Plan

Previously, HCC highlighted that a full Construction Traffic Management Plan would be required to ensure construction vehicles would not have a detrimental impact on the highway network.

In submitted TN, the applicant has suggested that this be addressed through an appropriately worded planning condition.

A construction management plan template may be found at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>

Community Infrastructure Levy (CIL)

Three Rivers District Council has adopted a Community Infrastructure Levy (CIL). Contributions towards local transport schemes will be sought via CIL if appropriate.

A Section 106 Agreement would be required to secure contributions towards any highway or public transport improvements in the immediate vicinity of the site.

Summary

In summary, HCC as a highway authority wishes to recommend refusal of the planning application, subject to receipt of additional details as identified herein.

1.1.12 Hertfordshire County Council – Highway Authority Second Consultation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as

Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1: Highway Improvements – Offsite

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers 2209054-05 & 2209054-01 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All issues raised within the RSA S1 review must also be resolved, alongside the delivery of highway safety measures along Chalfont Road to support existing and future residents access to PRow RICKMANSWORTH 008 & 009.

B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

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

Condition 2: Travel Plan Statement – Requested Prior to Use

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

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

Condition 3: Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

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

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

AN1) *Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.*

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

AN2) *Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.*

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

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

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

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Comments / Analysis

The proposed development is for 75 houses on land located to the north-west of Maple Cross. The site is bounded to the south and west by Chalfont Road, to the east by the rear of residential properties along Oakhill Road, and to the north by additional agricultural land. The site is approximately 400m west of Maple Cross Village centre.

A number of comments have been provided by HCC Highways on this application. The most recent comments, dated 26th August 2025, recommended refusal due to a several concerns raised from the Road Safety Audit team relating 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/Maple Lodge Close/Denham Way signalised junction is reflective of how the junction operates.

- Further consideration is required regarding the site access with continues footpath access and visibility splays not clear due to overgrown vegetation and trees that reduce the splays.
- No details have been submitted with regards to the continuous footpath access to the site and Footpath 009. These need to be presented as drawings for review by the county.
- Calculation used for parking provision is incorrect and the proposed number of spaces are higher than the LPAs standards for a residential development.
- Queue length survey data has not been presented in the appendices to the TA, this needs to be provided to validate the traffic models.
- The Applicant has since submitted additional information, which has been reviewed below.

Design Considerations

The access arrangements and offsite works have been subject to a RSA S1, whereby the HCC Road Safety team have provided feedback. The Highway Authority has requested these offsite matters are resolved as part of the S278 and secured by way of planning condition.

Car Parking - Will be reviewed again at the RM Layout submission. Car Parking standards are set by Three Rivers. EV charging must be demonstrated on a drawing and shown to be in line with building regulations.

Cycle Parking - Will be reviewed again at the RM Layout submission. This must be designed in line with LTN1/20 best standards and be located in convenient locations to access.

Refusing and servicing - resolved in previous Highway Authority response dated 26th August. Will be reviewed again at the RM Layout submission.

Trees - Note a CAVAT Figure will be calculated and provided to the planning officer.

Modelling- Queue Lengths

The applicant has submitted the 2025 survey data alongside the revised Highways Technical Note dated 9 October 2025. Detailed comments are provided below:

- 1. Peak hour identification: The Highway Authority have reviewed the 2025 survey data and consider the revised peak hours of 07:45 to 08:45 hours in the AM and 16:30 to 17:30 hours in the PM as acceptable.*
- 2. Base model: The Highway Authority are content with the suitability of the base model developed. However, the comment noted in our previous response, relating to the turning radii for the left-turn movement on Denham Way (North) remains unaddressed. We have undertaken some sense checks and note that this is not expected to result in any significant variations to the junction modelling outcomes. As such, we have no further comments to make on the model validation and consider the base model as suitable to be used for the assessments of this development.*
- 3. Traffic impacts: The validated 2025 base year scenarios indicate that the junction operates above the threshold capacity (Degree of Saturation (DoS) > 85%), with Chalfont Road operating at 89% during the AM peak hour and Denham Way South operating at 97% during the PM peak hour. The 2030 future year scenarios ('with' and 'without' development) have been run by optimising the signal timings, which slightly improves the operational performance of the junction. The models suggest that the junction will operate close to the threshold capacity, with the following statistics:*
 - 2030 AM Peak (Without Development): Highest DoS of 79.7% observed along Chalfont Road, with a Mean Max Queue of 9 PCUs*
 - 2030 AM Peak (With Development): Highest DoS of 85.9% observed along Chalfont Road, with a Mean Max Queue of 11 PCUs*
 - 2030 PM Peak (Without Development): Highest DoS of 79.8% observed along Denham Way South, with a Mean Max Queue of 18 PCUs*
 - 2030 PM Peak (With Development): Highest DoS of 84.9% observed along Denham Way South, with a Mean Max Queue of 20 PCUs*

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. It is

noted that the junction currently operates under MOVA (Microprocessor Optimised Vehicle Actuation) system, which dynamically adjusts the signal timings based on real-time traffic conditions. As such, it is expected to further adjust and improve the junction performance by optimising signal timings under future traffic scenarios.

Travel Plan

An updated Travel Plan Statement is requested by way of planning condition, as per HCC Travel Plan Guidance. <https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>

Elements of the submitted Travel Plan that were found to be insufficient in the previous Highway Authority response dated 26th August must be resolved in the updated TP Statement.

Construction Traffic Management Plan

A CTMP has been requested by way of planning condition.

- A construction management plan template may be found at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>

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, kessle kerbs, buildouts for the bus stops on Hornhill Road and Chalfont Road. These contributions are essential to ensure future residents and use of all ages and abilities feel safe and confident to wait for bus and to reduce the potential car dominance of the development site, as per NPPF para 117 a/b and HCC LTP Policy 1, 5, 6 & 9.

Conclusion

The Highway Authority have reviewed the additional information and does not wish to raise an objection subject to the inclusion of the recommended planning conditions, informatives and obligations.

1.1.13 Hertfordshire County Council – Highway Authority Third Consultation:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions and obligation set out in the last response dated 24th October and the CAVAT figure detailed below.

Update:

The Highway Authority's previous response dated 24th October 2025 stated a CAVAT Figure will be calculated and provided to the planning officer to be included in the S106.

This has now been derived and is set out below:

- The figure is based on the following trees being removed, all information is contained within the site AIA from the 10th March 2025:
- T20 Elder -G18 - Multiple trees within group av.180mm x 18

- CAVAT value based on reduced functional value and life expectancy: £27,504.00

The Highway Authority note there is mention of 2 additional groups to be removed but there are no further details including reference numbers. The applicant must provide this details now otherwise additional legal agreements will be required prior to the commence of any works on the public highway.

1.1.14 Landscape Officer: No objection

No real objection on tree grounds, a small number will be removed to create access, but there appears to be plenty of scope for new planting. Would it be possible for the pedestrian access to the site to be linked to both Rights of Way, at the moment there's no obvious means of accessing footpath 9.

Is there any scope for S106 for funds to make improvements to our open space across the road, (Beechen Wood and Hornhill Play Area).

1.1.15 Thames Water: Comments received

Waste Comments:

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. As such Thames Water request the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason – Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

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

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

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

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.

Water Comments:

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

1.1.16 Environmental Health Officer: Verbal comments received

1.1.17 National Grid: No comments received.

1.1.18 Environmental Protection Officer: No response received.

1.1.19 Heritage Officer: No objection

Due to the separation between the Site and the heritage assets, it is unlikely there would be harm from a development in this location.

1.1.20 HCC Growth & Infrastructure Unit: Comments received

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 75 dwellings we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	12	7
2	17	9
3	12	8
4+	7	3
Total	48	27

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	0	0
3	0	0
4+	0	0
Total	0	0

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	0	0	38	37	0	0

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought.

Primary Education Contribution towards the expansion of Maple Cross JMI and/or delivery of a new primary school to serve the development and/or provision serving the development (£871,854 index linked to BCIS 1Q2024 and BCIS Regional Factor)

Secondary Education Contribution towards the delivery of the new secondary school at Carpenter's Park (subject to the adoption of the Three Rivers Local Plan) and/or provision serving the development (£864,943 (which includes land costs of £17,117) index linked to BCIS 1Q2024 and BCIS Regional Factor)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£146,169 index linked to BCIS 1Q2024 and BCIS Regional Factor)

Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development (£7,762 index linked to BCIS 1Q2024)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

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

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

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

Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County

Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

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

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission."

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

1.1.21 National Health Service: Comments received

Thank you for consulting the Hertfordshire and West Essex Integrated Care Board (HWE ICB) on the above-mentioned planning application.

Please accept this letter as the HWE ICB's position on primary healthcare capacity and need arising from this planning application and the health financial contribution sought if TRDC is minded to grant planning permission.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.5m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.

- *tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.*
- *get the most out of local health and care services and make sure that they are good value for money.*
- *help the NHS support social and economic development in Hertfordshire and west Essex.*

A strategic aim of the NHS HWE ICB is the improvement of primary and community and mental health care outside of a hospital setting. To achieve this the NHS commissions a number of services from general practices in addition to their "core" activity. On the ground this means more joined up care, for example, primary and community healthcare hubs with co-ordinated multidisciplinary professionals/ teams. Therefore, a doctors' general practitioners' surgery may also include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals to provide care to residents.

Assessment of impact on existing Healthcare Provision

The HWE ICB has assessed the impact of the proposed development on primary health care provision in and around the vicinity of Borehamwood.

Within the HWE ICB there are 35 Primary Care Networks (PCNs) across the 14 localities; each covering a population of between circa 27,000 and 68,000 patients. These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care. As such a doctors' general practitioners' surgery may include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals. The PCN that covers Maple Cross and under which this development falls has a combined patient registration list of 29,997 as of 1 October 2025 which is growing.

Patients are at liberty to choose which GP practice to register with providing they live within the practice boundary. However, most patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: it is the quickest journey, accessible by public transport or is in walking distance, parking provision, especially for families with young children and for older adults.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

As a result of significant growth proposed in Local Plans, the HWE ICB expects applications to close lists to increase. It is therefore important that new developments make a financial contribution to mitigate any primary health care impacts the development will have.

The HWE ICB has produced a Primary Care Strategic Delivery Plan, 2023 -2026 which sets out how the HWE ICB wants to develop GP, community pharmacy, dentistry, and ophthalmology services across Hertfordshire and west Essex to benefit patients and communities over the next three years.

The Primary Care Strategic Delivery Plan has three objectives covering:

1. Joined up local teams of health and care.
2. Improved access for urgent same day health.
3. Improved prevention.

These objectives are supported by several key areas of work including the improved use of buildings used to deliver services, developing the primary care workforce, better use of data, information and digital technology and ensuring good value contracts and locally funded projects.

When new dwellings and registrations are planned the preferred option is to find a way to absorb those significant demands upon surgeries for example, by re-configuring, extending or relocating GP premises to provide sufficient space to increase resources and clinical services and thus keep the patient lists open.

Healthcare Needs Arising from the Proposed Development

Development at Land at North of Chalfont Road Chalfont Road Maple Cross will have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

This scheme is expected to deliver 75 homes, which will create circa 180 new patients.

These residents will mainly impact on the Rickmansworth and Chorleywood PCN, which is formed of 2 GP practices and has a combined patient list 29,997 as of 1 October 2025.

To illustrate their current capacity, individually as well as collectively - on PCN and settlement level - we have included a small table below:

Surgery Name	Settlement	PCN	Surgery level				Settlement level		PCN level	
			Standalone, Main or Branch	Pt list - 1/10/2025	Patients per m2	Number of patients capacity/ constraint relative to 18 per m2	Number of patients capacity/ constraint	Total N/A capacity/ shortfall	Number of patients capacity/ constraint	Total N/A capacity/ shortfall
Chorleywood Health Centre	Rickmansworth	Rickmansworth and Chorleywood	Branch	7,456	15.6	1,130	-409	-23	-409	-23
Gade House Surgery		Rickmansworth and Chorleywood	Main Surgery	10,399	32.6	-4,665				
Witton House Surgery		Rickmansworth and Chorleywood	Branch	1,766	7.9	2,282				
The Colne Practice		Rickmansworth and Chorleywood	Standalone	10,377	16.6	844				

This table demonstrates that although there appears to be capacity at Chorleywood HC and the Colne Practice, the PCN collectively is operating close to capacity and their ability to accept additional patients is limited.

Closest surgeries to the proposed development are the Colne Practice and Gade House Surgery. The latter is one of the most constrained practices in Hertfordshire and is ranked 3rd out of 199 surgery premises in the HWE ICB in terms of premises need.

It can therefore be concluded that these practices will be unable to accommodate the additional patient numbers arising from this development, and indeed potential future housing growth in the area, which is set to be significant.

The ICB has been working with the Gade House practice to identify opportunities for expansion and has approved their Project Initiation Document, i.e. given their approval in principle, for a re-location to a purpose-built facility, the exact location of which is yet to be determined.

It should be noted that all NHS health infrastructure improvement projects are subject to the HWE ICB's own governance and scrutiny processes and are assessed against viability, affordability, deliverability and the ability to be future proofed for any future housing growth, given that new medical facilities present a significant cost pressure to the NHS.

Cost calculation of additional primary healthcare services arising from the proposed development

The financial contribution that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls, or other development proposals in the area.

The proposed development would deliver 75 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa **180 new patient registrations**.

$180 \text{ new patient registrations} / 2000 = 0.09$ of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"

$0.09 \times 199 \text{ m}^2 = 17.91 \text{ m}^2$ of additional space required

$17.91 \text{ m}^2 \times £7,000^* \text{ per m}^2 = £125,370$ (*Build cost; includes fit out and fees)

$£125,370 / 75 = £1,671.60$ per dwelling (rounded up to £1,672 per dwelling)

Total GMS funds requested: $75 \times \text{dwellings} \times £1,672 \text{ per dwelling} = £125,400$ (indexed from the date of the planning permission)

*It should be noted that the NHS England "Premises Principles of Best Practice" is only concerned with the GP core services and does not consider the increasing number of additional services that GP practices are now delivering.

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

A trigger point of payment on occupancy of the 1st dwelling is requested.

If planning permission is granted, the HWE ICB propose to focus the GMS contribution on Gade House Surgery premises solution.

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

(i) **Necessary to make the development acceptable in planning terms.** The provision of community facilities including health is a material planning consideration. As explained above, a financial contribution has been sought to mitigate the primary health service impacts arising from this development, to enable the Rickmansworth

and Chorleywood PCN practices, especially Gade House Surgery, to continue registering new patients without compromising the quality of service

(ii) **Directly related to the development.** The new residents of the development will have an additional impact upon local health services. The financial contribution will be used towards the delivery of new, modern primary care facilities in the vicinity of this proposed development. As such the contribution will be used for the benefit of the new residents.

(iii) **Fairly and reasonably related in scale and kind to the development.** The above financial contribution has been calculated based on 75 dwellings and 180 new patients to mitigate the primary health service impacts arising from this development.

Subject to securing the healthcare developer contribution secured, as set out above, to mitigate the health service impacts arising from this development, the HWE ICB does not raise an objection to the proposed development.

1.1.22 East of England Ambulance Service: Comments received

Thank you for consulting the East of England Ambulance Service NHS Trust (EEAST) on the above planning application. This letter sets out the impact of the proposed development on emergency ambulance services and the mitigation required to ensure that EEAST can continue to meet its statutory functions as population grows.

EEAST's request is entirely separate from any contribution sought by Hertfordshire & West Essex Integrated Care System for primary care, community, mental health, or acute services.

Impact of the Development on Ambulance Services

The proposed 75 dwelling development is expected to generate an additional **180 residents**, based on the local authority average of **2.4 persons per dwelling**. Using EEAST's established and standardised population-based activity model, this population uplift is forecast to generate **41 additional emergency calls per year**.

This represents an **13.5% increase in annual activity** arising from this development when compared to current incident levels in the WD195 area (1,185 incidents between 1 April 2024 – 31 March 2025).

This level of additional activity directly increases:

- Pressure on the Watford Ambulance Hub, which serves this area
- Pressure on regional Emergency Operations Centres receiving and handling 999 calls
- Demand for frontline vehicles, vehicle preparation capacity, welfare facilities, and estate infrastructure needed to maintain operational safety and performance.

Existing Capacity Constraints

Ambulance Hubs must provide sufficient space for vehicles, equipment, welfare areas, and clinical preparation, ensuring rapid deployment and compliance with CQC and national Make Ready standards (Lord Carter Review, 2018).

The Watford Ambulance Hub which would serve the development, currently operates from a constrained estate:

- Existing GIA: 900m²
- Modern Hub requirement: 2,200m²
- GIA Deficit: 1,300m²

Watford Hub provision needs to support approximately 20 Dual-Staffed Ambulances and 4 Rapid Response Vehicles, yet it currently accommodates only 16 vehicles. Increased population growth in the catchment area will further intensify this shortfall.

The proposed development therefore directly and measurably worsens existing capacity pressures, requiring capital investment to maintain safe, resilient, and compliant services.

Legal and Policy Basis for Mitigation

Under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), a planning obligation may only be sought where it is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development
- Paragraph 56 of the National Planning Policy Framework (NPPF) confirms the same tests.

The requested contribution meets all three tests.

Table 1 Capital Cost calculation of additional emergency ambulance health services arising from the development proposal

No Dwellings	Infrastructure Cost*	Total
75	£371	£27,818

*calculation of £340 is based on 2.2 persons per dwelling and adjusted pro-rata depending on the expect number of persons per dwelling.

Calculation is based per person using EEAST population (6.1m)/number of incidents in 2024/25 (1.4m) to give a per person incident rate $6.1m/1.4m = 0.23$ incidents per person per annum

EEAST Capital Infrastructure Costs is based on occupancy of 2.2 persons per dwelling, adjusted pro-rata

- Estates build per m2 (£213.50)
- Cost of emergency ambulance vehicles (£126.50)

The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be **£27,818** and are for the impact of this development only and will be used to support:

- Relocation, expansion/installation of EV charging for the existing Watford Ambulance Hub to meet the increased local demand arising from this housing development.

For clarity, EEAST is seeking capital infrastructure mitigation, not revenue funding. The High Court in *R (University Hospitals of Leicester NHS Trust) v Harborough DC* [2023] EWHC 263 (Admin) dealt only with requests for revenue funding to address an alleged short term NHS funding lag, and the **judgment expressly states that it does not apply to capital or infrastructure contributions.**

EEAST, like all NHS Trusts, is subject to a strict Capital Departmental Expenditure Limit (CDEL) set by HM Treasury. CDEL restricts annual capital investment and is already fully committed to essential fleet replacement, maintenance backlog, and statutory compliance. Population driven capital expansion is not funded through CDEL, nor through NHS England revenue allocations.

Section 106/CIL funding is therefore the only mechanism available to mitigate the capital infrastructure impacts arising from this development, ensuring that ambulance services can maintain safe operational capacity.

Defibrillators

EEAST would request the Council ensure via a s106 contribution sufficient defibrillators are provided for the new community. This should include the cost of the device, an outdoor rated heated cabinet and the associated consumables, as well as the ongoing maintenance costs for a period of 10-years (circa £10,500 per device). The cabinet needs to be located where there is electrical power and sufficient footfall to provide benefits to the new community. Research indicates 800 meters is the maximum distance to fetch a defibrillator. The s106 could be allocated either to the local parish council or to EEAST.

Comments on Development Proposal

EEAST would request the developer considers the following Health & Wellbeing and Scheme Design Measures as they support physical, mental health and wellbeing and help develop community cohesion:

Health and Wellbeing Scheme Design Measures

EEAST notes the Health Impact Assessment which should consider the impact all health organisations including primary care, acute, mental health, community and emergency ambulance services.

Since the COVID-19 pandemic more people are likely to work from home for at least part of the week, the room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being. Access to fresh air is also recommended.

Developers' inclusion of community gardens, allotments, orchards, meadow flower and woodland planting areas. Balconies, roof gardens and terraces also provide green space opportunities in apartment buildings. Consideration of all senses (sight, hearing, touch, smell, taste) should be addressed by the developer in the planting plan and use of local flora and fauna and wildlife corridor connection.

In central open space developers should establish of seating in open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest and enjoy the surrounding green space.

Ideally EEAST recommends Passivhaus/BREEAM Excellent standard is used for all housing and where appropriate, commercial buildings. This would also support the council in delivering their sustainability/green plans. As a minimum EEAST recommends the proposed 40% affordable/social housing are built to Passivhaus or BREEAM Excellent standards, as this would provide significantly long-term environmental savings for residents who are more likely to be from the most deprived backgrounds or have limited disposable income.

Flood Assessments

EEAST notes the site is within Flood Zone 1.

Flooding significantly affects residents physical and mental health in both the short and long term. Developers to utilise the catchment of clean/grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community gardens instead of entering main sewers.

The use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off is welcomed and should be suitable for use by wheelchairs, mobility scooters and pushchairs.

Transport, Design and Access

Cycle parking should allow for different types of cycles (e.g. trike, electric bike or mobility scooter) to be stored, covered, secure and well lit.

Blue light emergency services would request developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction. Clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light.

We hope the Council and developer find the information included in this letter of value.

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1



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

2



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

3



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

4



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

7



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

8



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

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PLANNING COMMITTEE – Thursday 26 February 2026

25/1055/FUL - Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works at LAND TO THE REAR OF WOODLANDS COTTAGE, OXHEY LANE, CARPENDERS PARK, WATFORD, HERTFORDSHIRE, WD19 5RF.

Parish: Watford Rural

Ward: Carpenders Park

Expiry of Statutory Period: 25 September 2025
Extension agreed to 31 March 2026

Case Officer: Suzanne O'Brien

Development type: Major Dwellings

Recommendation: That authority is delegated to the Head of Regulatory Services to grant planning permission, following completion of a S106 Agreement (securing the Heads of Term set out at 7.21 below including affordable housing provision, travel plan, contributions to infrastructure including education, healthcare and waste infrastructure and monitoring fees) subject to conditions AND to make any minor amendments to the Heads of Terms and Planning Conditions in consultation with the Planning Committee Chair.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee due to the size and scope of the application requiring scrutiny of many factors by the committee, including flooding, loss of Green Belt, and road safety.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SY392CQFGXY00>

Executive Summary

This report makes a full assessment of planning application 25/1055/FUL, for the demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works. The application is in full (not Outline) so all matters are to be considered.

The assessment has considered all relevant material planning considerations, including the provisions of the National Planning Policy Framework (NPPF) and The Three Rivers Local Development Plan. The responses from consultees have also been considered, and a list of all consultees is included at section 4 of the report with their full comments provided in **Appendix 1**. The consultees raised no objection subject to conditions and/or S106 agreement.

The primary planning considerations include the principle of the development in the Green Belt; impact on landscape and impact on green infrastructure, character and heritage; housing provision; highways and access considerations and residential amenity. Officers have assessed these matters and all other planning considerations and conclude that the proposal is acceptable.

In relation to Green Belt, officers consider that the site is Grey Belt and the proposal accords with clauses (a) – (d) of Paragraph 155 of the NPPF. As such, it is considered that the

development is an appropriate form of development in the Green Belt. In relation to character, landscape and heritage, there would be limited harm to the character of the area and landscape and no harm to the nearby heritage assets. Subject to conditions/S106 there are no objections on highways, amenity or other grounds.

It has been identified that the proposed development would not accord with all of the development plan policies in terms of parking provision, amenity space standards and a degree of overlooking into existing properties and proposed properties would result. Notwithstanding this, no adverse impacts or reasons for refusal of the scheme have been identified based on mitigation measures proposed that would be secured as part of the planning permission.

The benefits of the scheme, which are considered at section 7.22, include the need for housing, the need for affordable housing, compliance with the 'Golden Rules', sustainability credentials and good quality design. These hold substantial and significant weight in favour of the development.

Overall, the report clearly demonstrates that the benefits of the scheme, when assessed against the policies in the Framework, clearly outweigh the limited weight attributed to the non compliance of parts of the development in relation to the Development Plan Policies.

This executive summary provides an overview. It is not exhaustive and should be read in conjunction with the full report for a complete understanding.

1. Relevant Planning History

- 1.1 No relevant planning history.

2. Description of Application Site

- 2.1 The site is approximately 3.4 hectares in area and sited within the Metropolitan Green Belt located between the settlements of Watford Heath/Oxhey Village and Carpenders Park. The site subject to this application predominantly consists of open grazing land. A wooded area with a pond forms the south western part of the site adjacent to Oxhey Lane. Protected trees are sited along the front and part of the south eastern boundaries of the site. A 2m high brick wall forms the boundary treatment with Oxhey Lane. The site currently does not benefit from a vehicular access. A dwelling (which appears to be in a bad state of repair) is sited within the south western corner of the site.
- 2.2 The site is located next to a mix of development. Auburn Mere Residential Home is sited to the north west of the site. Auburn Mere Residential Home consists of a two storey detached building with associated garden and parking. The north western boundary also adjoins Elm Avenue, Watford which is a residential street consisting of detached bungalows located within Watford Borough Council. These properties are sited on higher ground.
- 2.3 The north east boundary adjoins open fields; a dense vegetation screen which is interspersed with Oak trees forms the north eastern boundary. The southern and south east and west boundaries adjoins Mayfair and Brickfield Farm which the planning history indicates have residential and commercial uses and appear to be occupied by varied but sporadic low level built form and hard surfacing.
- 2.4 The north west boundary of the site adjoins Watford Borough Council's boundary, with Hertsmere Boundary sited further to the north east of the application site. The site is also a historic landfill site and a pipeline buffer runs through the northern part of the site.

3. Description of Proposed Development

- 3.1 This application seeks planning permission for the; 'Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works'.
- 3.2 The development would include the formation of a new access and internal access road and separate pedestrian path accessed via Oxhey Lane. The access and road would be sited to the south of the boundary with Auburn Mere Residential Home. The road would meander through the existing wooded area and contain traffic calming measures.
- 3.3 The proposed development would provide 96 residential units. Centrally within the site would be six rows of terraces that would contain a mix of two and three bedroom two storey dwellings (the two bedroom properties would make up the higher proportion of these units). The three and four bedroom units would make up the detached and semi-detached dwellings and would be located in the northern and southern parts of the site. The terraced properties would be served by one road-side allocated parking space each whilst the detached and semi-detached dwellings would be served by two onsite parking spaces.
- 3.4 A three storey building would be provided to the south of the proposed access road at the main entrance to the proposed developed part of the site. The building would contain a community space at ground floor and two flats (one three bedroom and one four bedroom) sited over two floors above. A single storey private gym and reuse building would be sited to the south east of the community building/flats. The gym will be available to residents as a private facility and the reuse building will also provide an on site facility where residents can repurpose old/disused furniture for example.
- 3.5 The development would include the provision of a battery storage area (which will provide storage for the energy generated by the PV panels which are proposed to be installed on all of the buildings). This would be enclosed by 3m high acoustic fencing. A bin store and two substations would be sited close to the wooded area and southern boundary.
- 3.6 The development would include hardstanding through the provision of internal road and footpath networks with turning heads. Areas of open space would be provided in the wooded area and two areas within the site one to the north and one to the south. The south eastern open space would contain the main sustainable drainage feature. A variety of fencing is proposed to be installed within and surrounding the site.
- 3.7 Amended plans have been received which include the replacement of a four bedroom dwelling with a three bedroom dwelling on Plot 32 and reorientation of the dwelling on this plot so that the flank elevation faces along the northern boundary with Elm Avenue. The buildings along the northern boundary have also been moved including replacement of semi detached dwellings with two detached dwellings and re-siting of the four bedroom dwelling provisionally on Plot 32 to Plot 36. Plots 30 and 31 made into semi detached dwellings and slightly reorientated.
- 3.8 The application was accompanied by the following plans/reports:
- Application Form
 - Proposed plans – this application seeks full planning permission so is supported by detailed proposed plans
 - Air Quality Assessment (Logika Group, May 2025)
 - Arboricultural Survey (arbtech, June 2025)
 - Arboricultural Method Statement (arbtech, June 2025)
 - Archaeological Desk Based Assessment (HCUK Group, May 2025)
 - Biodiversity Net Gain Assessment (Ethos Environmental Planning, June 2025)
 - Biodiversity Checklist

- Preliminary Ecological Assessment (Alder Ecology UK Ltd, November 2024)
- Phase 2 Ecology Surveys and Assessment (Alder Ecology UK Ltd, December 2024)
- Design and Access Statement and Design Code (GS8, June 2025)
- Car Parking Management Plan (SLR, June 2025)
- Flood Risk Assessment and Drainage Strategy Report (BWM, June 2025)
- Health Impact Assessment (iceni, May 2025)
- Heritage Impact Assessment (HCUK Group, May 2025)
- Landscape and Visual Appraisal (Open Spaces, April 2025)
- Battery Noise Impact Assessment (Clement Acoustics, June 2025)
- Outdoor Lighting Report (MMA Lighting Consultancy, May 2025)
- Private Lighting Impact Assessment (MMA Lighting Consultancy, May 2025)
- Ground Investigation (GEA, June 2025)
- Desk Study (GEA, June 2025)
- Planning Statement (Sphere25 Planning Consultancy, June 2025)
- Statement of Community Involvement (Foundation Communications, May 2025)
- Energy and Sustainability Statement (Klh Sustainability, May 2025)
- Circular Economy Statement (Inaconda, May 2025)
- Daylight, Sunlight and Overshadowing Report (Ansteyhorne, June 2025)
- External Building Fabric Report (Clement Acoustics, May 2025)
- Social Infrastructure Audit (iceni, May 2025)
- Transport Assessment (SLR, June 2025)
- Travel Plan (SLR, June 2025)

3.9 Amendments/additional information include:

- Response to Highways Comments (SLR, July 2025)
- Stage 1 Road Safety Audit & Designer's Response (SLR, June 2025)
- Great Crested Newts Potential Assessment (Alder Ecology)
- Private Lighting Impact Assessment (MMA Lighting Consultancy, September 2025)
- Financial Viability Assessment (DS2, September 2025)
- Desk Study (GEA, September 2025)
- Flood Risk Assessment and Drainage Strategy Report (BWM, September 2025)
- Arboricultural Method Statement (arbtech, January 2026)
- Biodiversity Net Gain Assessment (ethos Environmental Planning, December 2025)
- Revised affordable housing officer (DS2, December 2025)
- Stage 1 Road Safety Audit & Designers Response (SLR, November 2025)

4. Consultation

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

Watford Rural Parish Council	1.1.1	Objection
Three Rivers District Council – Tree and Landscape Officer	1.1.2	No objection
Three Rivers District Council - Conservation Officer	1.1.3	No objection
Herts County Council Highways Authority	1.1.4	No objection
Herts County Council Lead Local Flood Authority	1.1.5	No objection
Herts County Council Archaeology	1.1.6	No objection
Herts County Council Minerals and Waste	1.1.7	No objection
Herts County Council Water Officer	1.1.8	No objection

Transport for London	1.1.9	No comment
Network Rail	1.1.10	No objection
National Grid	1.1.11	No objection
British Pipeline Agency	1.1.12	No objection
Active Travel England	1.1.13	No comment
Thames Water	1.1.14	No objection
Affinity Water	1.1.15	No Objection
Environment Agency	1.1.16	No objection
TRDC Local Plans Team	1.1.17	No objection
TRDC Housing	1.1.18	Comments
Herts Constabulary Safety Design Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	No objection
TRDC Environmental Health (Contamination)	1.1.21	No objection
National Highways	1.1.22	No objection
Herts County Council Ecology	1.1.23	No objection
Watford Borough Council	1.1.24	Objection
Hertsmere Borough Council	1.1.25	No objection
National Health Service	1.1.26	Commented
TRDC Environmental Protection	1.1.27	No objection
TRDC Environmental Health (Residential)	1.1.28	No objection
TRDC Transport and Parking	1.1.29	No comments received
TRDC Leisure Department	1.1.30	No objection
Natural England	1.1.31	No comments received

4.2 Public/Neighbour Consultation

Number consulted: 37

No of responses received: 367 representations objecting to the proposed development

Site Notice(s): Displayed 09/07/25 Expired 30/07/25

Press Notice: Published 07/07/25 Expired 01/08/25

Summary of Responses:

Loss of Green Belt/impact on character of area: Unacceptable loss of Green Belt and long established green space; There are brownfield sites that should be built on; Area is semi rural; Green Belt should not be built on; Development will devastate the local area; Significant threat to low rise character of Carpenders Park; High density is out of keeping with areas established appearance; The multi storey flatted development with community space would represent a drastic and inappropriate departure from the existing character fo Carpenders Park which will undermine its identity, amenity and sustainability; Incompatible scale, massing, height and density; Inappropriate development and significant harm to openness; The land is meant to stop towns spreading and to protect countryside; Loss of green space would affect wellbeing; Gross overdevelopment; Will impact on Green Belt purposes – unrestricted sprawl, prevent towns merging and encroachment into countryside; Loss of natural walking options; Loss of natural aesthetics of the area; Maintaining the gap between Carpenders Park and Oxhey should be an important planning consideration; Multi storey block would not be in keeping with suburban atmosphere; Loss of identity of existing communities; Design of the development unacceptable; Will result in bins on the highway; Design of the dwellings are ugly and out of character; No very special circumstances exist; Merging the two settlements will impact on the communities of the settlements; Out of

keeping with existing pattern of development; Overdevelopment; Carpenters will lose character; Will destroy rural character; Impact on areas heritage; Development should be considered in relation to application 25/1020/OUT as both developments would result in significant increase in the community of Carpenters Park; Application site has not been included in the recent Regulation 18 document due to the very high harm to Green Belt; Challenge the Grey Belt assessment set out in the Planning Statement; Should take into account of the impact of development to the south of Watford and its impact on the narrow gap between Watford and North London.

Infrastructure: Inadequate infrastructure; Not the infrastructure locally to deal with more housing; There are already unacceptable waiting times for doctors/dentist/hospitals which are over already subscribed and overrun; Lack of school spaces; Schools are already oversubscribed; One local hospital; Proposed development will put extra pressure on existing services; No more investment into medical services; Will affect GP capacity; Overpopulation will impact on stretched resources; New Doctors Surgery already fails to provide services; No infrastructure proposed to serve development; Insufficient provisions for children as existing; Existing drainage cannot cope; Currently no police in this area extra housing will place additional pressures

Impact on Highway/Transport: Access would be on a precarious, fast bend in the road; Oxhey Lane is a busy thoroughfare heavily used by cars and lorries; will result in accidents; Access onto Oxhey Lane would be dangerous for drivers and pedestrians; Additional traffic would have huge impact on surrounding roads and Bushey Arches; Already difficult to exit onto Oxhey Lane from Carpenters Avenue and By The Wood; Traffic and lack of parking is already a problem, development will add to parking pressures; Development would hinder access for emergency vehicles; Site is not sustainable and access to schools would be by car; No bus service on Oxhey Lane; extra traffic will increase pollution; No cycle route, Oxhey Lane only has footpath on one side of the road; Would result in an isolated housing development; Tube stations approx.15-20minute walk residents will drive; Existing footpath is not an attractive route for pedestrians with limited width, lack of light; Sustainable measures proposed would be unconvincing and object to reduced parking; Development combined with neighbouring proposed application would adversely affect highways through increased traffic; Lack of information on visibility splays; Is there sufficient bike parking spaces at the stations; Will result in parking in neighbouring roads; Shops will be accessed by car; Insufficient parking at existing services; No designated right hand turn will exacerbate existing highway pressures; Watford Heath and Bushey Arches not designed to deal with existing pressures proposal will make this worse; Oxhey Lane is poorly maintained; Sustainable transport exaggerated and impact on road infrastructure has not been assessed correctly; Pedestrian path is often impassable and fast traffic makes it undesirable for children, elderly and people with disabilities; Lack of parking will result in parking on local roads; Trains are already overcrowded; Watford only has narrow roads more cars will lead to more congestion and having to leave earlier to miss traffic

Residential Amenities: Why has a battery noise assessment been carried out; Development will negatively impact on residents living in Elm Avenue; Residents and neighbouring dwellings would suffer severe lack of light, overshadowing and loss of privacy from additional builds; large scale residential development would result in unacceptable levels of noise, air pollution and disruption; Loss of open space will impact on mental health of local residents; High levels of pollution have already been recorded in the area; Dwellings and balconies would result in significant invasion of privacy of neighbours who enjoy seclusion of their outdoor spaces; Construction phase will be disturbing and disruptive; Overshadowing will makes homes darker and colder; Will affect neighbouring land; Worried about health; Loss of natural light

Environment: Negative impact on wildlife; Notorious flood plane; building on site will make existing flooding problems worse; Carpenters Park residents are as existing subject to damage from flooding; The development should include integrated swift nests boxes to encourage swifts due to their decline; Additional traffic will lead to additional pollution;

detrimental impact on the woodland, biodiversity and wildlife; Loss of biodiversity; Extra hardstanding would contribute to greater risks of flooding; Inadequate sustainable drainage; Loss of mature trees; Loss of hedgerows and trees will further impact the climate and environment; Site adjoins woodlands trust; Will not meet sustainability standards; Green space vital to protect against climate change; Development does not take into account Councils climate emergency declaration; Impact on the water table and lack of sewerage connections; Impact on air quality; Will provide off site BNG gains; Risk of pollution; Site has poor drainage; Increased pollution; Development is near a wildlife corridor; No plans provided for replacing loss of existing trees; Loss of wild growing fruit that residents can eat; Pollution will affect neighbouring allotments

Other: Who will be moving into houses; Community Centre is too large for the land; Need to hold a public consultation; Water pressure already affected by existing neighbouring development will be further affected by proposal; Human rights for existing residents and children are at risk; Procedural failures in consultation; Weak circular economy commitments; Lack of/missing documents such as fire and refuse strategies, heritage, archaeology; No affordable housing guarantees; Recent application for 8 houses was refused; Contradicts national and local policy with no justification; Site was not put forward at recent call for sites; Commercial space should be provided in the development; No air quality survey or cumulative impact assessments; No public footpaths now proposed; Use of community building is vague; Fields should be used for planting; Development of the site is premature and unsound; Not sustainable and building too fast; Development would be detrimental to the existing community; Use run down empty buildings.

5. Reason for Delay

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised technical objections.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that

applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF is equally clear that "existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework" (NPPF Annex 1: 225).

A number of NPPF chapters are relevant to the consideration of this application, with the most important being:

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed and beautiful places
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP6 (Employment and Economic Development), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1 (Residential Design and Layout), DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM12 (Community, Leisure and Cultural Facilities), DM13 (Parking), Appendix 2 (Design Criteria), Appendix 4 (Noise Exposure Categories for Residential Development) and Appendix 5 (Parking Standards).

Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.

The Waste Core Strategy and Development Management Policies 2011–2026.

The Waste Site Allocations Development Plan Document 2011–2026.

6.4 Other

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

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

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

Draft Stage 4 Green Belt Review (2025).

7. Planning Analysis

7.1 Principle of development

- 7.1.1 The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

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

- 7.1.2 The Spatial Strategy within the Core Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) and Key Centres which are identified as most sustainable locations in the District. The site is not within a defined settlement and is not previously developed land.

- 7.1.3 The development proposes the construction of 96 dwellings. The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of 96 dwellings would make a positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. Although the site is located outside of the defined settlements of Three Rivers, it adjoins the boundary of Watford Borough Council (WBC) and is considered to be in a sustainable location in the context of the facilities and services sited within WBC. As such, there are no in principle objections to the development of the site in accordance with Policy CP2 of the Core Strategy.

- 7.1.4 *Existing Use:* As noted above, the land is predominantly greenfield and used for grazing next to open field land. 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. The site was historically used for landfill. The agent has confirmed that the site is not considered to be best and most versatile agricultural land.

7.2 Green Belt

- 7.2.1 The application site falls entirely within the Metropolitan Green Belt. Since December 2024, the context for assessing such sites has significantly changed with the concept of 'Grey Belt' introduced by the Government.

- 7.2.2 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.

- 7.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the current 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 is a material consideration in the assessment of this application.
- 7.2.4 NPPF Paragraph 142 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 143 identifies that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.2.5 NPPF Paragraph 145 states that “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”. This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.
- 7.2.6 NPPF 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”.
- 7.2.7 NPPF Paragraph 154 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed 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 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”.

7.2.8 This application, seeks full planning permission for the ‘Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works’.

7.2.9 The proposed development does not fall into any of the exceptions set out within NPPF paragraph 154. It is therefore necessary to consider the development in relation to paragraph 155 of the NPPF which relates to ‘grey belt’. Paragraph 155 states ‘the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is demonstrable unmet need for the type of the development proposed;
- c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this frameworks;
- d) Where applicable the development meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.’

7.2.10 Grey Belt is defined within Annex 2 of the NPPF:

‘For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously development land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’

7.2.11 The site is ‘any other land’ as it is not ‘previously developed’. For it to be considered Grey Belt it needs to not strongly contribute to any of the purposes (a), (b) or (d) in NPPF paragraph 143. The Planning Practice Guidance (PPG) provides guidance in respect of consideration of the contribution land makes to purposes (a), (b) or (d).

- 7.2.12 The contribution the site makes to the purposes of including land within Green Belt has been reviewed within the Stage 1 and Stage 2 Green Belt Reviews. The application site is located within Parcel E5 of the Stage 1 Green Belt Review Strategic Analysis (2017) and part of a larger parcel (Parcel SO2) of the Stage 2 Green Belt Review.
- 7.2.13 The contents of the Stage 1 and Stage 2 Green Belt Reviews are published documents that hold weight in the assessment of whether the application site contributes to the purposes of including land within Green Belt. The Stage 1 and 2 Reviews were carried out prior to the updates to the NPPF which introduced the concept of Grey Belt, and prior to the publication of the related parts of the NPPG which provide guidance on how sites should be assessed against whether they strongly contribute to the purposes a), b) and d). Below sets out the assessment of the site's contribution to purposes a), b) and d) based on the individual site circumstances as assessed following site visits and against the criteria set out within the NPPG alongside the evidence as set out within the published Green Belt Reviews.
- a) **to check the unrestricted sprawl of large built-up areas;**
- 7.2.14 The PPG identifies that assessment areas that contribute **strongly** to preventing urban sprawl are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:
- be adjacent or near to a large built up area
 - if developed, result in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt).'
- 7.2.15 The PPG identifies that assessment areas that contribute **moderately** are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose, such as (but not limited to):
- having physical feature(s) in reasonable proximity that could restrict and contain development
 - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
 - contain existing development
 - being subject to other urbanizing influences
- 7.2.16 In reviewing the criteria in the PPG, the site sits adjacent to Watford which is a large built up area. The site is located on the north eastern side of Oxhey Lane, with the road and an area of woodland separating the site and Carpenders Park, which is sited approximately 200m from the entrance to the site. Due to the positioning of the site it is considered to be detached from Carpenders Park and as such it is not considered the proposal would result in sprawl associated with the settlements of Carpenders Park and South Oxhey.
- 7.2.17 The site itself is entirely free of development however there is the presence of built form along the western boundary for the majority of the length of the site. The north western boundary adjoins the properties of Elm Avenue. Due to the containment of the site by development along the north western and western boundaries the proposal would not result in an incongruous pattern of development, for example an extended 'finger' of development, into the Green Belt.
- 7.2.18 Based on the analysis above the site is only considered to moderately contribute to preventing urban sprawl of the large built up settlement of Watford.
- 7.2.19 The moderate contribution the site plays in relation to purpose a) is supported by the Stage 1 Green Belt Review which identifies the containment of the site and states that Parcel E5 makes only a 'contribution' to purpose a).

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

- 7.2.20 The PPG states that assessment areas that contribute **strongly** to preventing neighbouring towns merging into one another are assessment areas that are likely to be free of existing development and include all of the following features:
- forming a substantial part of a gap between towns
 - the development of which would be likely to result in the loss of visual separation of towns
- 7.2.21 The PPG states that assessment areas that contribute **moderately** are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):
- forming a small part of the gap between towns
 - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation
- 7.2.22 The site only occupies a small part of the gap between Watford and Carpenders Park. The land surrounding the site is not free of development with development running along the western boundary providing a degree of continuous development between Watford and Carpenders Park. The proposed development would not bring the built form closer to Carpenders Park than that of the existing development sited along the western boundary of the site. The site and development would be visually contained with only the access that would be visible from public vantage points along Oxhey Lane. Taking into consideration the existing built form within the vicinity of the site the application site does not form a substantial gap between Watford and Carpenders Park and the development of the site would not result in the loss of visual separation between the two settlements.
- 7.2.23 It is noted that the site maintains an element of openness to the south of Watford Heath/Oxhey Village between Watford and Carpenders Park. However, taking the guidance of the PPG into consideration which sets out what should be considered when assessing whether a site strongly or moderately contributes to purpose b) it is considered the site only plays a moderate role in preventing the merging of Watford and Carpenders Park.
- 7.2.24 Notwithstanding the above assessment of the site's contribution to purpose b), the Stage 1 Green Belt Review identifies that Parcel E5 significantly contributes to purpose b) stating that the land 'Locally, forms part of the remaining gap between Watford Heath and South Oxhey'. The PPG makes it clear that purpose b) 'relates to the merging **of towns, not villages**' this is a different assessment to whether a place is a large built up area as for the assessment of purpose a). It is acknowledged that Watford Heath forms part of Watford which is considered a town. The Stage 1 Green Belt Review identified the following as neighbouring towns:
- Watford and Hemel Hempstead;
 - Watford and St Albans;
 - Watford and Rickmansworth;
 - Rickmansworth and Northwood;
 - Watford and Northwood;
 - Watford and Pinner;

- Watford and Bushey; and
- Watford and Radlett.

7.2.25 The assessment for Stage 2 Review for Parcel SO2 clearly states 'South Oxhey is not considered a town in its own right'. Carpenders Park and South Oxhey are a large built up area but are not considered a town. As such, the application site does not make any contribution to purpose b) in preventing towns from merging.

7.2.26 The proposed development would not merge Watford with any of the identified towns set out within the Green Belt Reviews.

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

7.2.27 The Green Belt reviews identifies that there are no identified historic towns within Three Rivers or Watford, as such purpose d) is not applicable to the assessment of Grey Belt.

Summary:

7.2.28 The Conservation Officer has confirmed that the proposal would not impact on heritage assets and the LLFA has confirmed that the sustainable drainage methods proposed would prevent the risk of flooding. No areas/assets set out in footnote 7 of the NPPF would provide a strong reason for refusal or restricting development.

7.2.29 Further the application site (Site CFS14) is identified in the publicly available emerging Local Plan Site Allocations document as being Grey Belt.

7.2.30 It is concluded that the site falls within the definition of Grey Belt. Consideration is therefore had to Paragraphs 155-157 of the NPPF.

7.2.31 NPPF 155 states "the development of homes...should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."

7.2.32 In respect of (a) the development would utilise grey belt land. Consideration is therefore required to be had to whether the development would fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.

7.2.33 The application site sits in Area 1 of the assessment area as set out in the recently publicly available Stage 4 Green Belt Review; this document is still only in draft form as such is of limited weight. The Stage 4 Green Belt Review identifies areas of fundamental importance. Area 1 is considered an area of fundamental importance. The explanation for this assessment identifies: 'This area of Green Belt may be deemed of fundamental importance to the wider Green Belt as it checks the unrestricted spread of both the south-eastern edge of Watford at Watford Heath and at South Oxhey, containing the potential for sprawl across the A4008 into open land. It also checks the spread of South Oxhey southwards and so preventing a merger with the large built-up area extending out from Greater London at Pinner (Hatch End). The area therefore plays an important role in maintaining the wider gap between Watford, South Oxhey, Carpenders Park and Harrow and London'.

- 7.2.34 The site forms a small parcel on the outer part of Area 1 as identified within the Stage 4 Green Belt Review. The proposal would result in the development of an open undeveloped field. However, the site is contained by development and vegetation on all boundaries and due to its relationship with the existing built form to the north and west would not result in notable encroachment into the open countryside (Purpose c) and the site does not strongly contribute to purposes a, b and d as previously highlighted.
- 7.2.35 The development of the application site would not undermine the important role that Area 1 plays in maintaining the wider gap between Watford, South Oxhey, Carpenders Park and Harrow and London. As such, the development of the 3.4 hectare site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
- 7.2.36 In respect of Para 155 (b) the council's published 1.7 year housing land supply position is material to this consideration in terms of the assessment of whether the development would meet unmet need. The proposed development would provide both market and affordable housing that would serve to meet unmet needs both in the delivery of housing, mix and unit size.
- 7.2.37 In respect of Para 155 (c) the application site is located on the edge of Watford Heath which is a residential settlement that forms part of the town of Watford. The site is located within walking distance of Bushey Station (Bushey Station approximately 20 minute walk and Carpenders Park Station approximately 23 minute walk) and amenities provided in the nearby roads of Villers Road. These are accessible on foot via lit footpaths. Notwithstanding this, the development would also improve cycle and pedestrian access along the A4008 to Carpenders Park, including the introduction of a toucan crossing across the A4008. The development would improve accessibility of the site for future residents to access the services available in this settlement and facilitate access for users of the proposed Community Building. The Community Building is proposed to serve the wider community. The proposal would provide on site facilities such as the gym and reuse centre that would be for the sole use of residents. The proposal would also provide electric bikes and Quadricycles for residents that would facilitate short journeys to nearby amenities. As a result of the combination of the location of the site within walking distance of amenities and public transport within Watford, combined with the off site walking and cycling provisions, the proposal would meet the sustainability requirements of (c) taking into consideration the requirements of paragraphs 110 and 115 of the NPPF.
- 7.2.38 In respect of para (d) of 155 of the NPPF, this references Para 156 which states:
- 'Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) **until such policies are in place, the policy set out in paragraph 157 below;**
 - b) necessary improvements to local or national infrastructure; and
 - c) the **provision of new**, or improvements to existing, **green spaces that are accessible to the public**. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.'
- 7.2.39 In respect of paragraph 156 (a), the development is proposing 50% affordable homes, with a mix of 60% rented (mix of social rent and affordable rent (capped at LHA)) and 40% shared ownership. The proposal would meet the requirements of paragraph 156(a) of the NPPF. The quantity, tenure mix and unit sizes of the affordable housing provision is discussed in greater detail in Section 7.4 of this report.

- 7.2.40 In respect of (b), the development would provide on site and off site infrastructure (including monetary contributions) which would be secured by S106 obligations. The infrastructure provision would include off site works to the highway including widening of the footpath to make a cycle and pedestrian route and addition of a Toucan Crossing to facilitate walking and cycling from the site to Carpenders Park and to the public bridleway leading to Merry Hill. Other monetary contributions to education, waste transfer and healthcare facilities will be secured by S106. The infrastructure provisions are set out in detail in Sections 7.8 and 7.21 of this report. The proposed development would provide necessary improvements to local infrastructure in accordance with paragraph 156 (b).
- 7.2.41 In respect of (c), the development would provide new green spaces on site. Although the space would be open to the public taking into consideration the location of the site and that it would be enclosed by housing development the open space is likely to be mainly used by residents of the development. The proposal would however improve access through upgraded foot and cycle path from Carpenders Park and Toucan Crossing and would provide a community building that would encourage people to access the site. Further Merry Hill and Oxhey Green Play Park are also within reasonable distance from the site. The proposed development would provide new green spaces with improved accessibility for people off site. The proposal would meet paragraph 156 (c).
- 7.2.42 It is considered that the proposed development would comply with the Golden Rules. In accordance with NPPF paragraph 158 **significant weight** should be given in favour of the grant of permission.
- 7.2.43 The proposed development would be on Grey Belt land and would meet the requirements as set out in paragraph 155 and 156 of the NPPF. The proposal would therefore represent an appropriate form of development within the Green Belt. An assessment of impacts on openness is therefore not required as the proposal is considered an acceptable form of development within the Green Belt in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and NPPF.
- 7.3 Impact on Character
- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.3.2 Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.3 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.).

7.3.4 Development Plan Policy DM7 requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure. In regard to Green Infrastructure Core Strategy Policy CP9 states: 'The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces'.

7.3.5 The proposed development would consist of a mix of terraced, semi detached and detached dwellings two storeys in height. The community building would be a three storey building that would have the community use at ground floor with flats above. A single storey reuse/gym building would be sited close to the Community building. The development would contain roadside parking for the terraced properties and on site parking for the detached and semi-detached properties. Each dwelling would be served by private amenity space of varied size.

7.3.6 With regards to design NPPF paragraph 131 states: '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'. NPPF paragraph 135 states:

'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

7.3.7 The surrounding area is mixed in type and style of development. The immediate neighbours that front onto Oxhey Lane consist of a detached nursing home and a mixture of residential and commercial development. The neighbouring properties adjoining the northern boundary of the site consist of detached bungalows located on spacious plots. The character of the wider residential development to the north is that of two storey detached or semi detached properties with some flatted development. The application site is located to the north east

of Carpenders Park on the opposite side of Oxhey Lane. Carpenders Park is primarily characterised by detached, semi detached, terraced housing (some three storeys in height) and flatted development.

- 7.3.8 The proposed development would result in a higher density form of development with areas dominated by road side parking and amenity space provision that would be under the indicative sizes as set out in Appendix 2.
- 7.3.9 Although the development would be high density the site would contain/retain areas of open/undeveloped space which would be interspersed within the site and the wooded area would be retained adjacent to Oxhey Lane. This would assist in providing a sense of openness and space and would serve to break up the high density nature of the built form within the site. The retention and enhancement of the woodland and vegetation boundary treatments along the eastern and southern boundary would serve to visually enhance and soften the of development for the benefit of future occupants and people visiting the site.
- 7.3.10 The proposed development would introduce a new vehicular access onto Oxhey Lane. This would sit between the accesses serving Auburn Mere Residential Home and the access serving the commercial site to the south. A right hand turning central feature would be installed along Oxhey Lane to facilitate a right hand turn into the site this would part utilise an existing reservation. The access arrangements would result in the part removal of the brick boundary wall that forms the existing boundary treatment fronting Oxhey Lane. The access, internal access road and pedestrian path would be visible from Oxhey Lane. Oxhey Lane contains a number of vehicular accesses of varied scales thus the addition of an access in this location would not appear contrived or out of character along this part of Oxhey Lane.
- 7.3.11 The internal access road would meander through the existing wooded area (which would be enhanced). The built form would be set back approximately 69m from Oxhey Lane separated by the wooded area, commercial site and Auburn Mere Residential home. The northern boundary adjoins residential development and the western and southern boundaries adjoin open land. A public bridleway runs to the south of the site. Currently a dense vegetation screen is sited along this boundary restricting views of the site. Part of the existing dense vegetation sits outside of the application site. The built form would be sited away from the southern boundary with a SUDs feature and turning head forming the southern part of the site. The majority of the site would be well contained from public vantage points by virtue of its siting, neighbouring built form and vegetation. The built up part of the development would therefore not be readily visible from public vantage points.
- 7.3.12 It is noted that the proposal would introduce a development that would be higher density in character in comparison to the residential development within the direct vicinity of the site. The development however seeks to make the most efficient use of the land within a sustainable location (subject to the off site sustainability improvements proposed), without compromising the quality of the character and appearance of the surrounding environment and residential areas. The development would result in enhancements to the soft landscaping features and woodland which will positively contribute to the visual amenities of the site. Overall no demonstrable harm to the visual amenities or character of the area would result from the proposal in accordance with Policies CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and NPPF.
- 7.3.13 The application is supported by a Landscape and Visual Appraisal. The assessment identifies that the site comprises of greenfield land for horse grazing which is overgrown in parts with native trees. The site is within Bushey Pastures Local Character Area and the development of the site for residential would result in a not-significant and neutral impact. The LVA also reviewed the site from 7 view points (set out in the appendices of the report) and considered that the impact of the development from these view points would be not-significant and neutral. The LVA comments that the retained mature vegetation would limit visual impact of the proposed development and where there would be some removal of

vegetation, thus opening up views visible from an informal footpath, the view of the proposed development would be visually embedded within retained vegetation. As the overall impact of the proposed development, as set out in the LVA, has been deemed as not-significant and neutral no mitigation measures have been proposed within the LVA.

7.3.14 As evidenced on site there would be some limited long range views of the development from elevated positions along public footpaths by Haydon Hill House. Any views would be limited to the roofs of the proposed dwellings and against the back drop of the properties along Elm Avenue and Auburn Mere Residential Care Home. The proposed development would not result in a prominent or harmful feature within the wider landscape and the development of the site would not negatively detract from the landscape character.

7.3.15 Overall the proposed development would not result in any harm to the character of the surrounding area including street scene or landscape character. The proposal would be in accordance with Policies CP1, CP3 and CP12 of the Core Strategy, Policies DM1, DM7 and Appendix 2 of the DMP LDD and NPPF.

7.4 Housing Mix

7.4.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social / Affordable Rented Housing	20%	32%	35%	12%

7.4.2 The development proposes the following housing mix (taken from the amended ground floor block plan):

	1-bed	2-bed	3-bed	4+ bed	TOTAL
Market Housing	0	5 (10%)	26 (55%)	17 (35%)	48
Affordable Home Ownership	0	10 (53%)	9 (47%)	0	19
Social / Affordable Rented Housing	0	21 (72%)	7 (24%)	1 (3%)	29

7.4.3 The table above provides the percentage breakdown per tenure. It identifies that the proposed development would provide a mix of unit sizes. The higher percentage of 2 bed social/affordable rented housing is to reflect the current housing register needs. It is noted that the proposal would not include one bedroom units however the development would provide a suitable mix of two, three and four bedroom units that would help to meet need (both market and affordable) within a sustainable location. No objections are raised to the mix of housing proposed against the guidance set out within Policy CP3 of the Core Strategy.

- 7.4.4 The Housing officer has confirmed that no objections are raised to the unit sizes proposed as affordable housing and the mix proposed. The provision of a four bed unit for social rent is viewed positively. It is noted that the 2 bed units are identified as being 2-bed 3 person units based on floorspace however a housing association has confirmed that they could be accommodated as four person units.

7.5 Affordable Housing

- 7.5.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.
- 7.5.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.
- 7.5.3 In light of the requirements of paragraph 155 of the NPPF (as referenced within the Green Belt Section above) the application proposes to deliver 50% of the dwellings as affordable units, with the remaining 50% being provided as open market dwellings. During the course of the application a request for a change to the tenure mix of affordable housing has been submitted by the agent. The scheme continues to propose 50% affordable housing provision with a split of 60% rented and 40% ownership products. The table below identifies the originally proposed and current proposed mix:

Tenure	Original Proposal	Current Proposed mix
Social Rent	29	2
Affordable Rent	0	27
Shared Ownership	19	19

- 7.5.4 The revised proposed affordable housing mix relates only to the rented tenure. The supporting evidence identifies that the affordable rented accommodation would be secured up to 80% of market value capped at LHA rate whichever is lower. The revised social/affordable rented mix is supported by a viability appraisal. This has been reviewed independently, and the review has confirmed that the current proposed mix would be acceptable from a viability perspective.
- 7.5.5 The site is located within Green Belt where paragraph 155d requires the development to meet the golden rules (as discussed within the Green Belt Section 7.2 of this report). Paragraph 67 of the NPPF states:
- ‘As part of the ‘Golden Rules’ for Green Belt development set out in paragraphs 156-157 of this Framework, a specific affordable housing requirement (or requirements) should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt or which may be permitted on land within the Green Belt. This requirement should:
- a) be set at a higher level than that which would otherwise apply to land which is not within or proposed to be released from the Green Belt; and
 - b) require at least 50% of the housing to be affordable, unless this would make the development of these sites unviable.’
- 7.5.6 The delivery of 50% affordable housing would deliver a higher level of affordable housing than that which would otherwise apply to land which is not within Green Belt or proposed to be released from Green Belt.

- 7.5.7 In terms of mix the proposal would deliver 60% rented accommodation and 40% shared ownership. The mix of rented accommodation with a higher level of affordable rent proposed would not accord with the mix as required by Core Strategy Policy CP4. The application has been supported by a viability appraisal which has been independently reviewed and confirmed that the tenure proposed would be the viable amount. It is prudent to note that the viability has been tested to assess the tenure split based on the requirements of the tenure split set out in Core Strategy Policy CP4.
- 7.5.8 In terms of siting and integration between affordable and market housing, the affordable housing provision would be predominantly concentrated within three rows of terraces in a central position within the site. The development would be tenure blind thus there would be no visible differentiation between the market and affordable units. Further due to the size and layout of the site the affordable accommodation would not be located within an isolated part of the site.
- 7.5.9 The affordable housing contribution proposed is supported by viability the affordable housing proposed to be provided and delivered would meet the requirements of Policy CP4 of the Core Strategy and would meet the principles of the Green Belt Golden Rules as set out within the NPPF.
- 7.6 Community Facilities
- 7.6.1 In addition to the residential element (96 dwellings), the application proposes construction of a community building (Use Class F2b) and open space. Policy DM12 (Community, Leisure and Cultural Facilities) of the Development Management Policies LDD (adopted July 2013) advises that where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport.
- 7.6.2 The agent has confirmed that the building would have a F2b (Halls or meeting places for the principal use of the local community) use. The supporting evidence identifies that the building would be 'run by the parish council for local meetings, presentations, community building events, educational events, local networking etc'. If permission were to be granted it would be conditioned to the effect that the building would only be permitted to be used as an F2b use, as identified within the supporting evidence. No evidence has been submitted that there is a demand or a need for the community building from Watford Rural Parish Council to utilise the building or any other prospective operator. However, subject to the condition that the ground floor of the building only be used for community purposes no objections are raised to the provision of the building forming part of the proposed development. The offsite improvements proposed that would connect the site to Carpenders Park for cyclists and pedestrians would facilitate in making the building accessible by sustainable modes of transport.
- 7.6.3 The operating hours are anticipated to be 10am to 7:30pm Monday to Saturday and the supporting statement identifies that the building will be occupied by reservation only through the Parish Council. It is assumed if the building is not occupied by the Parish Council then reservations would be through a management company. Any planning permission would condition the hours of use of the community building to be between 10am and 7:30pm Monday to Saturday and not at all on Sundays or Bank Holidays to protect the amenities of the existing and future residents from unacceptable noise and disturbance including the flatted development above. The two flats, to be sited above the community use, would be arranged over two levels so that they would be stacked so that the majority of the bedrooms of both units would be at second floor level and not directly above the community use. The hours of use finishing at 7:30pm would be acceptable in terms of relationship with the residential properties above.
- 7.6.4 The development would also include publicly accessible open space within the site. The gym and reuse building would provide a private facility that would solely be used by

residents of the development. The agent has advised that these facilities will be secured by fob access and the fobs will be allocated to residents only.

- 7.6.5 No objections are raised with regards to the siting of a community building on site and the facilities proposed to be made available to residents.

7.7 Impact of proposal on heritage assets

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

- 7.7.2 Paragraph 208 of the NPPF advises that:

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

- 7.7.3 Paragraphs 212 and 213 of the NPPF state that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

- 7.7.4 Paragraph 215 of the NPPF advises that:

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

- 7.7.5 Policy DM3 of the Development Management Policies LDD (adopted July 2013) refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

- 7.7.6 There are no heritage assets, either designated or non-designated on the site however three heritage assets have been identified as having the potential to be impacted by the development of the Site:

- Oxhey Grange (Grade II, List Entry Number 1101593)
- Oxhey Grange Lodge (Grade II, List Entry Number 1174337)
- Watford Heath Conservation Area

- 7.7.7 The application is accompanied by a Heritage Assessment (HA). The Conservation Officer has confirmed that the proposed development would not result in any harm to any of the nearby heritage assets.

Archaeological Considerations

- 7.7.8 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment. The submitted HA considers archaeological interest.
- 7.7.9 Herts Archaeology have raised no objections to the development of the site subject to conditions.
- 7.7.10 In summary, in view of the specialist advice received, it is concluded that subject to conditions, there would be no adverse impacts on heritage assets or assets of archaeological interest. The proposed development in this respect complies with the NPPF (2024) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

7.8 Highways & Transport Impacts

- 7.8.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. The development subject of this application is specifically designed to cater for a variety of modes of travel including by motor vehicle but also proposes implementation of external enhancements that will encourage cycling and walking.
- 7.8.2 Policy CP10 states that ‘Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment’.
- 7.8.3 The NPPF at paragraph 115 sets out that in assessing specific applications for development it should be ensured that
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 7.8.4 Paragraph 116 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 7.8.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into

account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

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

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

- 7.8.7 The impact of the proposed highway works were assessed by Hertfordshire County Council as the Local Highway Authority (HCCHA). HCCHA originally objected to the proposed development advising that there is insufficient information to enable them to ensure the access would be safe from a highways perspective. The application has since been supported by a Stage 1 Road Safety Audit.

- 7.8.8 The development would include the addition of a new vehicular access onto Oxhey Lane. A central right hand turn reservation along Oxhey Lane to facilitate turning right into the site would also be implemented; this would part utilise the existing central reservation. A number of other off-site highway works are also included in the proposals and have been expanded following previous responses from HCC. The updated access and highway works are shown on submitted plan number 425.065707.00001-PD07 B and include:

- Priority junction with a right hand turn lane and any associated necessary works including signage and lighting.
- Widening of the existing footway on the north-east side of Oxhey Lane to create a shared use footway / cycleway from the site access to the existing shared use facility.
- Upgrading the existing uncontrolled crossing point on Oxhey Lane to a toucan crossing and any associated works.
- Double yellow lines on either side of the proposed junction.

- 7.8.9 HCCHA confirmed that following review of the submitted proposals, and a RSA1 and highway works by HCC's Highway Safety Team, there would not be a reason to recommend refusal for the proposals from a highway safety perspective, subject to a full assessment as part of the S278 technical review and incorporation (and ultimately implementation) of all of the proposed points in the designer's response. No objections to the proposed works to the highway network have been raised in relation to the proposed alterations to the highway to facilitate the development or the intensification of use of the highway network as a result of the proposed development.

- 7.8.10 In addition to the details within the submitted information HCCHA have also requested that the extent of double yellow lines along Oxhey Lane be illustrated. The extent of these have now been indicatively shown on the off-site highway works and it is recommended these be secured for the full length of the road from the site access to the toucan crossing. This is to ensure that adhoc vehicle parking linked to the new residential or community use is prevented in the interest of highway safety and capacity of the A road and cycleway/footway. This will also be secured under the s278 agreement.

Internal Layout

- 7.8.11 With regards to the internal layout HCCHA confirmed that the entrance road into the site (for the first approximately 80m from Oxhey Lane) has a carriageway width of 5.5m, which is acceptable. As you move further into the site the width of the carriageway reduces to 4.8m fronting the main access road fronting the dwellings and then reduces to 3.7m further into the site.
- 7.8.12 The HCCHA originally raised objections to the internal road layouts including concerns regarding gates/doors opening out, width of carriageways flanked by parallel car parking, keeping turning areas clear of parked cars; no changes to the internal road layouts have been provided during the course of the application. However, HCCHA has confirmed that there would not be a reason to recommend refusal from a highways perspective in respect of the internal layout of the site subject to conditions.
- 7.8.13 HCCHA is supportive of the proposed Parking Management Plan (PMP), one of the key elements of which is stated as “the residential roads and on-street parking will be controlled by a resident-owned management company to ensure that parking outside of designated bays does not occur”. HCCHA however noted that the PMP should include details as to how the vehicles are to be prevented from parking on the 5.5m stretch of road into the site in addition to the other residential roads and footways. The applicant has indicated that none of the proposed internal roads are intended to be dedicated and subsequently adopted as highway. Nevertheless the overall works should still be built to a design speed of 20mph and encourage to be constructed to adoptable standards.
- 7.8.14 HCCHA have confirmed that the swept path analysis plans are sufficient to illustrate that service and emergency vehicles would be able to access the necessary areas of the site, turn around on site and egress the site in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes which will be secured within a revised Parking Management Plan.
- 7.8.15 Following consideration of the subsequent details submitted by the applicant and above points, there would not be considered to be a reason to recommend refusal from a highways perspective in respect to the internal layout of the site, subject to appropriately worded planning conditions.
- 7.8.16 HCCHA last set of comments received confirming no objection to the scheme identified a need for an additional bus stop on the south west side of Oxhey Lane. The agent has confirmed that due to physical constraints along Oxhey Lane it would not be feasible to provide a new bus stop. HCCHA has confirmed there is reasonable justification to remove the request for the proposed new bus stop.
- 7.8.17 HCCHA has identified that the Travel Plan would need to be updated this would be secured within the S106.
- 7.8.18 HCCHA has confirmed that based on the access and sustainability measures proposed there would not be sufficient ground to recommend refusal from a highways safety perspective. The proposed development would be acceptable in accordance with Policies CP1 and CP10 of the Core Strategy.

7.9 Vehicle Parking and Sustainable Transport Measures

- 7.9.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions (for commercial development) set out in Appendix 5.

- 7.9.2 Appendix 5 of the DMP LDD identifies that residential developments should provide the following parking requirements per unit size:
- 2 Bed = 1 assigned space + 1 unallocated
3 Bed = 2 assigned space + 0.25 unallocated
4/5 Bed = 3 assigned spaces
- 7.9.3 Based on the existing parking standards the development would be required to provide a total of 220.5 residential parking spaces; with 132 assigned spaces. The proposal seeks to provide a total of 145 available parking spaces to serve the residential units; a shortfall of 75.5 spaces. This includes a total of 65 on street assigned roadside spaces and 66 on plot spaces, 9 visitor spaces and five disabled spaces.
- 7.9.4 The development would result in a shortfall of 75.5 parking spaces based on the standards as set out within Appendix 5 of the DMP LDD. The site is considered to be located within a sustainable location within the District considering it is within walking distance of infant schools, bus stops, railway stations (Bushey approximately 20 minute walk and Carpenders Park approximately 23 minute walk) and amenities.
- 7.9.5 To reduce reliance on private modes of transport the development proposes the provision of three car club cars (served by three dedicated parking spaces), three quadricycles (these are comparable to a moped or scooter which has a roof, doors and seatbelts) and 10 electric bikes that can be hired by residents. The scheme proposes that these will be purchased at the outset of the development and residents can use the vehicles at a nominal cost to cover insurance. The long term costs would then be passed to the management company to cover maintenance and replacement vehicles. The revised block plan identifies the allocation of parking spaces per unit and that each allocated parking space would be served by electric charging points which would be available to all residents and will be secured by condition.
- 7.9.6 Three parking spaces, including one disabled space would serve the community building. It has been confirmed that the proposed community building would have a F2b use which would be used as halls or meeting places for the principal use of the local community. Appendix 5 of the DMP LDD stipulates that public halls require 1 space per 9sqm gross floor area or 1 space per 3 fixed seats plus 3 spaces per 4 staff members. The community building would have a floorspace of approximately 91sq.m; no full time staffing of the community part of the building has been identified. Based on floorspace requirements alone 10 parking spaces should be provided (not including staff members). Considering the size of the community space one disabled parking space would be sufficient to serve the development.
- 7.9.7 The shortfall in parking has been identified. Offsite works to improve connectivity and sustainability of the site to Carpenders Park have progressed significantly. These measures are discussed in detail in the Highways Safety section of this report (Section 7.7). These measures would significantly improve connectivity to Carpenders Park and encourage people to cycle and walk. The introduction of double yellow lines along either side of the access and between the site and toucan crossing would prevent any potential overflow parking from the site along Oxhey Lane.
- 7.9.8 The application is supported by a Parking Management Plan; any planning permission would include a condition that a revised Parking Management Plan is submitted in support of the application. This will ensure that all parking spaces are allocated to the dwellings as per the approved plans, details of allocation of the disabled parking and the management of the internal roads to prevent obstruction.
- 7.9.9 Although it is noted that the proposal would not meet the parking provisions as set out within the Development Plan it is considered that due to the location of the site and onsite and

offsite sustainability and accessibility measures proposed no objections are raised with regards to the parking levels proposed.

7.10 Impact on residential amenity of neighbours, and consideration of quality of accommodation for future residents

- 7.10.1 Paragraph 135 (f) of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. As the application site is sited close to a commercial development Paragraph 200 of the NPPF is applicable which advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.10.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities. Design Guidelines for residential development are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.10.3 This application seeks full planning permission for the construction of 96 residential units, a community building and ancillary buildings including a battery storage area, reuse building and gym.
- 7.10.4 Five detached dwellings would be sited close to the northern boundary of the site. Amended plans have been received which reorientates the dwelling on Plot 32 so that the rear elevation of the building would face south west and the proposed flank elevation would face the north western boundary which adjoins the rear boundaries of the neighbouring properties at Elms Avenue. The rear elevations of the other four dwellings would face in a northern direction at a slight angle to the north western boundary so would not have a back to back relationship with the neighbouring properties that front Elm Avenue. The dwelling on Plot 32 (where the flank elevation would face the boundary with properties fronting Elm Avenue) would be sited a minimum of 4m from the north western boundary. Plots 33-36 which would have the rear elevations facing in the northern direction would be sited a minimum of 8.3m from the boundary with the neighbouring properties to a maximum separation of 24.7m.
- 7.10.5 The land levels of the site drop in a north to south direction with the levels set lower than the neighbouring properties. The proposed dwellings on plots 32-36 would be set at a lower level to the existing levels. The plan titled Section identifies that the dwellings on Plots 32-36 would be set on land levels approximately 1.8m lower than the neighbouring properties. In addition, the dwelling on Plot 32 has been reorientated so that the front elevation would face the flank of Plot 33 and the rear elevation would face in a north western direction with the flank elevation facing the neighbouring properties of Elm Avenue. The dwelling on Plot 32 would not include any first floor windows in the flank elevation that would face onto the existing neighbouring properties.
- 7.10.6 The dwelling on Plot 33 would have a rear elevation sited the closest to the boundary with the neighbouring properties. A distance of approximately 42m would separate the closest points of the proposed building and neighbouring building. As previously noted the buildings would be at an angle to each other so there would not be a direct back to back relationship. The proposed siting of the buildings would exceed the 28m back to back distance guidance as set out within Appendix 2 of the DMP LDD. The proposed dwelling on Plot 33 would be

sited within 14m of the boundary with Elm Avenue whilst the dwellings on Plots 34-36 would exceed the 14m set back from the neighbouring boundaries. The dwelling on Plot 33 would be set at an angle to the boundary so the first floor rear windows would not directly face the building of the neighbouring properties. Due to the siting of the proposed dwellings there would be a degree of overlooking into the neighbouring gardens. However, close boarded fencing of approximately 1.8m in height is sited along the rear boundaries of the properties fronting Elm Avenue, this will be retained. The relationship between the existing properties and proposed dwellings, orientation of the buildings, in addition to the 1.8m set down in land levels, would prevent the proposed dwellings from resulting in unacceptable levels of overlooking into the neighbouring gardens and dwellings. This would also prevent the siting of the proposed dwellings from resulting in a dominant relationship with the existing neighbouring properties.

- 7.10.7 Plots 22-25 would have rear elevations that would face onto the south western boundary that adjoins Auburn Mere Residential Home. These properties would be sited a minimum distance of 7.4m from the boundary with the neighbouring care home. The flank elevation of Plot 25 would run parallel to the garden serving a property fronting Elm Avenue; the proposed dwelling would be sited 9.2m from this boundary. The dwellings on Plots 25 and 26 would be sited a sufficient distance from the neighbouring properties on Elms Avenue as to not result in any loss of light or harm to the visual amenities of the neighbouring properties on Elm Avenue. Due to the orientation of the proposed dwellings no unacceptable overlooking into existing properties would result.
- 7.10.8 The access road would run parallel to the boundary with Auburn Mere Residential Home; with a minimum distance of 12m separating the proposed access road and neighbouring boundary. Plots 22-25 would face the car park serving Auburn Mere Care Home due to the relationship between the proposed dwellings and neighbouring building the proposal would not result in any loss of light, impact on the visual amenities or overlooking of the building of Auburn Mere Care Home.
- 7.10.9 The commercial unit that adjoins the southern boundary of the site contains a mixture of residential and commercial units. The proposed residential dwellings would not directly front the residential properties within the neighbouring site. Due to the siting of the proposed dwellings and indicative siting of the neighbouring residential properties and the landscaping to be retained no harm to the residential amenities or overlooking of the residential properties on the neighbouring commercial site would result from the proposed development.
- 7.10.10 The proposed buildings would not be visible from neighbouring properties sited on the western side of Oxhey Lane or within Carpenders Park due to the separation, existing built form and woodland.
- 7.10.11 The boundary treatment plan identifies that part of the boundary treatment alongside the boundary with the commercial unit would consist of 3m high acoustic fencing to protect future residents from noise from the neighbouring unit. This would help to prevent the neighbouring commercial unit from being restricted by the construction of a residential development on site.
- 7.10.12 The development includes a battery storage area which would be located approximately 15m from the closest boundary of the application site. The noise impacts and necessary mitigation measures generated from this feature is covered in the Noise and Vibration Section below.
- 7.10.13 The proposed development would not result in unacceptable overlooking, loss of light or unacceptable impact on the residential amenities of neighbouring properties through built form or noise and disturbance. The proposed development would be in accordance with Policy CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the DMP LDD.

Quality of residential amenities of future occupants

- 7.10.14 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved.
- 7.10.15 The guidance advises that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings or existing mature trees. Where space in the front of a house is assigned to that particular property, it should be defensible space in the sense of being enclosed as part of the original layout. Soft landscaped frontages also need to be carefully designed to avoid situations whereby future occupiers pave over front lawns to accommodate parking.
- 7.10.16 Amenity space requirements are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). The guidance advises that for each dwellinghouse the following amount of amenity space should be attained as either individual gardens or in part, as space forming settings for the buildings:
- 2 bed dwelling - 63 square metres
 - 3 bed dwelling - 84 square metres
 - 4 bed dwelling - 105 square metres
 - Additional bedrooms - 21 square metres each
- 7.10.17 For flatted development the requirement is 21 square metres for one bedroom flats with an additional 10 square metres for each additional bed space. Communal space for flats should be well screened from highways and casual passers-by.
- 7.10.18 The rows of terraced properties would have a back to back distance of approximately 21m. Plots 28/29 and 30/31 would have a back to back distance of 14m; this distance has been increased following submission of an amended plan. The proposed back to back distances would not meet the 28m guideline as set out within the Design Criteria. There would also be the rear elevations of the terraced properties overlooking the gardens of Plots 79 and 87 with approximately 9m separating the rear elevations of the terrace properties and neighbouring flank boundaries. It is noted that the plans indicate some properties would be separated by low level hedging along the rear boundary. This would be a choice for future residents whether they would wish to include privacy screens. However, the dwellings would predominantly contain amenity space provision that would include a 3m private zone abutting or close to the dwelling that is not visible from the gardens or ground floor habitable rooms of adjoining properties in accordance with the guidance as set out within the Design Criteria.
- 7.10.19 The flatted development would include raised first floor balconies, sited along the south east and north west elevations. Due to the relationship with the neighbouring properties to the north east there would be a degree of overlooking from the south eastern balcony into the gardens of the terraces. This would be overcome through the addition of a condition requiring a 1.8m high screen along the north east elevation of the balcony. Any planning permission would also include conditions requiring the first floor windows to be inserted within the north eastern elevation of the building to be obscure glazed and that no additional windows are inserted within the first or second floors of this elevation. It is noted that two of the bedrooms within unit 95 which is the flatted development would only be served by rooflights. Whilst these bedrooms would not be served by direct windows they would still be capable of receiving natural light and ventilation.

- 7.10.20 Although the high density layout of the scheme would result in inherent overlooking between properties a high proportion of each garden would include a private zone abutting or close to the dwelling that would not be visible from the gardens or ground floor habitable rooms of adjoining properties.
- 7.10.21 The table as shown in the Accommodation Schedule (attached as **Appendix 3**) identifies the amenity space provision serving each unit. The amenity spaces would fall below the indicative levels for each unit type and size. Each dwellinghouse would however be served by useable private space and the site would include open space in different locations within the site that would be accessible to future occupiers. The flatted development would include balconies.
- 7.10.22 The development is high density reflective of the sustainable location of the site. Considering the dwellings would be served by gardens and there is open space on site that can be used by occupants no objection is raised in this regard.
- 7.10.22 Plots 81, 82, 84, 85, 89, 90, 91 and 92 would have gardens that would back onto trees to be retained. Whilst the trees could result in a degree of overshadowing of the gardens and leaf drop the dwellings would be sited a sufficient distance from the trees to prevent unacceptable overshadowing of the dwellings. No objection of the relationship of the dwellings to the trees to be retained has been raised by the Landscape Officer. Some of the gardens that would adjoin the south east and south west boundaries with the commercial unit would be enclosed to the rear by 3m high acoustic fencing to protect from unacceptable noise from the neighbouring commercial unit. These gardens would be of sufficient depth and width that would prevent the amenity space provision from being unduly enclosed by the proposed boundary treatment. A condition would also be attached to any planning permission regarding details to be submitted to ensure that no unacceptable noise or disturbance to future and existing residents results from the proposed battery storage area.
- 7.10.23 Although the proposed development would not fully meet all of the policy requirements in terms of amenity space standards and the back to back distances it is not considered that the proposal would provide unacceptable living standards for future occupants.

7.11 Pollution – Air Quality

- 7.11.1 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- 7.11.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:
- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
 - Introduce new point sources of air pollution e.g. furnaces.
 - Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.
- 7.11.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.11.4 The application is accompanied by an Air Quality Assessment. The assessment states that it has been demonstrated that the emissions from the additional traffic generated by the proposed development will have a negligible impact on air quality conditions at all existing receptors along the local road network.

7.12 Pollution – Noise and Vibration

7.12.1 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.12.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) sets out that planning permission will not be granted for development has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.12.3 The application is accompanied by a Battery Noise Impact Assessment. This is due to the site containing an onsite building for energy storage to store the anticipated excess energy generated through the proposed PV panels to meet the high carbon reductions proposed. The assessment sets out mitigation that would make the siting of the battery storage area acceptable. The mitigation measures include the installation of 3m high acoustic fencing around the building which should be set a maximum of 2m from the battery unit along the north edge and built of solid material with no gaps. The assessment further clarifies that the inside of the panels should be lined with 50mm Class A acoustically absorbent material. Further any directional components of the ESS battery or PCS should be orientated such that it is facing away from residential development.

7.12.4 Environmental Health (EHO) has been consulted on the proposed development. No objections have been raised in relation to the siting of the dwelling to the existing commercial premises. Concerns have however been raised with regards to the on site plant and machinery and potential noise implications of these features and impact on existing and future residents. Any planning permission would include a condition requiring details of noise levels and mitigation measures to be installed to ensure the external noise levels generated by the plans and machinery does not exceed the required limits to protect occupants in accordance with Policy DM9 of the DMP LDD.

7.13 Pollution – Light

7.13.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

7.13.2 The application is supported by a Private Lighting Impact Assessment. This document does not include lighting within the proposed curtilages but impacts of lighting from within the site. It identifies that the impacts of the addition of lighting on this currently undeveloped field; no

harm has been identified. It notes that lighting should be positioned away from neighbouring sites and pointed into the development. The assessment also includes mitigation measures during the construction phase. Herts Ecology has also not objected to the proposed lighting plan in relation to impact on protected species. Herts Highways Authority have identified that the lighting of the internal roads would need to be delivered to HCCs lighting strategy and specifications. Any planning permission would need to ensure that any changes to the lighting to meet highways requirements is designed to not impact on residential amenity or have ecological impacts. Subject to conditions the lighting would not impact on the amenities of neighbouring properties.

7.14 Pollution – Land Contamination

7.14.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

7.14.2 The development site was a formerly used as landfill which the Environment Agency advised would contain sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Lambeth Group Secondary A aquifer and the deeper Chalk Principal aquifer, as a result of the proposed redevelopment of the site. The majority of the site is located within an Outer Source Protection Zone (SPZ2) associated with an Affinity Water public water abstraction approximately 2km west of the site (Eastbury Pumping Station). The application is accompanied by a Ground Investigation and Desk Study which has been reviewed by the Environment Agency, Environmental Protection/Health Officer and Affinity Water. No objections have been raised subject to conditions.

7.15 Impact on Wildlife, Biodiversity and Agriculture

7.15.1 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.

7.15.2 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

7.15.3 Footnote 62 states “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.

7.15.4 Paragraph 192 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 7.15.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.15.6 Policy DM6 of the Development Management Policies LDD (adopted July 2013) advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.15.7 The site was historically used for landfill. Currently the site is used for equestrian grazing and the site is contained by vegetation or built form. The site is not considered to be best and most versatile agricultural land.
- 7.15.8 The proposed development would result in an approximate 37% biodiversity net loss. Baseline habitats comprise other neutral grassland, scrub (blackthorn, mixed, and bramble), ponds, ruderal, other broadleaved woodland, and rural trees. Most of the broadleaved woodland at the southwest section of the site would be enhanced.
- 7.15.9 Herts Ecology Officers comments notes that the site contains 10 out of 12 species for Local Wildlife Site criteria. However, the officer confirmed that following a site visit it was confirmed that, with the exception of Fleabane, all other indicators appeared rare. As such, the site is unlikely to justify LWS status. The development will include on site biodiversity units however due to the constraints of the site by virtue of its size offsite BNG is required to meet the overall 10% net gain. Herts Ecology raised no objections to this approach. They have however requested that on site compensation should seek to preserve the most abundant indicator ‘Fleabane’. Any planning permission would include a condition requiring this.
- 7.15.10 Additional information has been submitted in relation to Great Crested Newts. Herts Ecology has confirmed that sufficient information has been submitted identifying that the nearby ponds would not be a constraint on the development. Thus, no objections are raised in this regard subject to an informative. Herts Ecology have also confirmed the current lighting proposals indicate minimal effects on the most important habitats onsite, and sufficient effort has been demonstrated to retain as much of the dark corridors as possible given the size of the development. Any planning permission would include a condition that the external lighting of the site would be required to be carried out in accordance with the submitted lighting proposals and no external lighting shall be implemented other than that approved.
- 7.16 Landscaping and Impact on trees
- 7.16.1 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.16.2 The NPPF sets out at paragraph 193c) that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

- 7.16.3 The site contains a wooded area at the entrance to the site. The Landscape Officer has confirmed that eight 'B grade' (good quality) trees and tree groups would need to be removed, and around 30 'C grade' (poor quality) trees to facilitate the development; which include a number of protected trees. The Soft Landscape Plan indicates that the site would include the planting of large, medium and small trees and shrubs and native hedgerows (consisting of Large trees: 42, Medium trees: 141, Street trees: 30 Swale/rain garden trees: 31) details of which need to be secured by condition. The Landscape Officer has not raised any objections to the proposed removal of the trees, including protected trees as it is considered that any impact could be mitigated over time through replacement planting.
- 7.16.4 No objections have been raised from the Landscape Officer with regards to the siting of the proposed dwellings and amenity space provision in terms of future pressure to fell and lop any trees to be retained. Thus, no objections are raised subject to conditions.
- 7.17 Energy Efficiency
- 7.17.1 Paragraph 161 of the NPPF states that "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".
- 7.17.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.17.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.17.4 The application is accompanied by an Energy and Sustainability Statement. This sets out that the proposed development would provide 126.4% improvements over Part L Building Regulations. The proposed development would include sustainable measures including construction materials. The assessment states that the development would achieve a net zero operational carbon footprint by generating more renewable energy on-site through PVs than the projected annual consumption. The assessment states 'the renewable energy generated by PVs is estimated to exceed the predicted energy demand of the homes on site. The drive for this significant surplus of energy generation comes from a desire to achieve guaranteed Zero Energy Bills for all residents using central battery storage to create a Smart Microgrid for energy sharing in partnership with Octopus Energy'. The supporting evidence identifies that the scheme has the capacity to generate Zero Energy Bills for 5 years. However, the agent has confirmed that the zero energy bills cannot be secured at planning permission stage thus is not a feature that can hold any weight in favour of the proposed development.
- 7.17.5 The proposed development would exceed the requirements of Policy DM4 and provide a highly sustainable development using innovative building operations and use of renewables with the provision of on site storage infrastructure. The proposed development would be in accordance with Policy CP1 of the Core Strategy and Policy DM4 of the DMP LDD.

7.18 Flood Risk and Drainage

- 7.18.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 of the Development Management Policies LDD (adopted July 2013) refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.18.2 The site is wholly within Flood Zone 1 as defined by the Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance). It has been identified that the site contains some areas at high risk of surface water flooding.
- 7.18.3 The application is supported by a Flood Risk Assessment and Drainage Strategy Report (BWM, 8 January 2026).
- 7.18.4 Having reviewed the additional information the LLFA have advised that the submitted details are in accordance with the NPPF and local planning policy and they therefore raise no objection subject to conditions. The requested conditions relate to the provision of detailed designs of a surface water management scheme prior to commencement; a construction phase surface water management plan; details of maintenance and management of SUDs and verification report. The conditions are considered necessary to make the development acceptable in planning terms, ensuring the satisfactory management of local sources of flooding of surface water; to ensure the development achieves a high standard of sustainability; and to ensure that the construction does not result in flooding on or off site.
- 7.18.5 Thus the proposed development would be in accordance with Policy CP1 of the Core Strategy and Policy DM8 of the DMP LDD.
- 7.18.6 Thames Water (TW) have confirmed that they have identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan, including temporary measures, has been agreed.

7.19 Refuse and Recycling

- 7.19.1 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
- 7.19.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.

- 7.19.3 HCC would require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site.
- 7.19.4 In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt, is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisation concerns.
- 7.19.5 Environmental Protection have reviewed the submitted information and have confirmed that the proposed bin store provisions and pull distances are acceptable. No objections are raised in this regard.
- 7.20 Safety and Security
- 7.20.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.
- 7.20.2 No objection has been raised by the Designing Out Crime Officer in this regard.
- 7.21 Infrastructure Contributions
- 7.21.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the application site falls within Area C which has a nil (£0) charge.
- 7.21.2 Currently the following monetary contributions are requested:
- HCC Education:
Secondary = £1,360,656.00 index linked to BCIS (Q1 2024)
SEND = £184,537.00 index linked to BCIS (Q1 2024)
- HCC Waste:
Waste transfer station = £11,046.00 index linked to BCIS (Q1 2024)
- ICB
Healthcare = £160,512.00 (indexed from date of decision)
- Herts County Council Highways Authority
Travel Plan Monitoring = £6000.00 (index-linked RPI March 2014)
- 7.21.3 Offsite units for Biodiversity Net Gain would be secured via a S106 Agreement,
- 7.21.4 An associated monitoring fee of £5,900.00 in association with 30 year monitoring period for the onsite biodiversity net gain proposed would be secured.
- 7.21.5 Monitoring fees for various parts of the scheme would also be required to be secured. Total calculated to be £1026.00.
- 7.21.6 With regards to healthcare provision it is noted that the ICB have identified that it the existing healthcare provision would not be able to accommodate the additional patent numbers

arising from this development. In light of this the monetary contribution of £160,512 (index linked) seeks to mitigate the health impacts of this development.

7.21.7 Below sets out the other elements of the scheme that would be required to be secured within a S106:

- Affordable Housing – 2 Social rented units; 27 Affordable rented units (capped at LHA); 19 shared ownership – the unit sizes per tenure will be required to be secured as per approved plan 337 B No. (00) 002 Rev P04.
- Communal transport provisions including – delivery of 10no. electric bicycles, 3no. electric vehicles and 3no. electric quadricycles to be secured for the lifetime of the development and management.
- Community Centre – Secure delivery, management and operational details
- Travel Plan - which will be required to include: (a) a programme for its implementation; and (b) proposals for an annual review of the implementation of the Plan to be carried out and submitted to the local planning authority; and (c) proposals for a Sustainable Transport Information Pack to be provided to the first household to occupy each dwelling hereby permitted, which shall include bus service timetables, walking and cycle routes/maps, taxi services, details of the booking and insuring of the car club, quadricycle and electric bikes, details of local amenities and facilities and a sustainable travel voucher to the value of £100 per dwelling and £50 per flat.

7.22 Presumption in favour of Sustainable Development and Planning Balances

7.22.1 As part of the decision making process, there are various planning balances that must be undertaken by the decision maker. Paragraph 11 of the NPPF stipulates that decisions should apply a presumption in favour of sustainable development. NPPF Paragraph 11 states that for decision-taking this means:

‘d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.’

7.22.2 The Council can only demonstrate a 1.7 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be ‘out of date’. In respect of d) i although it has been identified that the proposal would not fully accord with all of the policies of the Development Plan it is not considered that the application of policies in this Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed.

7.22.3 In accordance with Paragraph 11 d) ii. an assessment should be made as to whether the adverse impacts of granting the development would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 7.22.4 The planning application consideration will be assessed (both harms and benefits) against the following weightings: substantial, significant, moderate and limited.
- 7.22.5 Some parts of the development, summarised below, do not fully accord with the guidelines set out within Development Management Policies DM1, DM13 and Appendices 2 and 5 including:
- Parking provision to serve the development would fall short of current parking standards.
 - The proposed dwellings would be served by amenity space that would be less than the standards as set out within the Local Plan.
 - Impact on the residential amenities of existing properties through overlooking of the neighbouring amenity space and a degree of overlooking between the proposed properties.
- 7.22.6 Notwithstanding the above, the site is within walking distance of Bushey Train Station and the development would include improvements proposed to facilitate accessibility of the site to surrounding areas such as Carpenders Park. These measures include off site cycle and walking enhancements, management of on site parking, introduction of double yellow lines along Oxhey Lane and on site measures such as hire cars and bikes. With regards to amenity space provision, open space would be provided within the site and the site is located within walking distance of open space. Further, the amenity space and relationship between properties would be features that buyers would be aware of when purchasing the properties.
- 7.22.7 As identified within the analysis section of this report although the proposed development may not fully accord with the guidelines of some of the Development Plan policies no adverse impacts of the development have been identified and a reason for refusal would not be justified. For the reasons set out above and in detail in the preceding sections, at most, limited weight (both individually and cumulatively) is attributed to the parts of the development that would not fully comply with the Development Plan.

Benefits of the Scheme

- 7.22.8 A number of benefits have been presented by the applicant which are summarised below (including commentary from the Planning Statement supporting the proposed benefits). The benefits associated with the scheme include:

Provision of Housing – The delivery of 96 homes will make a significant contribution to the Council's identified shortfall in housing delivery. The scheme is for family housing of either 2 bed, 3 bed or 4 bed homes. Considering the 1.7 year housing land supply there is a significant need for housing significant weight is attributed to the delivery of 48 market houses. **Substantial weight** is attributed to the delivery of 2, 3 and 4 bed market houses.

Provision of 50% Affordable Housing – The delivery of 48 affordable homes represents a substantial and urgently needed intervention. Although the affordable housing would not meet the requirements of Policy CP4 in that it would not meet the 70/30 split it has been confirmed that the affordable housing provision proposed would be the viable split. Further the proposal would deliver 50% affordable housing. **Substantial weight** is attributed to the delivery of 48 affordable units.

Provision of Community Building – The proposal would include a flexible space for the community. Taking into consideration the location of the community building away from the settlement of Carpenders Park and that there is no substantive evidence that there is a need for the provision of a community building in this location **limited weight** is attributed to this provision.

Immediately Deliverable – Application is purposefully a detailed full application to allow for quick transition if granted. Thus could make an immediate and meaningful contribution to the housing stock. Although this is commended it has not been proposed to reduce the required three year implementation date or the time taken to construct the development. In light of this **limited weight** is attributed to this.

Low Carbon Development – The scheme seeks to optimise self-consumption of site renewable energy generation and reduce reliance on the grid. The scheme overall achieves a 126.4% improvement in carbon reductions over Part L Building Regulations. **Significant weight** is attributed to the low carbon development proposed to be delivered.

Enhancement of the Natural Environment – The proposals deliver a transformative enhancement of the site. Central to the scheme is the preservation and revitalisation of the existing woodland, which will serve as both a natural play space, a key ecological corridor and the principal access route. This would form part of the required provision for open space and enhancements that are required to facilitate the loss of biodiversity resulting from the proposed development and required open space. Offsite credits are required to mitigate against the loss of on site biodiversity. **Neutral weight** is therefore attributed to this.

High Quality of Design – The scheme has been designed by collaboration of two award winning architects. Design is subjective. The proposal would deliver a high density development where the building will be of a consistent design with roadside parking. The application has not been subject to an independent design review and the site would be isolated where it would not relate to or be visible from public vantage points outside of the site. However, the NPPF does highlight at paragraph 139 that significant weight should be given to innovative designs which promote high levels of sustainability should attract significant weight. The construction methods and renewable design measures will deliver highly sustainable development of which **Significant weight** is attached.

Benefits	Weighting in Support
Market Housing	Substantial
Affordable Housing	Substantial
Sustainable development	Significant
High Quality Design	Significant
Community Building	Limited
Immediately deliverable	Limited
Enhancement of Natural Environment	Neutral

- 7.22.9 Turning to the performance of the proposal against the relevant key policies in the Framework as set out in paragraphs 66 and 84 of chapter 5; 91 of chapter 7 (which is not relevant to this application); 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12).
- 7.22.10 The development accords with paragraph 66 which states that where major development involving the provision of housing is proposed, decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. The proposed development would meet identified local needs in accordance with the Development Plan.
- 7.22.11 The site is not isolated, it is consistent with paragraph 84 of the Framework which seeks to restrict isolated developments. The site's accessibility credentials and the nature of the transport related components of the development could facilitate journeys by alternative means to the motor car. As such, development would be consistent with paragraphs 110 and 115 of the Framework which seek to actively manage patterns of growth to promote sustainable transport; limit the need to travel; offer a genuine choice of transport modes;

provide safe and suitable access for all; and mitigate any significant impacts on the transport network.

- 7.22.12 The scheme is considered to be consistent with paragraphs 135 and 139 of the Framework as it would deliver an innovative design that would promote high levels of sustainability.
- 7.22.13 Notwithstanding the non compliance with some of the development plan provisions, the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework would be met. Furthermore, in addition to the weighting of the benefits set out in this section paragraph 158 of the Framework states that development which complies with the Golden Rules, as is the case here, should be given significant weight in favour of the grant of permission.
- 7.22.14 Overall, it is clearly demonstrated that the failure of the development to fully accord with the guidelines set out with Development Plan Policies, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the 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.

8. Recommendation

- 8.1 **The APPLICATION BE DELEGATED TO THE HEAD OF REGULATORY SERVICES TO GRANT PLANNING PERMISSION 25/1055/FUL following the completion of a S106 Agreement to secure the Heads of Term set out at section 7.21 and subject to the conditions and informatives set out in Appendix 2.**

Watford Rural Parish Council	1.1.1	Object
Three Rivers District Council – Tree and Landscape Officer	1.1.2	No objection
Three Rivers District Council - Conservation Officer	1.1.3	No objection
Herts County Council Highways Authority	1.1.4	No objection
Herts County Council Lead Local Flood Authority	1.1.5	No objection
Herts County Council Archaeology	1.1.6	No objection
Herts County Council Minerals and Waste	1.1.7	No objection
Herts County Council Water Officer	1.1.8	No objection
Transport for London	1.1.9	No comment
Network Rail	1.1.10	No objection
National Grid	1.1.11	No objection
British Pipeline Agency	1.1.12	No objection
Active Travel England	1.1.13	No comment
Thames Water	1.1.14	No objection
Affinity Water	1.1.15	No objection
Environment Agency	1.1.16	No objection
TRDC Local Plans Team	1.1.17	No objection
TRDC Housing	1.1.18	Comments
Herts Constabulary Safety Design Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	No objection
Environmental Health (Contamination)	1.1.21	No objection
National Highways	1.1.22	No objection
Herts County Council Ecology	1.1.23	No objection
Watford Borough Council	1.1.24	Objection
Hertsmere Borough Council	1.1.25	No objection
National Health Service	1.1.26	Commented
TRDC Environmental Protection	1.1.27	No objection
TRDC Environmental Health (Residential)	1.1.28	No comments received
TRDC Transport and Parking	1.1.29	No comments received
TRDC Leisure Department	1.1.30	No objection
Natural England	1.1.31	No comments received

Appendix 1:

1.1 Statutory Consultation

1.1.1 Watford Rural Parish Council [Object]

Watford Rural Parish Council formally objects to the above planning application. We strongly believe that the proposed development is inconsistent with national and local planning policies and would result in substantial and irreversible harm to the character, infrastructure, and environmental quality of the Carpenders Park area.

This objection draws upon the application's submitted documentation and identifies direct conflicts with the National Planning Policy Framework (NPPF, 2023), the Three

Rivers Core Strategy (2011), and Development Management Policies (2013). It also reflects the clear concerns of our local residents and councillors.

Summary of Objections

1. Highways Safety and Congestion

The site is accessed from a section of road that is fast-moving, with no designated right-turning lane. This raises significant safety concerns. The Transport Assessment fails to mitigate or realistically address these risks.

Policy Conflicts:

- NPPF paragraph 111 – Developments should be refused if they create unacceptable highway safety impacts.
- TRDC Policy CP10 and DM4 – Sustainable and safe transport access must be ensured.

2. Flood Risk and Drainage

Carpenders Park is already prone to surface water flooding. The submitted Flood Risk Assessment and Thames Water's response highlight inadequate drainage infrastructure and network capacity concerns.

Policy Conflicts:

- NPPF paragraph 167 – Development must not increase flood risk elsewhere.
- TRDC Policy DM8 – Requires robust SuDS and flood prevention design.

3. Green Infrastructure and Biodiversity

The Biodiversity Net Gain Assessment does not demonstrate a significant gain and involves the loss of mature vegetation that serves as a vital green buffer between Hertsmere and Watford.

Policy Conflicts:

- NPPF paragraphs 174 & 180 – Development must minimise impacts on biodiversity.
- TRDC Policy CP11 and DM6 – Protects green infrastructure and promotes biodiversity.

4. Visual Impact and Urban Sprawl

The proposed layout and massing lack sensitivity to the semi-rural fringe character of Carpenders Park. The development creates an impression of urban coalescence with Hertsmere due to the absence of any green transition zone.

Policy Conflicts:

- NPPF paragraph 130 – Developments must be sympathetic to local character.
- TRDC Policy DM1 and DM14 – Protect local character and important views.

5. Infrastructure Strain

No meaningful evidence has been submitted to demonstrate how local GP surgeries, schools, and community facilities will absorb the increased demand. The Health Impact Assessment lacks robustness.

Policy Conflicts:

- NPPF paragraph 8 – Strong, healthy, and well-serviced communities must be supported.
- TRDC Policy CP2 and CP6 – Requires demonstration of adequate infrastructure capacity.

6. Environmental Pollution (Air, Light, Noise)

There are cumulative effects identified across assessments that have not been sufficiently mitigated, particularly with regard to artificial lighting and air quality.

Policy Conflicts:

- NPPF paragraph 185 – Requires protection from pollution impacts.
- TRDC Policy DM9 – Pollution control and protection of residential amenity.

Conclusion

Watford Rural Parish Council urges Three Rivers District Council to **refuse** this application on the grounds outlined above. The scheme would significantly and unacceptably harm the character and sustainability of the local area and sets an undesirable precedent for development on this urban fringe.

We request that this letter be formally recorded as a **material representation**.

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

1.1.2 TRDC Landscape Officer [No objection – Conditions suggested]

The Site is within Metropolitan Green Belt and there are trees on site protected by Tree Preservation Order (TPO181). A Public Right of Way (footpath 012 Watford Rural), also known as Merry Hill Green Way runs northeast /southwest along the southeast boundary of the site.

The submitted plans indicate that eight 'B grade' (good quality) trees and tree groups would need to be removed, and around 30 'C grade' (poor quality) trees to facilitate the development, this includes several trees protected by TPO. However, this removal of trees could be mitigated over time through the replacement tree planting indicated on the soft landscaping plans.

From a landscape perspective it would be desirable to see a pedestrian link through from the southeastern end of the site to the Right of Way, to give future residents

access into the wider countryside and an off-road commuting route to Bushey. If the application is approved, a compliance condition requiring the tree protection method statement and landscaping plans to be implemented in full.

1.1.3 Conservation Officer - [No objection]

The application is for Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works.

The application site is an irregular plot of land containing a vacant fire damaged dwelling and greenfield land for horse grazing to the northeast of Oxhey Lane between the Auburn Mere Residential Care Home and Any Skips commercial site. The site features the derelict Woodlands Cottage and associated garage (also derelict) but no other built form. In addition to the housing, the proposal would add a new pedestrian and vehicular accesses into the site, retain the undeveloped land fronting onto Oxhey Lane, remove the existing boundary wall and add additional landscaping.

There are no heritage assets, either designated or non-designated on the Site and the submission has identified three heritage assets which have the potential to be impacted by the development of the Site:

- Oxhey Grange (Grade II, List Entry Number 1101593)
- Oxhey Grange Lodge (Grade II, List Entry Number 1174337)
- Watford Heath Conservation Area

Oxhey Grange has architectural interest from the building's high-quality detailing, form and surviving historic fabric, in a high Victorian Gothic style. It has historic interest due to its association with architect Willima Young and illustrative interest as part of Oxhey Grange Estate. There is a strong physical separation between the Site and Oxhey Grange and they are not historically associated, with the setting of the Grange set within its own grounds to the southwest. As a result, the Site does not currently contribute to the significance of Oxhey Grange, and the proposal would not have a harmful impact on its significance.

The Site is located approximately 150m to the southeast of Oxhey Grange Lodge. The Lodge dates from the early twentieth century and has architectural interest in relation to its stone and brick construction and historic fabric. It has historic interest due to its association with Oxhey Grange Estate. The Site is part of its wider setting but there is no historic association between the two and only limited intervisibility. The proposal may result in a small degree of intervisibility with the Lodge. However, due to the circumstances described above the proposal would not result in harm to its significance. Due to the potential limited degree of intervisibility, a strong boundary treatment on the northwestern boundary is encouraged and this appears to be form part of the proposal.

Watford Heath Conservation Area is located approximately 300m to the southeast of the Site. Its significance and special interest relate to its architectural and historic

interest, connected to the buildings and the landscaped setting of the central village green and associative links to the Oxhey Grange Estate. There is extensive modern built form separating the Site from the Conservation Area and other open space areas as well. The Site does not appear to contribute to the significance of the Conservation Area and the proposal would not appear to harm the significance of the Conservation Area. However, the Conservation Area is in a neighbouring borough and appropriate consultation should be undertaken with the relevant authority.

This response has been provided in the context of Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 199 and the National Planning Policy Framework (NPPF) Chapter 16 'Conserving and Enhancing The Historic Environment'.

1.1.4 Herts County Council Highways Authority – [No Objection – previous objections have been overcome]

1.1.4.1 **Comments received January 2026 removing objections:**

Recommendation

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

1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

a. Amended plans to illustrate that the all gates /doors into the proposed dwellings open inwards to prevent gates / doors opening out onto the adjacent footways.

b. Indicative plan showing the location of a new bus stop on the south-wide side of Oxhey Lane to support northbound bus services. The bus stop would need to be located within a suitable walking distance from the site and be accessible via a safe uncontrolled crossing made up of pedestrian dropped kerbs and tactile paving with a suitable level of vehicular to pedestrian visibility.

c. Indicative plan showing double yellow lines along the full extent of the shared cycleway/footway on the east side of Oxhey Lane from the site access to the proposed toucan crossing.

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

2. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works, indicatively show on drawing number 425.065707.00001-PD07 B in addition to extended double yellow lines and a new northbound bus stop, have been submitted to, and approved in writing by, the Local Planning Authority. These works shall include:

- ☐ *Priority junction with a right hand turn lane and any associated necessary works including signage, drainage and lighting.*
- ☐ *Widening of the existing footway on the north-east side of Oxhey Lane to create a shared use footway / cycleway from the site access to the existing shared use facility.*
- ☐ *Upgrading the existing uncontrolled crossing point on Oxhey Lane to a toucan crossing and any associated works.*
- ☐ *Double yellow lines on either side of the proposed junction.*
- ☐ *Double yellow lines along the full extent of the shared use cycleway / footway on east side of Oxhey Lane from the site access to the toucan crossing.*
- ☐ *New northbound bus stop and accompanying infrastructure including hardstanding, kassel kerbs, bus pole and bus cage.*
- ☐ *Construction vehicle access.*

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

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

3. Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;*
- b. Access arrangements to the site;*
- c. Traffic management requirements*
- d. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);*
- e. Siting and details of wheel washing facilities;*
- f. Cleaning of site entrances, site tracks and the adjacent public highway;*
- g. Timing of construction activities (including delivery times and removal of waste);*
- h. Provision of sufficient on-site parking prior to commencement of construction activities;*

i. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway;

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).

4. Parking Management Plan

APPROPRIATE WORDING TO BE CONFIRMED THROUGH DISCUSSION TRDC.

Informatives

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

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

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

AN) Roads to remain private: The applicant has indicated that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that they are private roads and the developer should put in place permanent arrangements for long-term maintenance.

Planning Obligations / S106 Contributions

The following 106 contributions are sought:

A Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post full occupation. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed along with the provision of Residential Travel Vouchers to each dwelling on site of £100 per house and £50 per flat.

Comments

The site is proposed to be accessed via one new access from Oxhey Lane (A4008). Oxhey Lane is designated as a classified A main distributor roads, subject to a speed limit of subject 30mph (changing to 40mph to the south-east of the proposed access point) and is highway maintainable at public expense. Oxhey Lane is classed as P2/M2 (multi-function road) on HCC's Place & Movement Network.

A Transport Assessment (TA) and a number of subsequent transport notes with associated revised highway / access arrangements (and accompanying Stage One Road Safety Audit & Designers Response (RSA1)) have been submitted as part of the application. The latest highway / access plans with accompanying RSA1 were submitted on 05/12/2025 Hertfordshire County Council (HCC) as Highway Authority (HA) has previously recommended refusal on the proposals for the reasons as laid out in its responses dated 24/07/2025, 29/08/2025 and 07/11/2025.

1. Access

a. Highway Works

The proposals include a new priority junction with kerbed bellmouth access to provide vehicular and pedestrian access into the site, including a right hand turn lane on Oxhey Lane.

A number of other off-site highway works are also included in the proposals and have been expanded following previous responses from HCC as HA, specifically in relation to insufficient sustainable travel facilities to and from the site. The updated access and highway works are shown on submitted plan number 425.065707.00001-PD07 B and include:

- o Priority junction with a right hand turn lane and any associated necessary works including signage and lighting.
- o Widening of the existing footway on the north-east side of Oxhey Lane to create a shared use footway / cycleway from the site access to the existing shared use facility.
- o Upgrading the existing uncontrolled crossing point on Oxhey Lane to a toucan crossing and any associated works.
- o Double yellow lines on either side of the proposed junction.

Following review of the submitted proposals, and a subsequent review of the RSA1 and highway works by HCC's Highway Safety Team, there would not be a reason to recommend refusal for the proposals from a highway safety perspective, subject to a full assessment as part of the 278 technical review and incorporation (and ultimately implementation) of all of the proposed points in the designer's response. The technical approval of any detailed designs would ultimately be subject to the necessary 278 process' safety and design checks. The 278 plans would need to take account for the points raised in the RSA1 and associated reviews.

TN03 previously confirmed that "double yellow lines ('no parking at any time') would be added around the site access to minimise the risk of ad-hoc parking on Oxhey Lane" and protect the new cycleway / footway and necessary visibility splays. Following a previous recommendation from HCC as Highway Authority, the extent of

these have now been indicatively shown on the off-site highway works / access plan (drawing number 425.065707.00001.PD07 B). Following further consideration of the scale of the proposals; the nature of Oxhey Lane as a busy A road; the levels of onsite vehicle parking and the extent of the existing and new shared cycleway/footway, the double yellow lines would be recommended to be secured for the full length of the facility from the site access to the toucan crossing. This is to ensure that there is adhoc vehicle parking linked to the new residential or community use is prevented in the interest of highway safety and capacity of the A road and cycleway/footway.

The double yellow lines can be included as part of the 278 application and processed as part of that application, albeit the double yellow lines themselves would be secured via a separate Traffic Regulation Order.

The applicant would therefore need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the technical approval of the design and implementation of the necessary works that would be needed on highway land. The applicant would need to submit the RSA1 as part of the Section 278 application. Please see the above conditions and informatives for more information in relation to applying for the 278.

b. Internal Site Road Layout

The entrance road into the site (for the first approximately 80m from Oxhey Lane) has a carriageway width of 5.5m, which is acceptable and in accordance with HCC's Place & Movement Planning and Design Guidance (PMPDG). As you move further into the site the width of the carriageway reduces to 4.8m fronting the main access road fronting the dwellings and then reduces to 3.7m further into the site. HCC as HA has previously made comments in respect to the width of the carriageways further into the site as part of its original consultee responses.

HCC as HA would be supportive of the proposed Parking Management Plan (PMP), one of the key elements of which is stated as "the residential roads and on-street parking will be controlled by a resident-owned management company to ensure that parking outside of designated bays does not occur". The PMP should include details as to how the vehicles are to be prevented from parking on the 5.5m stretch of road into the site in addition to the other residential roads and footways.

The applicant has indicated that none of the proposed internal roads are intended to be dedicated and subsequently adopted as highway. Nevertheless the overall works should still be built to a design speed of 20mph and encourage to be constructed to adoptable standards. The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

Appropriate lighting and surfacing within the site, including at the shared surfaced areas, would need to be provided to ensure that vehicles are clear that other users would also be using the space. A private lighting strategy has been submitted as part of the latest documents in Dec 2025. Any lighting in the site should be provided taking

into account HCC's lighting strategy and specifications as laid out in the PMPDG Part 3, Chapter 17 and Part 4, Chapter 16.

Swept path analysis and tracking plans for a refuse vehicle and fire tender were submitted as part of the original TA for internal layout of the site and also for the most recent highway / access plans for the access from the highway. The plans are sufficient to illustrate that service and emergency vehicles would be able to access the necessary areas of the site, turn around on site and egress the site in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes – linking to aforementioned PMP. The collection method for waste collection would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

Following consideration of the original TA and subsequent transport notes submitted by the applicant, the HA does not have any specific concerns in respect to access for emergency vehicles.

Nevertheless following consideration of the size of the development, details of the proposals have previously been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Following consideration of the subsequent details submitted by the applicant and above points, there would not be considered to be a reason to recommend refusal from a highways perspective in respect to the internal layout of the site, subject to appropriately worded planning conditions.

2. Parking Level and Design

HCC as HA would not object, in principle, to the level of vehicle parking as proposed (which is lower than that as outlined in TRDC's parking standards). The acceptability of such levels would only be considered acceptable, subject to the necessary off-site highway works previously referred to (and conditioned) and submission of the aforementioned full and updated PMP.

Please note that TRDC as the Local Planning and Parking Authority for the district would need to take a view on any parking proposed levels, the submitted Car Park Management Plans and also be satisfied with any parking restrictions that may be needed.

The layout and dimensions of all vehicle and cycle parking spaces and associated manoeuvring areas for both the residential and commercial aspects of the development should be designed in accordance with HCC's PMPDG, Part 4, Chapter 6. The width of the parking spaces should be 2.5m by 5m for a standard space and increased to 2.7m if there is any obstruction on one side or to 2.9m if there is an obstruction on both sides. Any proposed perpendicular parking spaces would need to be provided at a size of 6m by 2.5m to be in accordance with PMPDG.

3. Trip Generation, Distribution and Traffic Impact Assessments

a. Trip Generation and Distribution

A trip generation and distribution assessment has been included in section 5 the TA, the details of which have been based on trip rate information from the TRICS database and census data. This approach and criteria used is considered to be acceptable by HCC as HA. Based on the TRICS database, the number of vehicular trips associated with the proposed development are estimated to be 51 two-way vehicle movements in the AM peak (0800-0900) and 48 two-way vehicle movements in the PM peak (1700-1800) for the residential use.

In respect to trip generation “the census data suggests that 50% of trips associated with the sitewould travel to/from the A4008 north, with 44% travelling to/from the A4008 south”.

b. Junction Modelling

A Junctions 10 PICADY assessment has been carried out for the proposed development access / Oxhey Lane priority junction to a future year of 2030 both without and with the development, using baseline traffic data, TEMPRO growth factors to 2030 and the above TRICS vehicle trip rates in the AM and PM peak. The results of the modelling show that the Ratio of Flow to Capacity (RFC) of all arms at the junction are well within the generally agreed practical capacity of 0.85 (at between 0.04 to 0.08).

From a highways and transport perspective, HCC as HA has assessed and reviewed the capacity and modelling results from the proposals in the context of paragraph 116, National Planning Policy Framework (NPPF) (update 2024), which states that:

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

4. Bus Services

The nearest bus stops to the site are located to the northwest of the proposed accessed point onto Oxhey Lane with the southbound stop approximately 340m from the site access and northbound stop approximately 500m from the site access.

Following consideration of the distance of the northbound bus stop on Pinner Road, which is greater than the maximum walking distance of 400m from the site, an additional bus stop is provided on the south-west side of Oxhey Lane. The stop would need to be provided in a location that would be accessible via a safe crossing point for pedestrians with a sufficient level of vehicular to pedestrian visibility in either direction and in a reasonable walking distance from the site. Pedestrian dropped kerbs and tactile paving would need to be provided to create an uncontrolled crossing point in addition to a suitable level of hardstanding, easy access kassel kerbing (4 full and 2 transition kerbs), bus stop pole and bus cage at the new bus stop. Any location would also need to not interfere with the safe use of the remaining proposed highway

works. The additional bus stop would be necessary to ensure that the proposals are in accordance with PMPDG, part 3, chapter 5 and CHIT's Planning for Walking (2015)

The bus stops are currently served by services 346, which currently runs an hourly service on

Mondays to Saturday between Watford and Northwood. The stops are also served by R16, R17, which provide once daily services on Monday, Wednesday and Fridays as a circular service through Watford, Bushey, South Oxhey and Carpenders Park.

5. Travel Plan

A Travel Plan (TP) has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application.

Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 (index-linked RPI March 2014) are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed along with the provision of Residential Travel Vouchers to each dwelling on site of £100 per house and £50 per flat. For further information please see the following link

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplan@hertfordshire.gov.uk

As such, the TP would need to be updated taking into account the following:

- Provide details of interim Travel Plan Co-ordinator (TPC)
- Once TPC is appointed, secondary contact details to the TPC must be provided.
- A link to digital channels for information provision (app and website) should be provided to HCC prior to occupation.
- Cycling related events should be specified – e.g. Dr Bike event.
- HCC Cycle training should be promoted to residents.
- Evidence of incentives should be provided to HCC (bus, retail).
- Ad-hoc surveys of facilities use, uptake on promotions i.e. residential travel vouchers, incentives must be included in monitoring.
- Traffic data collection in line with HCC monitoring methodology for Travel Plan must be included as part of monitoring.
- Monitoring must take place on an annual basis for the 5 year period.

- The travel plan should be reviewed annually, and a review report should be submitted every year for 5 years within 3 months of surveys being conducted.
- The Travel Plan coordinator should work with HCC on achieving travel plan accreditation on the Modeshift Stars Platform.

6. Conclusion

Following consideration of the overall application and the associated off-site highway works, HCC as Highway Authority has considered that there would not be sufficient ground to recommend refusal from a highways perspective. The applicant would ultimately need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC as HA would not wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions, obligations and informatives.

1.1.4.2 First objection received July 2025:

Recommendation

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

1. Insufficient details have been submitted to demonstrate that the proposed transport and access arrangements are acceptable and sufficient. The proposals have therefore not been demonstrated to be in accordance with policy guidelines as outlined in the National Planning Policy Framework (NPPF), specifically paragraphs 115 and 117 and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

The site is proposed to be accessed via one new access from Oxhey Lane (A4008). Oxhey Lane is designated as a classified A main distributor roads, subject to a speed limit of subject 30mph (changing to 40mph to the south-east of the proposed access point) and is highway maintainable at public expense. Oxhey Lane is classed as P2/M2 (multi-function road) on HCC's Place & Movement Network.

A Transport Assessment (TA) has been submitted as part of the current application.

It has been considered that there are insufficient details submitted at this stage in order for HCC as Highway Authority to consider the proposals acceptable from a highway and transport perspective.

Therefore it is recommended that further details are provided and amendments taking into account the following points:

1. Proposed Access and Road Safety Audit

In the context of the nature and location of the proposed new access and associated works onto a main distributor A road, a Stage One Road Safety Audit and Designers

Response would be required to be submitted for all of the proposed highway works. This would be required to assist in identifying any considerations or amendments that may be required from a safety perspective.

Clarification is also sought in respect to the point made in the TA, section 4.11, which states that “the junction spacing (offset) between the proposed and existing accesses complies with HCC’s requirements (i.e. 43m separation for adjacent junctions). These offset distances are achievable to the existing access to Auburn Mere Residential Care Home to the north and a site known to sell Christmas Trees to the south (Appendix B)”. Drawing number 425.065707.00001.PD01 A shows the junction space between the site access and the Christmas Tree site as being 35m.

2. While HCC as Highway Authority would not object, in principle, to the level of vehicle parking as proposed (which is lower than that as outlined in Three Rivers District Council (TRDC)'s parking standards), this should be supported by appropriate infrastructure improvements to support the maximisation and promotion of sustainable travel alternatives. Consideration has not been given to:

- a. Providing improved crossing point(s) for pedestrians and cyclists from the development side of Oxhey Lane (north side) to the Carpenders Park on the south side of Oxhey Lane.
- b. Providing a safe crossing point for pedestrians across the large vehicular access opening into the Christmas Tree site.
- c. Improving cycling provision to and from the site e.g. through the provisions of an extended shared use cycleway/footway into the site to link to the existing shared use pedestrian /cycle path on the northeast of Oxhey Lane (to the southeast of the site) and provide a link to public bridleway Watford Rural 031.
- d. The potential for vehicles to park on the highway footway and/or carriageway on Oxhey Lane, particularly for the proposed community use or other visitors to the site, which links into the lack of consideration to improve sustainable and active travel options as outlined above.

Whilst HCC as Highway Authority is supportive of the suggested on-site cycle hire, this should be supported by appropriate infrastructure considerations and improvements on the surrounding highway network.

Please note that TRDC as the Local Planning and Parking Authority for the district would need to take a view on any parking proposed levels and be satisfied with any parking restrictions that may be needed on the adjacent highway, dependent on the submission of other details as outlined in this response.

3. Internal layout points – not necessarily a reason to recommend refusal from a highways perspective but lack of details at this stage to suggest that the following points have been sufficiently considered.

- a. Many of the proposed dwellings have gates/doors that open out onto the proposed footways. This would cause a potential obstruction and safety issue for users of the adjacent footways and the gates /doors should be amended to open inwards into the properties.

b. The entrance road into the site (for the first approximately 80m from Oxhey Lane) is 5.5m wide, which is acceptable and in accordance with HCC's Place & Movement Planning and Design Guidance. As you move further into the site the width of the carriageway reduces to 4.8m fronting the main access road fronting the dwellings and then reduces to 3.7m further into the site. Consideration should be given to the following:

i. The 4.8m wide carriageways are bordered by parallel car parking spaces.

Has the potential for doors opening out into the carriageway been considered?, a carriageway which would be used by cyclists and therefore could be a potential barrier to encouraging cyclists to use the site.

ii. Some of the 3.7m width carriage areas including the stretch providing access to plots 79 to 94 do not have separate footways and would therefore act as shared used areas. Whilst HCC as Highway Authority is not opposed to shared use access areas providing access to 25 dwellings or less, the 3.7m width carriageway could be a barrier to some pedestrians using this area particularly when refuse and other large vehicles are using the road where there would be limited space for pedestrians to pass.

iii. Provisions would need to be considered to ensuring that the proposed turning areas for refuse vehicles, emergency vehicles and other service / delivery vehicles are kept clear of parked vehicles, which would be particularly important when taking into account the narrow carriageways in the site and lack of two way vehicle passing on the 3.7m width stretches.

Emergency Vehicle Access

Following consideration of the size of the development, details of the proposals and have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Conclusion

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. Insufficient details have been submitted to demonstrate that the proposals are acceptable and in accordance with the NPPF and LTP4 at this stage specifically in relation to providing safe and suitable access to all users. Therefore the above details and information are being recommended to be provided and/or considered.

1.1.4.3 **Second set of comments received following review of additional information, comments August 2025 – objection maintained:**

Proposal

Supplemental details submitted including Road Safety Audit.

Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an

access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works

Recommendation

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

1. The proposed transport and access arrangements have not been demonstrated to be acceptable or sufficient. The proposals are therefore not in accordance with policy as outlined in the National Planning Policy Framework (NPPF), specifically paragraphs 115 and 117 and Hertfordshire County Council's (HCC) Local Transport Plan 4 (LTP4), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

Please see comments / highways response below for more detail.

Comments

The site is proposed to be accessed via one new access from Oxhey Lane (A4008). Oxhey Lane is designated as a classified A main distributor road, subject to a speed limit of subject 30mph (changing to 40mph to the south-east of the proposed access point) and is highway maintainable at public expense. Oxhey Lane is classed as P2/M2 (multi-function road) on HCC's Place & Movement Network.

A Transport Response (TR) (SLR No. 425.065707.00001) and Stage 1 Road Safety Audit & Designers Response (RSA1) have been provided in response the original Highways consultee response dated 24/07/2025, which recommended refusal. A Transport Assessment (TA) was submitted as part of the original documents submitted.

Following a review of the supplemental details submitted, there are still insufficient details and provisions to enable HCC as the Highway Authority to consider the proposals acceptable from a highway and transport perspective. In order to be considered acceptable, further details would need to be provided and amendments taking into account the following points:

1. Proposed Access and Road Safety Audit

The Highway Safety Team at HCC has provided a Road Safety Review of the submitted RSA1. The reviewer has concerns in relation to problem 3.2.1 "Possible risk of side impact or rear end shunts due to insufficient forward visibility". It is not clear that there is a design solution which addresses this forward visibility concern. Therefore visibility splays from the right turn lane should be provided for review at the current design stage.

The reviewer also has concerns that in response to problem 3.3.1, the right turn lane may not be sufficiently wide enough based on the curvature, although this could potentially be mitigated by minor widening of the lane.

The designers response is considered acceptable for problems 3.1.1, 3.1.2, 3.3.2.

The Highway Safety Team identified one additional problem in respect to Road Signage. The reviewer notes that several signs associated with the development are shown to be relocated rather than renewed. While relocation may retain their functional positioning, it does not guarantee that the signs will meet current standards for visibility, condition, or conspicuity, particularly where the signs are worn, dirty and partially obscured. Given that the junction lies on a transition into a lower speed limit area, the use of yellow backing boards on terminal speed limit signs would enhance driver awareness and reinforce the change in environment.

Additionally, vegetation clearance is recommended to ensure that visibility to signage remain unobstructed. The inclusion of speed limit roundels on the carriageway surface at terminal positions would further reinforce the speed limit change and improve compliance.

Following consideration of the review, particular attention should be made to points 3.2.1 and 3.3.1 at this planning application stage to ensure that sufficient mitigation has shown to be achievable and sufficient.

2. SLR Response 3 in the TR refers to the points made in respect to appropriate infrastructure improvements to support the maximisation and promotion of sustainable travel alternatives . Despite the points made in the TR, it is considered that insufficient consideration has been given to:

a. Providing improved crossing point(s) for pedestrians and cyclists from the development side of Oxhey Lane (north side) to the Carpenders Park on the south side of Oxhey Lane. The TR states that “there is a shared pedestrian / cycle crossing to the immediate south of By the Wood”. This is incorrect as it is not designed as a shared use facility and would therefore need to be upgraded to a shared use facility in accordance with Cycle Infrastructure Design: Local Transport Note 1/20 (LTN 1/20) if this is intended to be part of the cycling route between the site and Carpenders Park.

b. Providing a safe crossing point for pedestrians across the large vehicular access opening into the Christmas Tree site. Points 2.10 to 2.13 of the TR refers to this and states that the existing “access has operated without any recorded pedestrian, cycle or child casualties between 1999 and 2023”. This does not however mean that the arrangement is sufficient to support the new development which would be required to be able to provide safe and suitable pedestrian accessibility to and from the site for a larger number of pedestrian users. Any provision and design should be taking into account DFT’s Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (IM) , LTP4 and the NPPF, which is not currently the case. At the very least, tactile paving should be provided and a refuge island considered.

The TR makes reference to the Christmas Tree site access width as being “shorter than the equivalent configuration to the south that serves Braeside and The Old Brickworks”.

This point has limited weight as parts of it serve a residential driveway with low levels of vehicle movements and the overall design is more pedestrian friendly with clear

priority given to pedestrians using the highway footway and a more favourable angle and visibility for all users. Nevertheless this section would also need to be improved if it were to act as the cycling route to and from the site as referred to in point c of this response.

c. Improving cycling provision to and from the site. Point 2.6 of the TR states that “the site is connected to Carpenders Park via the existing footway / shared use facility along the north side of Oxhey Lane”. This is incorrect as the shared use facility does not commence until approximately 300m southeast of the proposed site access. Insufficient details and plans have therefore been provided as to how cyclists would safely travel between Carpenders Park and the site and between the site and public bridleway Watford Rural 031.

Point 2.16 states that cycle flows to/from the site connecting to the existing shared use facilities (and existing facilities) “are not considered substantial enough to justify physical widening of the footway. Such widening would also adversely impact the existing right-turn facilities at the accesses between the site and Carpenders Park.” Whilst this may well indeed have an impact on whether or not the right turn facilities can be safely provided, the onus is on the applicant to demonstrate that a safe and suitable access to and from the site can be made for all users, including vehicles and cyclists.

Point 2.18 states that “It is considered that cycle signage and cycle road markings between the Site and public bridleway Watford Rural 031”. This has not been demonstrated to be a safe nor suitable option at this stage and is not in accordance with LTN1/20 or IM and has not been included in the submitted safety audit.

d. The potential for vehicles to park on the highway footway and/or carriageway on Oxhey Lane, particularly for the proposed community use which links into the lack of consideration to improve sustainable and active travel options as outlined above. This point is still relevant when taking into account the above points.

Whilst HCC as Highway Authority is supportive of the suggested on-site cycle hire, this should be supported by appropriate infrastructure considerations and improvements on the surrounding highway network. Without an appropriate level of off-site provision, it is limited as to how feasible it is to promote cycling as a safe and easy travel option for all future residents of the site. One of the justifications made for not requiring improvements to the existing footway (which is also proposed to function as the route for cyclists) is that flows would not be high enough which is counter to the site’s objectives to promote sustainable travel options (which in itself is being used to justify the lower level of on-site vehicle parking). The points made are therefore quite contradictory in this respect.

Please note that TRDC as the Local Planning and Parking Authority for the district would need to take a view on any parking proposed levels and be satisfied with any parking restrictions that may be needed, dependent on the submission of other details as outlined in this response.

3. Internal layout points – as previously stated these are not necessarily a reason to recommend refusal from a highways perspective and the applicant has indicated that

they do not intend to offer the internal road(s) to be dedicated as highway. Nevertheless as a responsible authority, the points raised are deemed to be reasonable and require consideration by the applicant and TRDC as the Local Planning Authority.

In respect to the gates/doors that open out onto the proposed footways, HCC as Highway Authority would recommend amended plans at the consultation and/or suitably worded condition in this respect, as suggested in the TR.

HCC as Highway Authority would be supportive of the suggested Parking Management Plan, to be secured via an appropriately worded condition which should also include provision to ensure that all necessary turning areas and pedestrian footways are kept free from any parked vehicles.

Emergency Vehicle Access

As referred to in the Highway Authority's previous response, details of the proposals have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Conclusion

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. Insufficient plans have been submitted to demonstrate that the proposals are acceptable and in accordance with the NPPF and LTP4 specifically in relation to providing safe and suitable access to all users.

1.1.4.4 Third objection received – November 2025

(TN03) dated 17/10/2025 has subsequently been submitted by SLR Consulting Ltd. TN03 includes a summary of the transport considerations to date and an Oxhey Lane Enhancements Plan (drawing number 425.065707.00001-PD05 A).

The considerations to improve the provision for cyclists and pedestrians is acknowledged, which include widening of the existing footway to a shared use facility along the majority of its length between the site entrance and the existing shared use facility approximately 300m southeast of the proposed site access.

In order to be reviewed fully and considered acceptable, further details would need to be provided taking into account the following points:

1. It is acknowledged that a Stage One Road Safety Audit & Designers Response (RSA) was previously submitted but this did not cover the full highway works as now proposed. In the context of the nature and location of the proposed new access and associated works onto a main distributor A road, an updated RSA would be required to be submitted for all of the proposed highway works.

This would be required to assist in identifying any considerations or amendments that may be required from a safety perspective.

This would be particularly important when taking into account the localised narrowing of parts of the proposed shared use to less than 3m and also in the context of the previously raised comments in respect to the Christmas Tree Site access.

The plan also indicates a point stating “existing on-street cyclists to join widened shared use route here”. It is unclear how this would work in practice for cyclists travelling in both directions along Oxhey Lane but particularly in respect to cyclists travelling in a north-westerly direction. Where would cyclists travelling north-westerly go? This would also have an impact on the interaction between vehicular users of the new junction and cyclists.

2. The submitted enhancements plan includes some minor modifications to the existing unsignalized crossing point from the development side of Oxhey Lane (north side) to Carpenders Park on the south side of Oxhey lane. However the proposed modifications are not designed to create a shared use facility that would be in accordance with LTN1/20 and Inclusive Mobility. Therefore consideration of further improvements would be needed in this respect (e.g. toucan crossing) with suitable provision also for pedestrians and cyclists between the crossing and By The Wood.

3. TN03 confirms that “double yellow lines (‘no parking at any time’) would be added around the site access to minimise the risk of ad-hoc parking on Oxhey Lane”, which would be supported by HCC as Highway Authority. It would be recommended that these are indicatively shown at this stage in conjunction with the other proposed highway works in order to be fully assessed as part of an updated RSA. It would also be recommended that the parking restrictions are provided for a reasonable distance that also takes into account the necessary visibility splays from the proposed junction / access in either direction.

Conclusion

HCC as Highway Authority appreciates the additional proposals and work in respect to the off-site highway works. Nevertheless in order to make a full assessment of the acceptability of the proposals, particularly in the context of the highway safety considerations of the proposals, further details and considerations are recommended as outlined above.

This is to ensure that the proposals are in accordance with the National Planning Policy Framework (NPPF), specifically paragraphs 115 and 117 and Hertfordshire County Council’s (HCC) Local Transport Plan 4 (LTP4), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

In the absence of such details, HCC as Highway Authority would be unable to support the application proposals and would be required to recommend refusal of the planning application.

1.1.5 Herts County Council Lead Local Flood Authority – [No objection - previous objections have been overcome]

1.1.5.1 **Comments received January 2026 removing objections:**

The applicant has provided an updated Flood Risk Assessment (FRA) and Drainage Strategy document. This is to account for the local flood risk issues and surface water

drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and Three Rivers District Council Local Plan policies. However, there are parts of this application that do not accord with the new National Standards for Drainage (2025) which include no assessment of everyday rainfall interception, and a lack of above ground SuDS to avoid the use of so many pipes and tanks. This extent of underground geocellular storage should not be necessary on a greenfield site. The interception will partly be managed by the swale but the lined permeable paving would be harder to show that the first 5mm of rain does not leave the site.

We have **no objection subject to conditions being attached to any consent** if this application is approved. We suggest the following wording.

Condition 1: Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, FRA & Drainage Strategy (Flood Risk Assessment and Drainage Strategy Report, by BWM Ltd, Revision 5 dated 08 January 2026) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Plan Policies of Three Rivers District Council.

Condition 2: The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

a timetable for its implementation.

details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Plan Policies of Three Rivers District Council.

Condition 3: Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF Hertfordshire County Council Page 3 of 3

Condition 4: Construction shall not begin until a detailed construction phase surface water management plan to protect the site Surface Water Drainage features from any construction runoff has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

Condition 5: Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [LPA to SPECIFY link to Condition 1 above]. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms plus CCTV survey and topographic survey where appropriate. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Local Plan Policies of Three Rivers District Council.

Informative

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

1.1.5.2 First comment objecting

Thank you for your consultation on the above site, received on 3 July 2025. We have reviewed the application as submitted and wish to make the following comments.

This is a full application which involves demolition of existing structures and construction of 96 number of dwellings (Use class C3) with associated infrastructure within a site area of 3.48ha.

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

- The development is not in accordance with NPPF, PPG or Three Rivers local policies including Policy DM8 – Flood risk and Water resources and Policy DM9 – Contamination and pollution control.

Reason

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

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

A summary of the main points of this are:

- 1) As per the Environment Agency flood map, there is a flow path forming across the site in the 'Yearly chance of flooding between 2040 and 2060' scenario. This has not been assessed by the applicant, who has only considered the current day 'Yearly chance of flooding' scenario.
- 2) A surface water drainage scheme that prioritises the reuse of rainwater in line with the National Standards for SuDS, so correctly addressing the drainage hierarchy required shall be provided. Interception of the first 5mm of water must be shown to be managed by the drainage strategy without leaving the site.
- 3) It is noted that there is a pond proposed in the Flood Risk Assessment and Landscape Strategy which is not included in the drainage drawings or drainage calculations. The pond can provide water quality, biodiversity and amenity benefits.
- 4) LLFA notes that Thames Water has confirmed available capacity within their storm network which is an alternative discharge location. However, the applicant is required to provide in principle agreement for the outfall arrangements to the watercourse. Additionally, the drainage calculations do not provide information for 1% AEP event plus climate change water level of the watercourse and a surcharged outfall scenario may need to be provided.
- 5) It has been noted that the runoff coefficient (Cv) of 0.75 has been used in calculations. The applicant should revise the calculation with Cv value of 1.

- 6) The applicant should provide the calculation for 50% AEP and 3.33% AEP plus climate change allowance scenarios.
- 7) The applicant must ensure that finished floor levels are set at a minimum of 300mm above the maximum design water levels and 150mm above finished ground level, and this provision must be clearly accounted for in the development proposal.
- 8) The applicant is required to provide the biodiversity and amenity benefits; it has been noted that the central area of site needs more biodiversity and amenity elements.
- 9) The applicant must demonstrate water quantity benefits in open and above ground SuDS, since 57% of attenuation occurs underground.
- 10) LLFA acknowledges the inclusion of the exceedance flow route; however, the drawings show a flow path across the northwest buildings.
- 11) The applicant is required to provide the half drain down time for proposed Geocellular tanks.
- 12) Appropriate easements in accordance with the adopting authority's standards must be clearly indicated on the drawings for SuDS features, with a minimum width of 3 metres.
- 13) Provision must be made for a designated vehicular access route and off-road parking area to facilitate the maintenance of the attenuation tank / rain gardens.

Informative

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

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

1.1.5.2 Second Objection received (19 December 2025)

We **maintain our objection** to this planning application in the absence of an acceptable Flood Risk Assessment, Drainage Strategy and supporting information relating to:

- The development is not in accordance with NPPF, PPG or Three Rivers local policies including Policy DM8 – Flood risk and Water resources and Policy DM9 – Contamination and pollution control.

Reason

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

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

A summary of the main points of this are:

1) It is noted that there is a seasonal pond proposed in the northern portion of the site in the Flood Risk Assessment and Landscape Strategy which is not included in the drainage calculations. The pond can only be considered to provide water quality, biodiversity and amenity benefits towards the four pillars of SuDS if it is part of the formal drainage strategy.

2) LLFA notes that Thames Water has confirmed available capacity within their storm network which is an alternative discharge location. The section of Oxhey Brook ordinary watercourse in which the applicant intends to connect into, transverse into the most southern part of the site boundary. This section will be owned and maintained by the developer. An HCC-ordinary watercourse-consent-app-form will be required for with supplementary information including headwall detail, method statement and maintenance plan. This may be considered as a condition once other issues are appropriately addressed. Additionally, the drainage calculations do not provide information for 1% AEP event plus climate change water level of the watercourse, and a surcharged outfall scenario needs to be provided.

3) With the revised calculation, it appears that the 300mm freeboard from the maximum design water level to finished floor levels is still not maintained at few locations. The applicant must ensure that finished floor levels are set at a minimum of 300mm above the maximum design water levels and 150mm above proposed ground level, and this provision must be clearly accounted for in the development proposal. The FRA does not mention about proposed external ground level.

4) The applicant is required to revise the calculation as 50% AEP is surcharged in the drainage network, the maintenance is adopted by developer's management company.

5) The applicant should provide biodiversity and amenity benefits through SuDS across the site; it has been noted that the central area of site is lacking in biodiversity and amenity elements. The LLFA request that further consideration is given to source control/open above ground vegetated SuDS features.

6) The applicant must demonstrate water quantity benefits in open and above ground SuDS. As a greenfield site this amount of underground attenuation should not be necessary.

7) The applicant is required to provide the half drain down time for proposed Geocellular tanks. Where the half drain down time is not met, the applicant should use subsequent storms of the 1% AEP plus 40% climate change then the 3.33% AEP. The features with Node S5, S6.1, S7, S8, S9, S14, S16, S16.1, S17, S18, S19, S24.1, S24.2, S24.3, S24.5, S24.6 and S29 have missing half drain down time.

Informative

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

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

1.1.6 Herts Archaeology - [No objections – pre-commencement conditions requested]

ARCHAEOLOGICAL IMPLICATIONS

Thank you for consulting me on the above application.

No heritage assets of archaeological interest are known from within the proposed development site. However, as noted in the Archaeological Desk Based Assessment (HCUK 2025) report submitted with the planning application, there is an underlying potential for prehistoric, medieval and post-medieval activity. The earliest findspots within the study area originate from the Neolithic period with flint tools and representing 'the typical Chiltern surface industries of the Neolithic or Early Bronze Age' as described in Table 4. The remains of medieval ridge and furrow have been identified to the north, suggesting a broader agricultural landscape during this time, according to para. 4.28.

The site has not been subject to significant development or other disturbance, and according to the same Desk Based Assessment, cartographic evidence shows the development site has remained largely untouched since at least 1842. As a result, it is likely that if any archaeological remains are present on the remainder of the site, they are well preserved.

Therefore, I believe that given the size and scope of the proposed development, it should be regarded as having the potential to have an impact on heritage assets of archaeological interest, and I recommend that the following provisions be made, should you be minded to grant consent:

1. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;

2. such appropriate mitigation measures indicated as necessary by that evaluation.

These may include:

- a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
4. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 218, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

I hope that you will be able to accommodate the above recommendations.

1.1.7 Herts County Council Minerals and Waste Team - [No objection – pre-commencement conditions requested]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016.

The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.

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

Waste

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

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

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

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

Section 6.3 of the Planning Statement makes reference to the Waste Core Strategy and Development Management Policies DPD (2012). The policies in the adopted DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

It should be taken into consideration that the proposed site is located on an area of Historic Landfill (reference: EAHLD09974, Auburn Mere). It is also located adjacent to another area of Historic Landfill (reference: EAHLD12361, Oxhey Lane). The presence of and risk from contaminative materials should be a consideration in the proposal at this site.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). Section 5.1 of the Circular Economy Statement notes that a SWMP will be prepared prior to commencement of the project. The county council welcomes this commitment.

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary

materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

As a minimum, the SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991).

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)

Space for Later Recordings

- Space for the recording of actual figures against the estimated figures
- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to
- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

As a SWMP has not been produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:

Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

1.1.8 Herts County Council Fire and Rescue Department – [No objections – condition suggested]

Please note there is no main concerns from the HFRS water team but please note that HFRS will be seeking a condition for the provision of Fire Hydrants, at no cost to ourselves.

1.1.9 Transport for London – [No comment]

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

This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

1.1.10 Network Rail – [No objection]

Network Rail Ltd has no objections.

1.1.11 National Grid – [No Objection (as per British Pipeline Agency comments (1.1.12) confirming development would not impact on assets)]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team reviews the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision.

What you need to do

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at box.eaplantprotectionops@cadentgas.com

1.1.12 British Pipeline Agency – [No objection]

Thank you for your correspondence regarding the above noted planning application.

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

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

1.1.13 Active Travel England – [No comment]

In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.

1.1.14 Thames Water – [No objection – pre-commencement condition requested]

Waste Comments:

Waste Comments: Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. As such Thames Water request the following condition be added to any planning permission. “No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason – Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

Thames Water recognises this catchment is subject to high infiltration flows during

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

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

Public sewers are crossing or close to your development. Build over agreements are required for any building works within 3 metres of a public sewer and, or within 1 metre of a public lateral drain. This is to prevent damage to the sewer network and ensures we have suitable and safe access to carry out maintenance and repairs. Please refer to our guide on working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Please ensure to apply to determine if a build over agreement will be granted.

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

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

Water Comments:

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

suitably qualified environmental consultant.

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

1.1.15 Affinity Water – [No objection]

1.1.15.1 **Initial comments received, dated 21 July 2025, objecting:**

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

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

We currently **object** to the application as we require the submission of a Controlled Waters Risk Assessment for our review, to allow us to assess the application in greater detail and, if we are able to remove our objection, provide informed condition requirements. This further information should include but not be limited to the following:

- i Identification both the aquifer and the abstraction point as potential receptors of contamination (including turbidity generation from groundworks).
- ii The depth to water of the lower aquifer.
- iii Considered sampling of groundwater to inform the risk assessment
- iv Proposed construction measures (e.g. piling) that consider the risk to the aquifer and abstraction point.

A plan for this can be checked with us prior to submission to ensure all areas of concern for us are covered.

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

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

Water efficiency

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

Infrastructure connections and diversions

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

1.1.15.2 Second response received on 6 October 2025 removing objection subject to conditions:

Following on from our response dated 21/07/25 we have since been provided with further information for our review and we are now prepared to remove our objection, provided that the following conditions are applied to the development:

Contamination through Ground Works:

It should be noted that due to the proximity of the proposal on or within landfill, the foundation risk assessment (FRA) requested below will need to be specific to our concerns (e.g. it will need to be fully demonstrated that PAH and other contaminants from the landfill will not be drawn down into the aquifer and will need to consider the need for monitoring during the works) in order for us to recommend discharge. We can accommodate meetings with the developer prior to the development and submission FRA to ensure all our concerns have been covered if requested.

Condition 1

Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A **Foundations Works Method Statement and Risk Assessment** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation measures** (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- **Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement** in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

Contamination **during construction:**

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

Condition 2

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A **Remediation Strategy/Report** detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Contamination through **Surface Water Drainage:**

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

Condition 3

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

- **A Surface Water Drainage Scheme** demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

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

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

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

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

Water efficiency

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

Infrastructure connections and diversions

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

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

1.1.16 Environment Agency – [No objection – pre-commencement conditions requested]

Thank you for consulting us on the above planning application on 03/07/2025. As part of the consultation, we have reviewed the following submitted documents:

- Desk Study prepared by GEA, dated June 2025 (ref.: J24293);
- Ground Investigation prepared by GEA, dated June 2025 (ref.: J24293A);
- Flood Risk Assessment and Drainage Strategy Report prepared by BWM, dated June 2025 (ref.: 5951-BWM-XX-XX-RP-C-0001-ISSUE 2).

Environment Agency Position

Considering the information provided, **we have no objection to the proposed development given the inclusion of the following conditions on any grant of decision notice**. Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

The proposed development site's former use as a landfill means it contains sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Lambeth Group Secondary A aquifer and the deeper Chalk Principal aquifer, as a result of the proposed redevelopment of the site. The majority of the site is located within an Outer Source Protection Zone (SPZ2) associated with an Affinity Water public water abstraction approximately 2km west of the site (Eastbury Pumping Station). We note in section 4.5.1 of the submitted Ground Investigation by GEA (ref.: J24293A) that groundwater will not be a critical risk receptor. Because piled foundations are yet to be ruled out, nor the target depth/geology should they'd be installed to confirmed, we cannot rule out the creation of preferential pathways for contaminant migration to more sensitive groundwater receptors. The Lambeth Group beneath the London Clay is variable in terms of permeability and therefore could be in hydraulic connection with the Chalk, which is a Principal aquifer; there has been no discussion on this and we therefore are of the opinion that groundwater cannot be ruled out as a receptor.

Environment Agency Recommended Conditions

Condition 1 – Remediation Strategy /

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:

A preliminary risk assessment which has identified: all previous uses;
potential contaminants associated with those uses;
a conceptual model of the site indicating sources, pathways and receptors;
potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason for Condition 1 To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs 187, 196, and 197 of the National Planning Policy Framework.

Advice for Condition 1 The submitted Desk Study by GEA (ref.: J24293) will satisfy (1), and their subsequent Ground Investigation (ref.: J24293A) will satisfy (2). The recommendations outlined in section 7.1 in the latter should be carried out in accordance with LCRM guidance, as the site still exhibits unacceptable levels of contamination. It is recommended that controlled water receptors are considered more within any scope of future works. We recommend that developers should:

- follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination;
- refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as
 - human health;
 - consider using the National Quality Mark Scheme for Land Contamination Management, which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
- refer to the contaminated land pages on gov.uk for more information.

Condition 2 – Unexpected Contamination If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Condition 2 To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 187, 196, and 197 of the National Planning Policy Framework.

Condition 3 – Monitoring The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason for Condition 3 To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 4 – Investigative Boreholes A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason for Condition 4 To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with paragraph 187 of the National Planning Policy Framework. 4

Advice for Condition 4 Redundant boreholes that are not intended for monitoring should be decommissioned as soon as practicable as to not act as pathways for contaminants – either already present or associated with the construction phase – to migrate to sensitive groundwater receptors themselves. The decommissioning of boreholes at the site should be undertaken in line with the guidance presented in *Good practice for decommissioning redundant boreholes and wells* (Environment Agency, 2006) available at the following website: [ARCHIVED CONTENT] (nationalarchives.gov.uk).

Condition 5 – Verification Report Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason for Condition 5 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 6 – Piling Piling, deep foundations, or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason for Condition 6 To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. A foundation works risk assessment will be required, prepared with reference to Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention.

Advice for Condition 6 Piling has the potential to create preferential pathways, aiding the vertical migration of contaminants towards sensitive groundwater aquifers. We consider it prudent to include geotechnical investigation within the scope of any further intrusive ground investigation in order to inform foundation design. Continuous Flight Auger (CFA) piling is our preferred piling method, if piling is indeed deemed necessary. If the proposed strata for piles to terminate in is a Principal aquifer, **we strongly recommend exploring the feasibility of shallower foundations as much as possible**. If penetrative techniques are indeed to be used during the construction of this development, information to address these issues will need to be included as part of a risk assessment and should consider the following:

- identification of relevant receptors and baseline monitoring;
- determination of contaminants of concern and establishment of trigger values;
- a monitoring strategy to be implemented during and after piling;
- mitigation measures to be implemented should the agreed trigger values be breached.

Advice to Applicant

Waste

Contaminated soil that is (or must be) disposed of is waste, therefore its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991;
- Hazardous Waste (England and Wales) Regulations 2005;
- Environmental Permitting (England and Wales) Regulations 2016;
- The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information. Additionally, the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2), often referred to as "DoW:CoP", provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution;
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically. Refer to the Waste Classification Technical Guidance and the waste suitability page on gov.uk for information about what each type of waste comprises and what it can be used for. 6

Permitting

The construction of this project may be subject to a number of activities regulated through Environmental Permits (EPR), including (but not limited to):

- dewatering;
- Deposit for Recovery (DfR);
- Flood Risk Activity Permit (FRAP);

- use of drilling fluids;
- abstraction license;
- surface and groundwater discharge consent(s).

We recommend contacting the National Permitting Team for permitting matters and any issues likely to be raised as early as possible as the processing times vary depending on the type of permit and can be long in some cases.

Water Resources

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

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

Residential developments

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

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

Advice to Local Authority

The current drainage strategy as presented in the submitted Flood Risk Assessment and Drainage Strategy Report by BWM (ref.: 5951-BWM-XX-XX-RP-C-0001-ISSUE 2) is deemed acceptable. If it changes during another stage of planning, we request to be reconsulted, especially if it is to include infiltration drainage features.

Final Comments

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

In accordance with the planning practice guidance, please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

1.1.17 TRDC Local Plans Officer – [No objection]

Representation: The application relates to the development of 96 residential dwellings, associated flexible community floorspace, access, vehicle and cycle parking, sustainable urban drainage systems and landscaping. The application site is located wholly within the Metropolitan Green Belt.

The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

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

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The site is not within a defined settlement (although is located in close proximity to the settlement boundary of Carpenders Park) and is not previously developed land. The development would result in the net gain of 96 dwellings. The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of up to 96 dwellings would make a significant and positive contribution to much needed housing provision within the district. Additionally, there has been an undersupply of affordable housing

within the district throughout the plan period and as such there is a pressing need for the delivery of affordable housing. The submitted planning statement sets out that 50% of the dwellings would be affordable housing, which would make a significant and positive contribution to the affordable housing need within the District.

The application site is located in the Metropolitan Green Belt. Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 further sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless certain exceptions apply.

Paragraph 154 of the NPPF sets out the following exceptions to inappropriate development in the Green Belt:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Additionally, paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a.) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b.) There is a demonstrable unmet need for the type of development proposed;*
- c.) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d.) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157*

Policy CP11 of the Core Strategy states that ‘there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it’.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent version of the Local Housing Needs Assessment (LNHA) was finalised in 2024 and is the most recent update to the SHMA. The recommended mix for Three Rivers in terms of market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1- bed	2- bed	3- bed	4+ bed
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social / Affordable Rented Housing	20%	32%	35%	12%

It must be noted that Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. Policy CP4 sets out that the Council will “as a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate”.

The site is proposing the creation of flexible community floorspace. Policy DM12 (c) of the Development Management Policies Local Development Document states “Where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport”.

Whilst not located within a conservation area, the site is located relatively close to two Listed Buildings (to the west of the site). Paragraph 215 of the NPPF sets out that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. Policy DM3 of the Development Management Policies Local Development Document sets out that “applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment”.

The site is located relatively to a Local Wildlife Site to the south. Policy DM6 of the Development Management Policies Local Development Document sets out that:

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

- i) The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and*
- ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.*

1.1.18 TRDC Housing Officer – [Commented on scheme noting mix is not in accordance with 70/30 split]

Policy CP4 of the Adopted Core Strategy requires that 45% of new housing should be provided as Affordable Housing, unless it can be clearly demonstrated through

financial evidence that this is not viable. As a guide, the tenure split should be approximately 70% rented (of which 70% should be social rent and 30% affordable rent) and 30% affordable home ownership (with an indicative split of 50% First Homes and 50% shared ownership).

The Local Housing Market Assessment (2024) outlines the recommended proportions for housing mix in development proposals submitted to Three Rivers District Council. These proposals should generally aim for a mix of 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 4-bed units.

However, the identified need for affordable housing, based on the current housing register and the family composition of customers in temporary accommodation provided by the Council, suggests the following updated preferred mix: 20% 1-bed units, 45% 2-bed units, 30% 3-bed units, and 5% 4+ bed units. The primary need is for 2-bed, 4-person units, as there is a significant demand for family-sized accommodation to ensure families in temporary housing are offered permanent, suitable properties in a timely manner.

The proposed split is 50% affordable housing, with 60% allocated for social rent and 40% for intermediate housing. While our preference would be for a 70% social rent and 30% intermediate split, we are generally supportive of this proposal, provided the dwellings are of an appropriate size to meet our needs—specifically, family-sized units.

1.1.19 Herts Constabulary Safety Design Officer – [No objection]

Hope all is well , thank you for sight of planning application 25/1055/FUL, Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works, Land To The Rear Of Woodlands Cottage Oxhey Lane Carpenters Park.

I can see it is the client's intention to build this development to the police preferred minimum security standard Secured by Design, as detailed in the Design and Access statement Chapter 10 (page 94). I would ask that if this application is granted I could meet with the architect and developer to review the development from a security and designing out crime perspective.

1.1.20 Herts County Council Growth and Infrastructure Department – [No objection – advised infrastructure contributions required]

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **96 dwellings** we would seek financial contributions towards the following projects:

HOUSES		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	15	21
3	37	6
4+	15	0
Total	67	27

FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	0	0
3	0	2
4+	0	0
Total	0	2

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	0	48	48	0	0	0

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Secondary Education Contribution towards the delivery of a new secondary school at Carpenter's Park and/or provision serving the development £1,360,656 (which includes land costs of £26,246) index linked to BCIS 1Q2024)

Special Educational Needs and Disabilities (SEND) Contribution towards the delivery of new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development (£184,537 index linked to BCIS 1Q2024)

Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development (£11,046 index linked to BCIS 1Q2024)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

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

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

Justification

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

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development. The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.”

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

1.1.21 Watford Environmental Health Officer – [More information requested]

The following documents have been reviewed:

Report Ref. GEA. Land to the Rear of Woodland Cottage, Oxhey Lane, Carpenders Park, WD19 5RE. Desk Study. Dated: June 2025. Ref. J24293 Rev 1.

Report Ref. GEA. Land to the Rear of Woodland Cottage, Oxhey Lane, Carpenders Park, WD19 5RE. Ground Investigation. Dated: June 2025. Ref. J24293 Rev 1.

Please find below a summary of the findings of the reports, comments and recommendations.

Report Ref. GEA Desk Study. Ref. J24293. Rev 1 Dated June 2025.

Introduction

A Desk Study has been prepared by GEA to support the planning application (Ref. 25/1055/FUL) for the Site 'Land to the Rear of Woodland Cottage, Oxhey Lane, Carpenders Park' (hereafter named "the Site"). The proposed development comprises 90-100 residential dwellings with a community centre, new roadways and associated soft landscaping.

Summary of the Desk Study

The report provides the site boundary and a current site description with details of a site walkover undertaken in November 2024. The walkover indicates the northern sections of the Site comprised open fields, with sections in the south comprising evidence of fly-tipping and former industrial activities perhaps associated with the

adjacent land-uses. It is noted an aerial photograph from 1999 indicates the southern sections of the Site comprised former yards areas associated with the adjacent land parcel. The presence/absence of invasive species are not mentioned in the report.

The report provides a summary of the site history and states it previously comprised agricultural fields at the dates of the early maps with a pond denoted at the south-western corner. By 1935 a number of buildings are noted at the southern-western corner. It should be noted that the aerial imaging from 1999 indicates the Site at the south has expanded over into the site boundary. A number of unnamed buildings are denoted at the north in 1959.

Historical activities off-site comprise the Clay Brick Works at the south, which is denoted by a large excavation and a series of buildings, which was backfilled by 1959. The Brick works is denoted as a factory 1970s, and then Brickfields Farm by 1992.

The report states the superficial geology is likely to be absent at the Site, with the solid geology anticipated to be London Clay (Unproductive Aquifer). However, it should be noted that the Envirocheck mapping indicates the Lambeth Group encroaches onto the southern boundary, designated as a Secondary A Aquifer. A thickness of Made Ground should be anticipated due the landfilling and former industrial activity at the south of the Site.

The report states that the Site is located within a Zone II Outer Source Protection Zone. However, it should be noted that the southern tip is located within a Zone I Inner Zone Source Protection Zone, associated with the change in geology (Lambeth Group).

A large landfill is denoted at the Site across the eastern section. The report states the licence was held by Aubern Mere Residential Care Home, which was developed adjacent to the Site. The report also states that information from the planning portal indicates the landfilling involved infilling and recontouring of the land.

The report also states a landfill is also located at the immediate boundary of the Site at the south associated with the former Brickworks, with filling understood to have been undertaken between 1939 and 1957.

The risk from unexploded Ordnance (UXO) is stated to be Low.

The Site is not located in a Radon Affected Area.

The presence of invasive weeds including Japanese Knotweed is not included in the report.

The report states that the Oxhey Brook flows across the southeastern corner of the Site flowing north-east-southeast direction.

No consultations with the relevant departments of Watford Borough Council (WBC) & the Environment Agency have been undertaken in the preparation of the report.

The report presents a conceptual site model with a number of sources stated to include infilling associated with the landfill designation; fly-tipping noted at the south of the Site. The unnamed buildings at the north of the Site should be included, together with the apparent expansion of the Site to the south into the Site boundary. The report identifies the proposed end-user as a critical receptor. The report rules out groundwater as a receptor due to the underlying Unproductive Strata. This is considered an oversight due to the presence of the Lambeth Group at the south of the Site and the associated Source Protection Zone I, together with the Site falling into a Source Protection Zone II. Groundwater should be included as receptor.

The Oxhey Brook, located at the south of the Site, is not included as a receptor. This is also an oversight and should be included as a receptor.

A tabulated preliminary conceptual model is included, with potential sources, pathway and receptors identified. The report concludes a Moderate risk to the proposed end-users from the existing site soils (including asbestos). A moderate risk from ground gas to the proposed end-uses. Controlled waters have been excluded from the conceptual site model.

Assessment of compliance with LCRM

We are in broad agreement with the findings of the report and the requirement for a ground investigation, with the following additional information requested to be included:

- Controlled waters should be included in the conceptual site model. Both the surface water of the Oxhey Brook and the groundwater associated with the Source Protection Zone II and I;
- Recognition of the expansion of the site to the south into the southern sections of this site;
- The migration of ground gas onto the Site from the adjacent sources should be considered.

It is recommended that the following points are incorporated in the ground investigation planning and are included with the subsequent Phase 2 Report submitted for the Site:

- Invasive weeds are not included in the report scope. Prior to completing any intrusive works, the potential for invasive weeds to impact the Site should be confirmed;
- We are in agreement with the requirement for an intrusive investigation at the Site, please ensure the ground investigation conforms to the requirements of BS10175:2011+A2:2017. In addition, should the Site be proposed to be reprofiled/

increased and / or reduced in level, the chemical testing of the Site soils should be suitable to characterise the existing Site and the Site soils following reprofiling.

- Potential ground gas is considered to be a moderate issue at the Site from a number of sources, please ensure correctly installed monitoring wells are located at the Site and subject to a suitable frequency of monitoring in accordance with current regulations and best practice.
- Consultation should be undertaken with the Environment Agency and Watford Borough Council Departments Environmental Health and Building Control to gain publicly available information regarding the Site. Prior to the ground investigation commencing this information should be reviewed.

Report Ref. GEA Ground Investigation. Ref. J24293A. Rev 1 Dated June 2025.

A Phase 2 Ground Investigation Report has been submitted by GEA in support of the planning application for the proposed residential development.

The ground investigation comprised 3No. cable percussive boreholes to depths of between 15m and 19m bgl; 8No. window sampling probeholes; 7No. trial pits advanced to depths of up to 3m (18No. exploratory hole locations) together with the installation of 5No. ground gas and groundwater monitoring wells. The rationale behind the location and position of the exploratory holes is absent from the report. It is noted that the coverage of the ground investigation is sporadic and sections of the site to the north, east and south remain un-investigated, particularly in areas of the southern boundary (where expanded industrial activity is noted) and where the Lambeth Group is expected. In addition, areas to the north area absent (where unnamed buildings were historically present).

The recorded ground conditions comprised Made Ground to depths of between 0.40m and 2.90m bgl, underlain by London Clay to depths of between 11m to 12.40m. The Lambeth Group was recorded underlying the London Clay. It is noted that the soil samples collected were not subject to a headspace screen using a Photo Ionisation Detector (PID) in the field nor were the samples scheduled for BTEX testing or volatile organic contaminant (VOC) testing.

The report does not detail visual or olfactory evidence of contamination recorded. A review of the exploratory hole logs notes the following visual and olfactory evidence of contamination at the following locations:

- BH05 between 1.0-1.25m bgl. Black tarmac fragments with bituminous odour
- TP03 between 1.10 and 1.25m bgl black tarmac gravel;
- TP06 between 0.40m and 1.90m bgl – bituminous odours

Refuse type waste is denoted in trial pit TP03 & TP05, TP06 between ground level and 1.10m and 2.90m bgl, described as whole bricks, plastic sheeting, concrete slabs, plastic rubbish, tile, fabric rubbish electrical waste including wires and circuit

boards, metal scaffolding, metal rubbish. Refuse type waste would suggest PFAS as a contaminant of concern.

The report states groundwater was encountered in each of the boreholes at the base of the Made Ground. 5No. monitoring standpipes were installed in the boreholes. No groundwater samples were collected for laboratory analysis and an assessment of controlled waters risk is not included in the report.

A total of 12No. soil samples were scheduled for chemical testing. The suite of testing included PAHs, TPH total, cyanides, asbestos and metals. Trial pit TP06 (as noted to contain visual and olfactory evidence of contamination) but was not subject to chemical testing.

It is noted that total TPH was scheduled for the majority of samples. TPH C8-40, is a total test not allowing distinction between the carbon bands and does not include the more volatile fraction. Total TPH testing is considered an outdated approach to TPH testing and does not follow industry best practice. On a number of occasions total TPH concentrations are recorded to be greater than <10mg/kg.

The laboratory data has been compared to 'GACs for a residential with plant uptake end-use at 1% SOM. The report states significantly elevated concentration of lead, PAHs, Sulphate and TPH together with asbestos fibres, have been recorded in the site soils.

The report includes 4No rounds of ground gas monitoring undertaken at the Site. The monitoring was undertaken in 5No. exploratory hole locations, all with response zones targeting the CLAY strata. No monitoring wells are installed targeting the Made Ground, particularly the deeper landfilled material recorded centrally and to the south of the Site. The report states that the site is designated as CS1 and requires no ground gas protection measures.

The report presents a waste disposal section and indicates the use of the Definition of Waste Code of Practice (CoP) might be applied at the Site. Please be aware that to re-use materials at the Site, within the areas of former designated landfill, may require specialist waste permitting from the Environment Agency.

A tabulated final conceptual model is not included in the report and an assessment of risk not included. The report recommends that suitable engineered cover systems will be required in areas of gardens and landscaping to prevent contact with the underlying soils. An assessment of the risk to controlled waters risk assessment has not been included. The report recommends further ground investigation and the preparation of a Remediation Strategy.

Summary and Conclusions

In general, we consider that the site **has not been characterised** sufficiently with areas of the Site not subject to ground investigation, inadequate chemical testing and key receptors omitted from the assessment.

Recommendations

A Desk Study and Ground Investigation report have been submitted in support of planning application Ref. 25/1055/FUL. We are in broad agreement with the findings of the Desk Study, however, further site characterisation will be necessary.

We recommend the inclusion of standard planning conditions relating to ground conditions to include Phase 2 Ground Investigation and Risk Assessment, Remediation Strategy and Verification Plan, Verification Reporting, and monitoring for unidentified contamination during redevelopment works. The works and reporting shall be undertaken in accordance with Environment Agency Land Contamination Risk Management (LCRM) guidance.

We recommend the following are incorporated into future contaminated land works/submissions for the site:

- Prior to completing any intrusive works, the potential for invasive weeds to impact the Site should be confirmed;
- Ensure the ground investigation conforms to the requirements of BS10175:2011+A2:2017. In addition, should the Site be proposed to be reprofiled/ increased and / or reduced in level, the chemical testing of the Site soils should be suitable to characterise the existing Site and the Site soils following reprofiling;
- Potential ground gas is considered to be a moderate issue at the Site from a number of sources. Ensure correctly installed monitoring wells are located at the Site and subject to a suitable frequency of monitoring in accordance with current regulations and best practice;
- Consultation should be undertaken with the Environment Agency and Watford Borough Council Departments Environmental Health and Building Control to gain publicly available information regarding the Site. Prior to the ground investigation commencing this information should be reviewed;
- Rationale behind the location of the exploratory holes should be included. There are areas of the site that remain un-investigated and key areas of the Site, identified in the Desk Study not subject to ground investigation. Further ground investigation will be necessary to provide a more comprehensive coverage of Site and provide suitable site characterisation. This
- should include a review of the Desk Study sources and targeting anomalous areas recorded during this first phase of ground investigation;

- Refuse type deposits were recorded centrally within deeper areas of Made Ground. PFAS should be included as a Contaminant of Concern with regard to the soils and groundwater at the Site;
- Groundwater and surface water samples have not been collected as part of the ground investigation, nor are controlled waters included in the conceptual model. The risks to the surface water and the Source Protection Zones should be established.;
- Visual and olfactory evident of contamination was recorded however not all locations were scheduled for chemical testing. Further delineation and chemical testing of these areas will be necessary;
- Total TPH only has been scheduled for the majority of site soils. Total TPH C8-C40 does not include the more volatile fraction, is an outdated test and does not follow industry best practice. Please provide a further assessment of risk from TPH at locations in which total TPH is recorded above <10mg/kg;
- It is noted that soils sampled in the field were not subject to headspace screening for volatile contaminants, nor were samples scheduled for VOCs or BTEX. Please provide a further assessment of risk with regard to potential volatile contaminants at the Site;
- Ground gas monitoring was undertaken in 5No. exploratory hole locations, all with response zones targeting the CLAY strata. No monitoring wells are installed targeting the Made Ground, particularly the deeper landfilled material recorded centrally and to the south of the Site. It is considered that the ground gas assessment does not target the potential sources of ground gas at the Site and therefore does not present an accurate assessment. Monitoring wells should be installed within the deeper landfilled materials;
- Consideration has not been given within the conceptual model for the migration of ground gas from the off-site landfill associated with the historical brickworks at the south. This should be included in the conceptual site model and subject to suitable investigation

1.1.22 National Highways – [No objection]

No objection.

1.1.23 Herts County Council Ecology Department – [No Objection – previous objections have been overcome]

1.1.23.1 **Comments received January 2026 removing objections:**

Overall Recommendation:

☒

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

Supporting documents:

- GCN update – Alder Ecology, November 2025.
- Private Lighting Impact Assessment (MMA Lighting Consultancy, September 2025).
- Lighting Contour Plan.

All advice in our first letter (27/08/2025) relating to the Seed Harvesting & Compensation Plan, CEMP, badger pre-commencement survey, Species Enhancement Plan, and BNG should be followed in full. However, the below will supersede our previous objection on great crested newts and lighting.

Great crested newts: Subsequent to our comments dated 02/10/2025 regarding the offsite pond, further justification has been made by Alder Ecology. The update states that whilst a pond is shown on Magic, which was the pond identified by LEADS Ecology, surveys were undertaken previously in 2020 and 2021 which indicated that the pond was dry on both occasions. The only other pond mentioned in the updated report is >500m away, which is not considered a constraint. We consider this updated report sufficient to indicate that the risk to GCN is very low, therefore no further information is required. **In the unlikely event that GCN are found onsite, we advise the following informative should be added to any permission granted:**

“If great crested newts, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed”.

Lighting: Further to our comments dated 02/10/2025, the lighting contour plan has now been sent in high resolution.

The report confirms that the lighting onsite has been modelled to ensure minimal impact on the site boundaries, which have been recognised as the most ecologically important features on site. The diagram displays horizontal illuminance calculations which range from 5.0 to 0.1 lux, and the contour plan clearly shows the light levels falling at both the woodland boundary at Grid 1 and Grid 6. The design of the lighting ensures that the light spill at these ecologically important areas will be below 1lux, and in some areas, the level drops to 0.1lux. This ensures that no significant light spill will occur on the woodland edge, preserving the dark corridor for foraging and commuting bats.

The report states that all columns will be fitted with rear shields, which have been designed to achieve a reduction of light spill both in the horizontal and vertical planes. To reduce the chances of sky glow and associated upward light, the luminaires listed in the diagram have zero tilts. This ensures a 0% upward light ratio which will prevent

the light being directed into the sky or adjacent trees. The lights specified in the report are of warmer colours (2700K), which complies with guidance.

The report notes that the site is within the E2 Environmental Zone, indicating that it is already lit given that it is adjacent to Oxhey Lane. The current lighting proposals indicate minimal effects on the most important habitats onsite, and sufficient effort has been demonstrated to retain as much of the dark corridors as possible given the size of the development.

We consider the report demonstrates that the lighting onsite complies with the Bat Conservation Trust Guidelines (2023), and **no further information is required**. Since these were the last outstanding issues recommended to be demonstrated prior to determination, **we advise that the application can be determined accordingly**.

1.1.23.2 Initial objection August 2025:

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

The planning officer should either:

1. Refuse the applicant or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

Summary of Advice:

- **Insufficient information on great crested newts to advise determination of the application** – Despite one of the reports stating that the onsite pond is dry, the BNG assessment states that this pond holds water. We have records of:

- great crested newts breeding in the vicinity, and there are additional ponds within 250m of the site. Given the amount of terrestrial habitat to be removed, I do not consider the current ecological report has adequately addressed whether GCN will be affected by the development. **One of the two options should be demonstrated prior to determination:** 1. Confirmation of joining the DLL scheme (by submitting the IACPC). 2. Traditional survey route. More details below under s1.3.

- The Lighting Impact Assessment report is insufficient to properly address the impact of the development on foraging and commuting bats – **Either the report should be amended prior to determination, or re-submitted as a Condition of approval**. Details relating to amendments under s1.2.

- LEADS Ecology undertook a site visit on 07/08/2025.

- The site meets the criteria for Local Wildlife Site status for mixed habitats;

- However, the only abundant indicator species onsite was Fleabane, which was not listed on any of the species lists submitted.

- Given the rarity of most other indicator species present, we do not consider that the site in its current state meets the standards of a Local Wildlife Site. **However, conservation efforts should be made to preserve the Fleabane onsite.**
- Seed Harvesting & Compensation Plan **Condition.**
- CEMP Condition.
- CEMP should include mitigation for nesting birds, mammals, bats, reptiles, and invasive species.
- Badger pre-commencement survey **Condition.**
- Species Enhancement Plan **Condition.**
- Minimum requirement for BNG has been demonstrated.
- Offsite BNG required – HMMP **Condition.**

Supporting documents:

- Preliminary Ecological Appraisal (Alder Ecology, November 2024).
- Phase 2 Ecology Surveys and Assessment (Alder Ecology, December 2024).
- Private Lighting Impact Assessment (MMA Lighting Consultancy, May 2025).
- Biodiversity Net Gain Assessment (Ethos, June 2025).
- Biodiversity Metric (April 2025).

Comments:

1. The application site is of high ecological importance mostly because of the mosaic of habitats present including woodland, scrub, ponds, and grasslands. Whilst this site is not a statutory or non-statutory designation, the adjacent woodland to the south is a local wildlife site, and this connects to further woodland habitats to the west which is designated as ancient woodland. The habitats currently onsite will be important for a variety of protected species, and these habitats will act as a corridor for wildlife to reach the further woodland and grassland habitats to the north and northeast. We have no fundamental objections to the development however there is currently insufficient information on great crested newts to advise determination of the application. Creating a cleaner, greener, healthier Hertfordshire

A Preliminary Ecological Assessment report and Phase 2 Ecology Surveys and Assessment report have been submitted as part of the application (Alder Ecology).

1.1 Bats: The original ecology survey identified some roosting opportunities for bats in the onsite building, and trees. Further surveys were recommended and subsequently carried out. Initial inspection surveys of the onsite trees were undertaken in May 2024. Various trees were subject to emergence surveys, which were carried out between May and September whereby no bats were seen emerging from any of these trees, confirming the likely presence of bats at the time of the surveys. The two structures onsite were also subject to emergence surveys during the same time period, and no bats were seen emerging from these buildings. Bat detectors were also used across the site to determine general activity levels, which confirms the site is being utilised by a range of bat species.

1.2 Bats & lighting: A Lighting Impact Assessment has been submitted as part of the application, and the Phase 2 Ecology Surveys document also contains the results of a lighting baseline assessment undertaken onsite. Currently, the site sits with the E2 Environmental zone, whereby a change in lighting will affect the movement or feeding patterns of fauna but the receptors can adapt.

The ecology report notes that the most prevalent bat activity was at the eastern section of the site, which is currently the area that is subject to the lowest light levels. It also states that lux levels will need to be kept low at this boundary to ensure there are still dark corridors for bats to utilise for foraging and commuting. Slower-flying species such as brown long-eared and Daubenton's are confirmed to be using the site, which are generally more likely to be affected by illumination. The lighting impact assessment report refers to the baseline of the current lighting conditions, how light spill will be reduced, minimising upward light, limiting light pollution and sky glow, and reducing glare. Mitigation measures are listed in s11 of the report.

However, whilst there is reference to the baseline lux levels in the Phase 2 ecology report, this has not been included in the lighting impact assessment. Furthermore, there is no map of the predicted post-development lux levels in each area of the site to compare the new levels of light to the current levels. Given the species of bat found on site, I consider this should be included in the assessment report. Additionally, the Bat Conservation Trust Guidelines state that a lighting impact assessment should generally show a plan of illumination from all existing light sources.

Consequently, **I consider that this report is currently insufficient for LEADS Ecology to properly assess the impact of the development on foraging and commuting bats. Therefore, we advise that one of the below options should be demonstrated:**

1. The lighting impact assessment report should be amended **prior to determination**, and a plan showing modelled illuminance lux levels from all proposed and (and existing) sources of light should form part of this amended report.
Creating a cleaner, greener, healthier Hertfordshire

1. The lighting impact assessment report should be **re-submitted as a Condition of approval**, and the newly updated report should contain a plan showing modelled illuminance lux levels from all proposed and (and existing) sources of light.

1.3 Great crested newts: Great crested newts have been considered in the initial ecological assessment, however since the onsite ponds were dry at the time of surveying, no further action has been taken. However, this is contrary to the BNG assessment report which has a photo of the woodland pond holding water. The condition assessment also states that the pond has clear water. The report also states that the site is suitable for foraging and commuting amphibians. We can see on both magic and GIS that there is a pond roughly 100m north of the site, and another couple of ponds 350m southwest of the site. We would expect these ponds to at least be mentioned in the report, and further assessment to be carried out if the ecologist

deems necessary. The site is also within a great crested newt ring data point on our database, which suggests that there are breeding great crested newts within 500m of the site.

A large amount of potential terrestrial habitat is being removed onsite, and there is not only a pond onsite, but ponds in the close vicinity. Therefore, I do not consider the risk to great crested newts has been adequately addressed. **I would recommend that this development joins the District Level Licensing (DLL) scheme for great crested newts. If this option is sought, then the cosigned Impact Assessment & Conservation Payment Certificate should be submitted to the LPA prior to determination as proof of entering the scheme.**

If DLL is not joined, then the application should go down the traditional survey route, whereby the two ponds (and any additional ponds if present) should either be subject to a Habitat Suitability Index (HSI), or eDNA surveys. It should be noted that eDNA surveys may still be required subsequent to the HSI depending on the results. If presence is confirmed, population surveys will be required which will inform a license application. **If this option is sought, then the results of the surveys should be submitted to the LPA prior to determination.**

Great crested newts are protected under national and international law. Therefore, sufficient information should be submitted to the LPA prior to determination, to enable them to sufficiently address the potential impacts of the development on this species, and discharge their legal obligations under the Conservation of Habitats and Species Regulations 2019 (as amended).

1.4 Reptiles: Reptile surveys were carried out across the site between May and October 2024. No reptiles were found onsite during any of the survey visits. There were some limitations to the surveys since there was some disturbance from grazing horses which may have affected the results, however this was not considered significant.

1.5 Nesting birds: Common bird species were confirmed to breeding onsite, and three priority species (song thrush, starling, and house sparrow) were present, but not breeding. Recommendations have been made in the report for nest boxes to be included in the development plan.

1.6 Badgers: Badger dung was recorded onsite, and a live badger was observed on the stealth cam. However, no setts were recorded onsite, therefore it was concluded that the site is being utilised by foraging and commuting badgers.

1.7 Invasive species: Two non-native species were located onsite during the PEA: *Rhododendron ponticum* and Japanese rose. The report has stated that these will need to be eradicated from the site.

1.8 Habitats: There are two parcels of other neutral grassland onsite (A4 & A5). The original PEA outlines a species list for the grassland, and so does the BNG

assessment report. The species lists are varied, although some species remain the same. This is likely due to the different time of year in which the surveys were conducted.

Looking at the site as a whole, there are 9 out of 12 species present from Appendix 5 of the Local Wildlife Site Criteria for mixed grasslands. Therefore, whilst the site falls slightly short of Local Wildlife Site status, there is no quadrat data available to support the assessment. Furthermore, it seems the species list in the report is not an exhaustive list, since the condition sheet assessment page states that indicator species such as bird's foot trefoil are present, but there is no mention of this species in any of the given lists. With the addition of bird's foot trefoil, this would increase it to 10 out of 12 species for the Local Wildlife Site Criteria, therefore given this discrepancy, we were not confident that LEADS Ecology had the full picture of the site's habitats.

Because of the above, LEADS Ecology decided to undertake a site visit on 07/08/2025.

The grassland is clearly species-rich semi-improved damp neutral grassland. The community is characteristic of damp grassland on slightly acid clays. It supports a reasonable range of Local Wildlife Site indicators such as Fleabane, Meadow buttercup, Meadow vetchling, Bird's-foot trefoil, Germander speedwell, Tufted vetch, Red clover, and Black knapweed. Additional LWS indicators recorded previously by the consultants were Lesser stitchwort, Common sorrel, Bugle and Common sedge. If correct, this means that the grassland is sufficient to meet the threshold for a mixed grassland Local Wildlife Site. Surprisingly one of the most abundant species and characteristic of damp grasslands - Fleabane – was not previously recorded during the BNG assessment or PEA undertaken.

However, other than the Fleabane, all other LWS indicators appeared rare, perhaps occurring as only a few individuals. Whilst clearly the site is not without value and includes a small damper area dominated by sedges and rushes, it is considered that whilst it has potential, the site is unlikely to justify LWS status given the very limited abundance of most of the indicator species. However, conservation efforts should be focussed on trying to conserve the Fleabane where possible on-site if conditions are suitable. This could be done by seed collection and will be referred to below in the BNG section.

The most significant aspect influencing the site's current ecology is grazing by horses, although only one was seen during the visit. Grazing has created very tight lawns where open areas exist between bramble patches. This means the open vegetation is closely cropped making identification very difficult. Perhaps up to at least half of the site is dominated by dense clumps of bramble, which whilst adding to the diversity of the site, represent a thoroughly degraded former grassland site.

Anecdotal information from a local resident also indicates the site was subject to considerable spoil dumping 20+ years ago, indicating the site has been highly

disturbed in the past. This is consistent with at the most degraded areas and general ruderal nature of much of the vegetation. However, the site still supports a characteristic damp grassland flora largely dominated by Fleabane which is itself relatively unusual and could be more valuable under better management.

1.9 Biodiversity net gain: This application is subject to mandatory biodiversity net gain. A biodiversity metric and assessment has been submitted.

The metric is currently showing a net loss of 40.29%. Baseline habitats comprise other neutral grassland, scrub (blackthorn, mixed, and bramble), ponds, ruderal, other broadleaved woodland, and rural trees. We are pleased to see that most of the broadleaved woodland at the southwest section of the site is being enhanced. The original PEA was undertaken within the optimal survey season, however the BNG assessment was undertaken in April. This has been listed as a potential limitation to the survey, albeit given that two surveys have now been completed, this was not considered significant.

There are two parcels of other neutral grassland onsite (A4 & A5), and A5 refers to the wetter grassland. Most of the site in the PEA has been mapped as scrub, which from seeing the site, this is not accurate. However, the BNG assessment has a more accurate map.

Given the size of the development, there are limited onsite habitat proposals, which is the reason for the net loss. There are some very small patches of proposed other neutral grassland, which in theory, will be hard sustain. Prior to the submission of the gain plan, the onsite proposals should be reassessed given the above. Albeit this is not required at this stage.

Whilst there is no quadrat data to justify habitats described, LEADS Ecology have visited the site, and we consider that the classification of "other neutral grassland" is appropriate in this case. As mentioned, the site technically does meet local wildlife site criteria, but the only abundant indicator plant is fleabane, and the rest of the indicators were found in very small numbers.

Given the net loss, offsite BNG is required. Whilst we do not object to the principle of the development despite the site meeting LWS criteria, we consider that compensation should be in place to preserve the most abundant indicator plant onsite, Fleabane. **Consequently, given that some areas of other neutral grassland will be created onsite, we advise that the seeds from the existing fleabane should be collected at the appropriate time of year, and these should be sown to create the new areas of other neutral grassland. Consequently, we advise that a Seed Harvesting and Compensation Plan should be submitted as a Condition of approval.** Condition wording at the end of the letter.

The minimum requirement for determination has been demonstrated. The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. We advise that the government

template for the biodiversity gain plan should be used, and a metric which corresponds with the gain plan should be submitted alongside this.

Whilst the biodiversity gain condition is a post determination matter, given that an offsite location has not been found, presently we cannot advise the LPA that they can have confidence at this stage that the general biodiversity gain condition can be discharged. Nevertheless, in line with government guidance it would generally be inappropriate for concerns about the ability to discharge the condition to be used as a reason to refuse an application.

However, the applicant should be made aware the general biodiversity gain condition is a pre-commencement condition and that these matters will need to be addressed either now or at the post determination stage.

At the biodiversity gain plan stage an updated metric will need to be submitted showing how a net gain can be delivered using an off-site location, with the provision of the Biodiversity Gain Site Register reference number for that site. As a last resort if an off-site location cannot be found biodiversity credits would need to be purchased. In this latter case the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed.

The claims for BNG for this site would be considered as '**significant**' net gain. This is because of the creation of medium distinctiveness habitats. In this instance the LPA are advised to secure this significant net gain for the respective habitat units via legal agreement whether through an S106 agreement or conservation covenant.

Given that BNG for this site is significant, if the LPA were minded granting permission, a Habitat Management and Monitoring Plan (HMMP) should be secured via the legal agreement. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

Conditions:

Condition 1: Construction Environmental Management Plan (CEMP): Creating a cleaner, greener, healthier Hertfordshire

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.

- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The CEMP shall also include mitigation measures for the following:

- i) Reptiles*
- j) Nesting birds*
- k) Bats*
- l) Invasive species*
- l) Mammals*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Condition 2: Badger pre-commencement survey

A pre-works badger survey shall be undertaken by a suitably qualified ecologist no more than 3 months prior to the commencement of works. The results of this survey shall be incorporated into a badger report, which shall be submitted to and approved in writing by the LPA.

Condition 3: Species Enhancement Plan

Prior to commencement of the development (including vegetation clearance, demolition and ground works), a Species Enhancement Plan shall be prepared. It will include a graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority. The plan shall include the following:

- *At least 96 integrated swift bricks.*
- *At least 96 integrated bat boxes.*
- *Hedgehog highways.*

Condition 4: Seed Harvesting & Compensation Plan

To preserve the Fleabane onsite, a Seed Harvesting & Compensation Plan should be submitted as a Condition of approval. The plan shall include the following:

- *Baseline assessment for the current population.*
- *Timings for seed collection.*
- *Detail of the persons carrying out the activity and their qualifications.*
- *The method that will be used for seed collection, including tools required.*
- *Post-harvest seed handling.*

- Seed storage.
- Replanting methodology.

Condition 5: Habitat Management and Monitoring Plan

“The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- 1. a non-technical summary;*
- 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.*

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

1.1.23.2 Second set of comments dated 2 October 2025 following receipt of additional information:

ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

The planning officer should either:

1. Refuse the applicant or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

Summary of advice:

- I consider the submitted document sufficient to overcome the previous concern that GCN may be utilising the onsite ponds for breeding.
- However, the offsite pond ~100m away from the development site has still not been mentioned in the GCN report, despite our previous advice. The GCN report should either be updated to justify why this pond is not a constraint, or, the advice in our previous letter (para1.3) should be followed whereby the development either joins

the DLL scheme or demonstrates sufficient survey effort through the traditional survey route.

- The modelled illuminance figure (Figure 10) in the lighting impact assessment is illegible. A readable copy of this figure should be resubmitted in the report or submitted separately.

Supporting documents:

- Great Crested Newt Report (Alder Ecology).
- Private Lighting Impact Assessment (MMA Lighting Consultancy, September 2025).

Comments:

Subsequent to our letter dated 27/08/2025, a Great Crested Newt Report and Private Lighting Impact Assessment have now been submitted.

The GCN report lists justifications as to why GCN are unlikely to be breeding onsite, and to support this conclusion, the report also lists various ecology surveys carried out at the site whereby the ponds were recorded as dry. Whilst I do not dispute this, there has been no mention of the ponds in the close vicinity which we mentioned in our previous letter. Given the proximity of the apparent pond around 100m to the north (shown on MAGIC), GCN could still potentially be utilising the site during their terrestrial stage.

We would expect as a minimum for this pond to be mentioned, and since there has been no mention of this, I still consider there to be insufficient information on great crested newts to advise determination of the application. GCN are confirmed to be breeding within 500m of the site, therefore in the absence of this further information, the LPA cannot be confident that the Conservation of Habitats and Species Regulations (2017) has been applied and satisfied.

Consequently, I advise that the GCN report should either be updated to justify why this pond is not a constraint, or, the advice in our previous letter (para1.3) should be followed whereby the development either joins the DLL scheme, or demonstrates sufficient survey effort through the traditional survey route.

Lighting: A Lighting Impact Assessment has been submitted which contains an illuminance model as requested. However, this figure is illegible, and it is therefore not possible to see the lux level labels. Since this has been submitted prior to determination, I advise that a readable copy of Figure 10 should be made available (either resubmitted in the report or submitted separately). This information is required for LEADS Ecology to properly assess the impact the development will have on foraging and commuting bats.

1.1.24 Watford Borough Council – [Objection]

Thank you for the opportunity to comment on this application. The application would see a development of 96 new residential dwellings on land designated as Green Belt between Watford and Carpenders Park. The northern edge of the proposed development would run along boundary of Watford Borough Council.

The site appears currently to be open countryside with a large number of trees and vegetation. The level of proposed development would seriously compromise the separation between the large built-up area of Watford and the town of Carpenders Park, creating a large urban block that would result in the merger of the two towns. The development would also disconnect the areas of Green Belt to the east of the site, between the railway line and Oxhey Lane, from the remaining Green Belt to the west. Development on this site would fundamentally impact the openness and undermine the Green Belt purposes.

The site strongly meets three purposes of the Green Belt; (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns from merging into one another and (c) to assist in safeguarding the countryside from encroachment. The Green Belt here is particularly narrow and this proposal would merge Watford with Carpenders Park almost entirely.

The Three Rivers Green Belt Stage 2 study states that the loss of this parcel would result in High harm to the Green Belt purposes and that *“release of the parcel would have a significant impact on preventing the merging of towns and preventing encroachment the countryside, and a relatively significant impact on preventing urban sprawl”*.

In this context, Watford Borough Council has significant concerns regarding the application proposed.

Watford Borough Council previously objected to the allocation of this site in the Three Rivers Local Plan and supported the removal of the site from the Three Rivers Local Plan Regulation 18, Part 4, in October 2023. The Council recognise that the site is not included in the current Regulation 18 Part 5 consultation.

Watford recognises the growth pressures placed on Three Rivers District Council to release Green Belt land. However, the Council does not believe the benefits of this proposal outweigh the significant harm that the development would cause to the Green Belt purposes, especially purpose b, the merging of two towns.

The proposal is not considered to meet any of the exceptions listed in Paragraph 154 of the NPPF and so Watford Borough Council consider this development to be inappropriate development in the Green Belt.

Given the strong contribution the site makes to Green Belt purposes a) and b) in Paragraph 143 of the NPPF, and the fact the development of the site would fundamentally undermine the remaining Green Belt to the east of the site boundary,

Watford Borough Council does not consider the site can be defined as grey belt for the purposes of Paragraph 155 of the NPPF.

If you wish to discuss any aspect of this response, then please do not hesitate to contact myself or the Planning Policy Team. We would appreciate it if we could be kept up to date with further progress regarding this application.

1.1.25 Hertsmere Borough Council – [No objection]

Insofar as you will have regard to the comments made by statutory consultees and neighbours, **Hertsmere Borough Council raises no objections to this application.**

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

1.1.26 National Health Service – [No objection]

Please accept this letter as the HWE ICB's position on primary healthcare capacity and need arising from this planning application and the health financial contribution sought if TRDC is minded to grant planning permission.

The HWE ICB became a statutory body on 1 July 2022 and is the health commissioner responsible for delivering joined up health and social health care to a population of c1.5m. in Hertfordshire and west Essex.

The HWE ICB works in partnership with health providers, local authorities, and other organisations to:

- improve the general health and wellbeing of Hertfordshire and west Essex residents and improve health care services in the area.
- tackle the inequalities which affect people's physical and mental health, such as their ability to get the health services they need, and the quality of those services help tackle health and wider inequalities.
- get the most out of local health and care services and make sure that they are good value for money.
- help the NHS support social and economic development in Hertfordshire and west Essex.

A strategic aim of the NHS HWE ICB is the improvement of primary, community and mental health care outside of hospitals. To achieve this, the NHS commissions a number of services from general practices in addition to their "core" activity. On the ground this means more joined up care, for example, primary and community healthcare hubs with co-ordinated multidisciplinary professionals/ teams. Therefore, a doctors' general practitioners' surgery may also include an ancillary pharmacy and ancillary facilities for treatments provided by general practitioners, nurses and other healthcare professionals to provide care to residents.

Primary Care Networks (PCNs)

Within the HWE ICB there are 35 PCNs across the 14 localities, each covering a population of between circa 27,000 and 68,000 patients. PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services to ensure an integrated approach to patient care.

Patients are at liberty to choose which GP practice to register with, providing they live within the practice boundary. However, most patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons: walking distance, quickest journey time, accessibility by public transport, parking provision.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from the HWE ICB. Even when surgeries are significantly constrained, the NHS will seek to avoid a situation where a patient is denied access to their nearest GP surgery, with patient lists only closed in exceptional circumstances.

The HWE ICB keeps up to date PCN patient lists and closely monitors the current and future capacity of GP surgeries against Local Plan allocations/ housing trajectories.

The HWE ICB also ranks PCNs using existing premises data and known development data. This will identify and rank hotspots across the PCN patch where there is a need to explore projects to increase capacity, for example, by either re-configuring, extending or relocating GP practices to provide sufficient space to increase resources and clinical services to keep patient lists open. Dr Jane Halpin, Chief Executive Rt. Hon. Paul Burstow, Chair

Assessment of impact on existing Healthcare Provision

The HWE ICB has assessed the impact of the proposed development on existing primary health care provision in and around the vicinity of Carpenders Park and South Oxhey. This scheme is expected to deliver 96 homes, which based on an average occupancy of 2.4 will create circa **230.4 new patients**.

These new residents will impact on several practices and PCNs. It is difficult to analyse capacity on PCN level because there is no geographical alignment as most practices belong to different PCNs. Therefore, capacity analysis on surgery and settlement level is more appropriate:

*For the purposes of capacity assessment, we have adopted an alternative calculation to the NHS England "Principles of Best Practice" (referred to below) based on 18 patients per m², which has regard to national GMS space guidelines but also considers opportunities for economies of scale.

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

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

Cost calculation of additional primary care healthcare services arising from the development proposal

The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in Carpenders Park and South Oxhey, or other development proposals in the area.

The proposed development would deliver 96 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa **230.4 new patient registrations**.

230.4 new patient registrations/2000 = 0.1152 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"

0.1152 x 199 m2 = 22.9248m2 of additional space required

22.9248m2 x £7,000* per m2 = £160,473.60(*Build cost; includes fit out and fees)

£160,473.60 / 96 = £1,671.60 per dwelling (rounded up to £1,672 per dwelling)

Total GMS monies requested: 96 x dwellings x £1,672 per dwelling = £160,512
(indexed from the date of the planning permission)

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

A trigger point of payment on occupancy of the 1st dwelling is requested. Please note, the developer contribution figure referred to in this response is a calculation only and

that the final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

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

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

- i ***Necessary to make the development acceptable in planning terms.*** The provision of community facilities including health is a material planning consideration. As explained above, a financial contribution has been sought to mitigate the primary health service impacts arising from this development, by creating additional primary care premises capacity
- ii ***Directly related to the development.*** The new residents of the development will have an additional impact upon local health services. The financial contribution will be used towards additional facilities in the vicinity of the development. As such the contribution will be used for the benefit of the new residents.
- iii ***Fairly and reasonably related in scale and kind to the development.*** The above financial contribution has been calculated based on 96 new dwellings and 230.4 new patients, to mitigate the primary health service impacts arising from this development.

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

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

A project identified and costed in response to the planning application may not meet the objectives of current strategies or could have significantly increased in cost, especially if there has been any significant time lapse from the date of the response to the date of implementation of the planning consent.

Subject to securing the healthcare developer contribution secured, as set out above, to mitigate the health service impacts arising from this development, the HWE ICB does not raise an objection to the proposed development.

1.1.27 TRDC Environmental Protection – No objection.

There does not appear to be any problems for refuse collection vehicles accessing this development. The distance off from point of collection to disposal at the rear of the vehicle is not excessive.

1.1.28 TRDC Environmental Health (Residential) – No objections subject to condition regarding noise mitigation to be submitted.

1.1.29 TRDC Transport and Parking – No comments received.

1.1.30 TRDC Leisure Department – No objection.

After full consideration of all of the documents and information relating to the above planning application, Leisure Development Officers would recommend the following, in the submission of the planning application to Three Rivers DC.

These comments are given to help the development achieve the aims of Three Rivers District Council's Local and Strategic plans and National Policy Framework sections detailed below:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

- Officers would recommend that :
 1. Natural play features, such as those constructed from timber, are designed and built to high-quality specifications to ensure the longevity and durability of the materials used. This should include proper treatment of any timber that is installed in the ground.
 2. Consideration of play provision that incorporates all ages e.g. SK8 park, scooter park, parkour and play area for older children.

- Outdoor leisure equipment must conform to the following standards:
 - Playground Equipment & Surfacing – BS EN 1176 & 1177
 - MUGA's (Multi Use Games Areas) – BS EN 15312 – Free Access Multi Sports
 - Skate Parks – BS EN 14974 – Roller Sports Equipment
 - Outdoor Fitness Equipment – BS EN 16630
 - Parkour Equipment – BS EN 16899

- New play spaces should be located with regard to areas of deficiency (and designed following the same principles as if they were being implemented by the local authority).
- Particular attention should be given to DDA compliant access to any leisure areas including pathways, seating and equipment as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland).
- Provision of sustainable active travel to support an active lifestyle, such as being bike friendly.
- Where leisure provision is made by the developers, design advice must be sought from Three Rivers Leisure team which must include DDA compliant access, details of installation, quality details of all materials used, adherence to RoSPA recommendations such as gates and fences etc and RoSPA inspection of installed pieces of equipment.
- Please consider vehicle access for maintenance of any leisure areas.
- Operator signs for any leisure areas will need to be included for reporting of maintenance or reparation issues.
- A full Risk assessment of any leisure equipment should be considered.

- A RoSPA report or assessment should take place of any proposed play and/or leisure equipment.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if it the developer plans to formally hand over to the leisure facility to the Parish Council or Three Rivers District Council. This must include DDA compliancy certification as per the Equality Act 2010 (or the Disability Discrimination Act 1995 in Northern Ireland)., details of installation, quality details of all materials used with the relevant certification, detailed maintenance guides for each piece of equipment, RoSPA inspection of installed pieces of equipment, adherence to RoSPA recommendations such as gates and fences etc.
- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

It is requested that the following condition is imposed which is based on:

- (i) A detailed specification of the proposed equipment and other operations associated with grass and sports turf establishment, RoSPA assessment, ongoing maintenance and a programme of implementation.*
- (a) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for use in accordance with the scheme.*

Three Rivers District Council's Leisure team can provide examples of acceptable completed documents and contractor's specifications to the applicant to assist with meeting the requirements of the above condition.

If there are any queries about leisure facilities design in relation to the proposals, please feel free to contact Three Rivers District Council's Landscape and Leisure Development Manager.

1.1.31 Natural England – No comments received.

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Appendix 2 – Conditions and Informatives for application 25/1055/FUL

C1 Time Frame (TRDC)

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

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

C2 In accordance with plans (TRDC)

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

WCO_004 P04

WCO_005 P05

WCO_006 P05

WCO_SK04

337 B (00) 001 P01

337 B (00) 001 P01

337 B (00) 002 P04

337 B(EX) 001 P01

337 B(EX) 002 P01

055-BL-PL-01-XX-DR-A-1500 P1

055-BL-PL-01-XX-DR-A-1710 P1

055-BL-PL-02-XX-DR-A-1500 P1

055-BL-PL-02-XX-DR-A-1710 P1

055-BL-PL-02-XX-DR-A-1711 P1

055-BL-PL-03-XX-DR-A-1500 P1

055-BL-PL-03-XX-DR-A-1501 P1

055-BL-PL-03-XX-DR-A-1502 P1

055-BL-PL-03-XX-DR-A-1710 P1

055-BL-PL-03-XX-DR-A-1711 P1

055-BL-PL-03-XX-DR-A-1712 P1

055-BL-PL-04-XX-DR-A-1500 P1

055-BL-PL-04-XX-DR-A-1501 P1

055-BL-PL-04-XX-DR-A-1502 P1

055-BL-PL-04-XX-DR-A-1710 P1
 055-BL-PL-04-XX-DR-A-1711 P1
 055-BL-PL-04-XX-DR-A-1712 P1
 055-BL-PL-05-XX-DR-A-1501 P1
 055-BL-PL-05-XX-DR-A-1710 P1
 055-BL-PL-05-XX-DR-A-1711 P1
 055-BL-PL-06-XX-DR-A-1501 P1
 055-BL-PL-06-XX-DR-A-1502 P1
 055-BL-PL-06-XX-DR-A-1710 P1
 055-BL-PL-06-XX-DR-A-1711 P1
 055-BL-PL-07-XX-DR-A-1500 P1
 055-BL-PL-07-XX-DR-A-1501 P1
 055-BL-PL-07-XX-DR-A-1502 P1
 055-BL-PL-07-XX-DR-A-1710 P1
 055-BL-PL-07-XX-DR-A-1711 P2
 055-BL-SK-CB-XX-DR-A-1510 P7
 055-BL-PL-CB-XX-DR-A-1710 P7
 055-BL-PL-RC-XX-DR-A-1500 P1
 055-BL-PL-XX-XX-DR-A-1620 P1

Reason: For the avoidance of doubt, in the proper interests of planning and in the interests of the character of the area, Green Belt and residential amenity in accordance with Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM12 and DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

Pre-Commencement Conditions

C3 **Tree Protection** (TRDC Landscape Officer)

No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the approved scheme as set out within the Arboricultural Method Statement, by Arbtech (dated January 2026), and as shown on Plan Arbtech TPP 01 Rev 01.

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

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

C4 **Arboricultural Method Statement** (TRDC Landscape Officer)

The development shall only be implemented in accordance with the approved Arboricultural Method Statement, by Arbtech (dated January 2026) and Plan Arbtech AIA01 Rev 01.

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

C5 **Archaeology** (HCC Archaeology)

No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation.

Reason: This condition is a pre commencement condition to define, in advance of the development hereby permitted beginning on the site, the details of an archaeological evaluation and any mitigation, if any is necessary, to protect archaeological remains present within the development site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C6 **Site Waste Management** (HCC HMWT)

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contributes towards resource efficiency, in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C7 **Contamination** (Affinity Water)

No excavation or groundworks (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:

- A **Foundations Works Method Statement and Risk Assessment** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation Measures** (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants to public water supply.
- **Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement** in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply

The works shall be carried out in accordance with the approved details. Any excavations must be undertaken in accordance with the terms of the approved method statement.

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

C8 **Surface Water Drainage** (Affinity Water)

Prior to the commencement of any works on site a Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater shall be submitted to and approved in writing by the Local Planning Authority.

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

The works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C9 **Phase 2 Ground Investigation** (WEH)

No development hereby permitted shall commence until a Phase 2 Ground Investigation and Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Phase 2 Ground Investigation and Risk Assessment and mitigation measures shall include:

- details of the potential for invasive weeds to impact the Site;
- details of chemical testing of the Site soils and the Site soils following reprofiling if the Site is to be proposed to be reprofiled/ increased and / or reduced in level;
- details of the installed gas monitoring wells and frequency of monitoring in accordance with current regulations and best practice;
- details of a review of the Desk Study sources and targeting anomalous areas recorded during this first phase of ground investigation;
- details of refuse type deposits were recorded centrally within deeper areas of Made Ground. PFAS should be included as a Contaminant of Concern with regard to the soils and groundwater at the Site;
- details of further chemical testing;
- assessment of risk from TPH at locations in which total TPH is recorded above <10mg/kg and an assessment of risk with regard to potential volatile contaminants at the Site;
- details of investigation of migration of ground gas from the off-site landfill associated with the historical brickworks;
- details of any required mitigation and ongoing monitoring measures.

The works shall be carried out in accordance with any mitigation and monitoring required within the approved details.

Reason: This is a pre-commencement condition to ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 **Remediation Strategy** (Environment Agency)

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:

A preliminary risk assessment which has identified: all previous uses;

potential contaminants associated with those uses;

a conceptual model of the site indicating sources, pathways and receptors;

potentially unacceptable risks arising from contamination at the site.

A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. The results of the site investigation and the detailed risk assessment, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: This is a pre-commencement condition to ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C11 **Monitoring** (Environment Agency)

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority in accordance with the timetable set out within the approved plan.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures in accordance with Policy CP1 of the Core Strategy

(adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C12 Construction Environmental Management Plan (Ecology)

No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- (a) risk assessment of construction activities potentially damaging to biodiversity on the application site;
- (b) identification of biodiversity protection zones;
- (c) practical measures (both physical measures and sensitive working practices set out in method statements) to avoid or reduce adverse biodiversity impacts during construction;
- (d) the location and timings of sensitive works to avoid harm to biodiversity features;
- (e) the appointment, role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; the times during construction when specialist ecologists need to be present on site to oversee works;
- (f) use of protective fences, exclusion barriers and warning signs.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The CEMP shall also include mitigation measures for the following:

- i) Reptiles
- j) Nesting birds
- k) Bats
- l) Invasive species
- m) Mammals

The development hereby permitted (including demolition) shall be carried out in accordance with the approved CEMP: Biodiversity.

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).

C13 Badger Report (Ecology)

A pre-works badger survey shall be undertaken by a suitably qualified ecologist no more than 3 months prior to the commencement of works. The results of this survey

shall be incorporated into a badger report, which shall be submitted to and approved in writing by the Local Planning Authority.

Any approved mitigation strategy shall be adhered to and implemented strictly in accordance with the approved details, unless varied by the terms of a Natural England Licence.

Reason: This is a pre-commencement condition to protect ecology on this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C14 Seed Harvesting and Compensation Plan (Ecology)

Prior to the commencement of development, including any vegetation clearance, a Seed Harvesting and Compensation Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

Baseline assessment for the current population.

Timings for seed collection.

Detail of the persons carrying out the activity and their qualifications.

The method that will be used for seed collection, including tools required.

Post-harvest seed handling.

Seed storage.

Replanting methodology.

The development shall be carried out in accordance with the approved Seed Harvesting and Compensation Plan.

Reason: This is a pre-commencement condition to protect ecology on this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C15 Habitat Management and Monitoring Plan (Ecology)

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the Biodiversity Gain Plan has been submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall include:

1. non technical summary;
2. the roles and responsibilities of the people or organisation (s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

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

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

C16 SUDs - (LLFA)

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, FRA & Drainage Strategy (Flood Risk Assessment and Drainage Strategy Report, by BWM Ltd, Revision 5 dated 08 January 2026) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: This is a pre-commencement condition to ensure that the development achieves a high standard of sustainability and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C17 SUDs – Temporary drainage measures (LLFA)

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority

Reason: This is a pre-commencement condition to provide a sustainable system of surface water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C18 SUDs – Construction phase (LLFA)

Construction shall not begin until a detailed construction phase surface water management plan to protect the site Surface Water Drainage features from any construction runoff has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to provide a sustainable system of surface water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C19 Highways - Additional information (HCCHA)

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a. Amended plans to illustrate that all gates /doors into the proposed dwellings open inwards to prevent gates / doors opening out onto the adjacent footways.
- b. Indicative plan showing double yellow lines along the full extent of the shared cycleway/footway on the east side of Oxhey Lane from the site access to the proposed toucan crossing.

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

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

C20 Highways - Construction Management Plan (HCCHA)

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

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

- h. Provision of sufficient on-site parking at different phases;
- i. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway;
- j. Phasing Plan

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CP10 of the Core Strategy (adopted October 2011).

Prior to any works above slab/ground level

C21 Species Enhancement Plan (Ecology)

Prior to any works above ground level a Species Enhancement Plan shall be prepared. It will include a graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. This plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

At least 96 integrated swift bricks.

At least 96 integrated bat boxes.

Hedgehog highways.

The development shall be carried out in accordance with the approved Species Enhancement Plan.

Reason: To protect and enhance ecology on this site in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C22 External Materials (TRDC Planning)

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including hard surfacing areas) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

C23 Open and play space (TRDC Planning and Leisure).

Prior to any above ground building operations, a programme for the completion of the public open space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the open space including the provision of seating areas and detailed specification, type and details (dimensions) of the play equipment and other operations associated with grass areas around the play areas. In addition, details of arrangements for the future management and

maintenance of the open space and play provision throughout the lifetime of the development shall be provided.

The public open space and play space shall be provided in accordance with the agreed programme to co-ordinate with the occupation of the residential development, and shall thereafter be retained, kept open, managed and maintained in accordance with the approved details.

Reason: To ensure provision is made for children's play space in accordance with Policy PSP2 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C24 **Site Levels**

Prior to any works above ground level details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Prior to First Occupation

C25 **Highway Improvements – Offsite (Design Approval)** (HCCHA)

Notwithstanding the details indicated on the submitted drawings no dwelling shall be occupied until a detailed scheme for the necessary offsite highway improvement works, indicatively show on drawing number 425.065707.00001-PD07 B in addition to extended double yellow lines, have been submitted to, and approved in writing by, the Local Planning Authority. These works shall include:

- ☐ Priority junction with a right hand turn lane and any associated necessary works including signage, drainage and lighting.
- ☐ Widening of the existing footway on the north-east side of Oxhey Lane to create a shared use footway / cycleway from the site access to the existing shared use facility.
- ☐ Upgrading the existing uncontrolled crossing point on Oxhey Lane to a toucan crossing and any associated works.
- ☐ Double yellow lines on either side of the proposed junction.
- ☐ Double yellow lines along the full extent of the shared use cycleway / footway on east side of Oxhey Lane from the site access to the toucan crossing.
- ☐ Construction vehicle access.

The offsite highway improvement works shall be completed in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way and to encourage sustainable travel in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C26 **Soft Landscaping** (TRDC Landscape Officer)

Prior to works above ground level a scheme of soft landscaping, which shall include details of the existing trees to be retained and the size, species, planting heights, densities and positions of any proposed soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority.

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 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).

C27 **Hard Landscaping** (TRDC)

The hard landscaping scheme shall be carried out in accordance with the approved details as shown on Plans WCO_005 P04, WCO_006 P05 prior to first occupation of the development hereby permitted.

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).

C28 **Management of Landscape areas** (TRDC Landscape Officer)

Prior to first occupation of the development hereby permitted a landscape management plan for the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscape management plan shall include long term design objectives of the hard and soft landscaped areas and blue infrastructure, management responsibilities (including clearing and maintaining hard landscaped areas), programme for replacement planting where required, timescales and maintenance schedules for all landscape areas.

The landscape management plan shall be carried out, as approved, following the first implementation of the approved landscaping scheme for the duration of the use of the site in connection with this permission.

Reason: To ensure that the approved landscaping and mitigation planting is satisfactorily maintained to ensure the long term protection of the character of the locality and biodiversity of the site, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).

C29 SUDS Management and Maintenance (LLFA)

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

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

The maintenance and management of the sustainable drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C30 SUDs – Survey and verification report (LLFA)

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 16. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms plus CCTV survey and topographic survey where appropriate. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority.

Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

C31 Highways - Parking Management Plan (HCCHA and TRDC)

Prior to the first occupation of the residential development hereby permitted, a Parking Management Plan for the site shall be submitted to and approved in writing by the local planning authority. The Parking Management Plan shall include: a) details of the allocation of vehicle parking spaces within the development; b) management and allocation of disabled parking spaces; c) management of the parking spaces serving the community building; d) details of the management and enforcement to prevent parking and obstruction of access road, internal roads and turning heads (i.e all areas not allocated for parking); e) long term management responsibilities and maintenance schedules for all communal and roadside parking areas and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The parking management plan shall be carried out in accordance with the approved details.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C32 Site Investigation (HCC Archaeology)

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis and publication where appropriate.

Reason: To ensure, in advance of the operation of the development hereby permitted that the details of the mitigation necessary to protect any archaeological remains present within the application site are implemented in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C33 Sewerage (Thames Water)

No development shall be connected to the public sewer system until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan, which may, if appropriate include a temporary solution, has

been approved in writing by the Local Planning Authority to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no connection to the public sewer system shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C34 **Verification Report** (Environment Agency)

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C35 **Refuse and Recycling details** (TRDC Planning and Herts Highways).

The development shall not be first occupied until a scheme for the separate storage and collection points of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises.

The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

C36 **EV Charging Points** (TRDC Planning and Herts Highways)

Prior to the first occupation of the development, the Electrical Vehicle Charging points as shown on approved plan 425-065707-00001-PD04 Rev A shall be installed and made available for use in accordance with the approved details.

Reason: This condition is required to ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to

ensure that the development makes as full a contribution to sustainable development as possible.

C37 Parking Provided and Retained (TRDC Planning)

The parking spaces and turning spaces shall be constructed and provided and the allocated parking made permanently available to the individual properties, in accordance with the approved details. The parking spaces shown on approved plan 337 B (00) 002 P04 shall be provided before the first occupation of the dwelling to which they are assigned and shall only be made available to that assigned property in accordance with approved plan 337 B (00) 002 P04. The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C38 Quadricycle and Electric Bike parking (TRDC Planning)

The quadricycle and Electric Bike Parking spaces shall be constructed, provided and made permanently available to the occupants of the development, in accordance with the approved plan 337 B (00) 002 P04.

The quadricycle and electric bike parking spaces shall be provided prior first occupation of any dwelling and thereafter be kept permanently available for the use of residents to the site.

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

C39 Energy Statement (TRDC Planning)

The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy and Sustainability Statement Rev 02 by KLH dated May 2025 submitted as part of the application are incorporated into the approved development and shall deliver a minimum of 126.4% improvement in carbon reductions over Part L Building Regulations.

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.

C40 **Noise mitigation measures** (TRDC EH Officer)

Prior to the first occupation of the development hereby permitted, a detailed noise mitigation scheme for the plant and machinery to achieve satisfactory internal noise levels to each dwelling, in accordance with BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. The noise mitigation scheme shall address potential noise nuisance arising from the electrical substations and battery storage. The noise from electrical substations and battery storage area shall not exceed the criteria set out in Table 5 of 'A Procedure for the Assessment of Low Frequency complaints' (University of Salford, Manchester, 2009) within any habitable room of any neighbouring dwelling.

The mitigation measures shall be implemented in accordance with the approved details prior to first use of the plant and machinery on site and permanently maintained thereafter.

Reason: To protect the residential amenities of future occupiers of the development in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C41 **Boundary treatment** (TRDC Planning)

Prior to the first occupation of the development hereby permitted, the boundary treatment shall be erected in accordance with the approved details as shown on plan WCO_005 REV P05 and shall be permanently maintained as such thereafter.

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

C42 **Reuse and Gym Building**

The Reuse Centre and Gym shall be completed and ready for first use in accordance with the approved plans prior to 20% occupation of the dwellinghouses. The Reuse Centre and Gym shall only be available to residents occupying the dwellings within the application site and shall not be made available to the general public at any time.

Reason: To safeguard the residential amenities of neighbouring properties from an unacceptable intensive use and for highway safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C43 **No additional windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first floor flank elevations or roof slopes of the dwellings on Plots 32, 79 or 87 hereby approved.

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

C44 Obscure glazing

Before the first occupation of the community building and flats hereby permitted the windows in the first floor north eastern elevation of flat 96 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

C45 Balcony Screening

Prior to occupation of the Flat 96 hereby permitted, a 1.8m high obscured screen as measured from the surface of the balcony be erected to along the north eastern elevation of the balcony shall be implemented and maintained as such thereafter.

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

C46 Community Building – Parking

The parking spaces serving the Community Centre, hereby permitted, shall be constructed, provided and made available for users of the Community Centre, in accordance with the approved details. The parking spaces shown on approved plan 337 B (00) 002 P04 shall be provided before the first use of the Community Centre and shall permanently only be made available to that assigned property in accordance with approved plan 337 B (00) 002 P04. The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Other

C47 Remediation Strategy (Affinity Water)

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:

- A **Remediation Strategy/Report** detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

The remediation works shall be carried out in accordance with the approved details.

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

C48 Unexpected contamination (Environment Agency)

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

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C49 Investigative Boreholes (Environment Agency)

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected.

The scheme as approved shall be implemented prior to the occupation of the development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C50 Piling (Environment Agency)

No piling, boreholes/tunnel, shafts, ground source heating and cooling systems or other foundation designs using penetrative methods shall be carried out until details of the works have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C51 **Biodiversity Net Gain Plan** (Herts Ecology and Planning)

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment by ethos Environmental Planning (ETH24-258-Oxhey V2, December 2025).

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

C52 **Habitat Management and Monitoring Implementation** (TRDC)

Notice in writing shall be given to the Local Planning Authority when the agreed Habitat Management and Monitoring Plan (HMMP) as secured by condition 15 has been implemented.

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

C53 **Monitoring reports as agreed** (Herts Ecology and TRDC).

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP (as secured by condition 15).

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

C54 **Removal of Permitted Development Rights** (TRDC Planning)

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

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site, neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C55 **Fire Hydrants** (HCC Fire and Rescue)

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

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

C56 **External Lighting** (TRDC EH and Herts Ecology).

Prior to the installation of any lighting on the site, full details and specification of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include heights of any lighting columns, spillage diagrams, and proposed hours of operations. The lighting shall therefore after be implemented only in accordance with the approved details.

Reason: To safeguard wildlife and ecology in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C57 **Community Building – Hours of Use**

The Community Centre, hereby permitted, shall not operate other than between the hours of 10:00am and 7:30pm Mondays to Saturdays and shall not operate at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C58 **Community Building – Use**

The Community Centre, hereby permitted, shall only be used as a Hall or meeting place for the principal use of the local community use (Class F2b) and for no other use, including any other use in Class F of the Schedule to the Town and Country (Use

Classes) Order (as amended) (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Informatives

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before

the 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 effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

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

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

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

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

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

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

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

- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I4 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.
- I5 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.
- I6 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

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

- 17 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.
- 18 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 19 Roads to remain private: The applicant has indicated that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that they are private roads and the developer should put in place permanent arrangements for long-term maintenance.
- 110 Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.
- 111 There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work, please contact Thames Water on 08458502777.
- 112 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 in our Construction Management template, a copy of which is in our Construction Management template, a copy of which is available on the County Council's website at 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.asp>

- I13 Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailingtravelplans@hertfordshire.gov.uk
- I14 There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.
- I15 In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

ACCOMMODATION AND MIX SCHEDULE	
Project	OXHEY
Client	GS8
Job No.	337 Z
Rev	D
Date	05/02/2025

Unit No	Unit Type	Unit Typology	Tenure	Rear Garden Area (m2)	Car Parking Spaces
01	3B5P	Terrace	Shared Ownership	47	1
02	2B3P	Terrace	Affordable Rent	37	1
03	2B3P	Terrace	Affordable Rent	38	1
04	2B3P	Terrace	Affordable Rent	38	1
05	2B3P	Terrace	Affordable Rent	38	1
06	3B5P	Terrace	Shared Ownership	52	1
07	3B5P	Terrace	Shared Ownership	52	1
08	2B3P	Terrace	Shared Ownership	38	1
09	2B3P	Terrace	Shared Ownership	38	1
10	2B3P	Terrace	Shared Ownership	38	1
11	2B3P	Terrace	Shared Ownership	38	1
12	2B3P	Terrace	Shared Ownership	38	1
13	3B5P	Terrace	Shared Ownership	54	1
14	3B5P	Terrace	Market	64	1
15	2B3P	Terrace	Market	42	1
16	2B3P	Terrace	Market	42	1
17	2B3P	Terrace	Market	42	1
18	2B3P	Terrace	Market	42	1
19	2B3P	Terrace	Market	42	1
20	3B5P	Terrace	Market	55	1
21	4B7P	Detached	Market	150	2
22	4B6P	Semi-Detached	Market	77	2
23	4B6P	Semi-Detached	Market	81	2
24	4B6P	Semi-Detached	Market	96	2
25	4B6P	Semi-Detached	Market	134	2
26	3B5P	Semi-Detached	Market	79	2
27	3B5P	Semi-Detached	Market	115	2
28	4B6P	Semi-Detached	Market	85	2
29	4B6P	Semi-Detached	Market	85	2
30	4B6P	Semi-Detached	Market	86	2
31	4B6P	Semi-Detached	Market	81	2
32	4B7P	Detached	Market	179	2
33	4B7P	Detached	Market	109	2
34	4B7P	Detached	Market	146	2
35	4B7P	Detached	Market	196	2
36	4B8P	Detached	Market	272	2
37	4B7P	Detached	Market	142	2
38	3B5P	Terrace	Market	57	1
39	3B5P	Terrace	Market	55	1
40	3B5P	Terrace	Market	55	1
41	3B5P	Terrace	Market	55	1
42	3B5P	Terrace	Market	55	1
43	3B5P	Terrace	Market	64	1
44	3B5P	Terrace	Shared Ownership	88	1
45	2B3P	Terrace	Shared Ownership	42	1
46	2B3P	Terrace	Shared Ownership	42	1
47	2B3P	Terrace	Shared Ownership	42	1
48	2B3P	Terrace	Shared Ownership	42	1
49	2B3P	Terrace	Shared Ownership	42	1
50	3B5P	Terrace	Shared Ownership	59	1
51	4B7P	Detached	Market	104	2
52	3B5P	Terrace	Affordable Rent	54	1
53	2B3P	Terrace	Affordable Rent	38	1
54	2B3P	Terrace	Affordable Rent	38	1
55	2B3P	Terrace	Affordable Rent	38	1
56	2B3P	Terrace	Affordable Rent	38	1
57	2B3P	Terrace	Affordable Rent	38	1
58	3B5P	Terrace	Affordable Rent	52	1
59	3B5P	Terrace	Affordable Rent	52	1
60	2B3P	Terrace	Affordable Rent	38	1
61	2B3P	Terrace	Affordable Rent	38	1
62	2B3P	Terrace	Affordable Rent	38	1
63	2B3P	Terrace	Affordable Rent	37	1
64	3B5P	Terrace	Shared Ownership	47	1
65	3B5P	Terrace	Shared Ownership	39	1
66	3B5P	Terrace	Shared Ownership	48	1
67	2B3P	Terrace	Affordable Rent	38	1
68	2B3P	Terrace	Affordable Rent	40	1
69	2B3P	Terrace	Affordable Rent	40	1
70	2B3P	Terrace	Affordable Rent	38	1
71	3B5P	Terrace	Affordable Rent	51	1
72	3B5P	Terrace	Affordable Rent	44	1
73	2B3P	Terrace	Affordable Rent	38	1
74	2B3P	Terrace	Affordable Rent	39	1
75	2B3P	Terrace	Affordable Rent	39	1
76	2B3P	Terrace	Affordable Rent	39	1
77	3B5P	Terrace	Affordable Rent	55	1
78	4B7P	Detached	Market	103	2
79	3B6P	Semi-Detached	Market	168	2
80	3B6P	Semi-Detached	Market	133	2
81	3B6P	Semi-Detached	Market	115	2
82	3B6P	Semi-Detached	Market	128	2
83	3B6P	Semi-Detached	Market	134	2
84	3B6P	Semi-Detached	Market	98	2
85	3B5P	Semi-Detached	Market	103	2
86	3B5P	Semi-Detached	Market	84	2
87	3B6P	Semi-Detached	Market	150	2
88	3B6P	Semi-Detached	Market	117	2
89	3B6P	Semi-Detached	Market	94	2
90	3B6P	Semi-Detached	Market	87	2
91	3B6P	Semi-Detached	Market	87	2
92	3B6P	Semi-Detached	Market	82	2
93	3B5P	Semi-Detached	Market	97	2
94	3B5P	Semi-Detached	Market	89	2
95	4B6P	Flat	Social Rent	10 (balcony)	1
96	3B5P	Flat	Social Rent	10 (balcony)	1

Note both
on street
Note both
on street

Parking		
On plot	66	
On street	65	
Total allocated	131	
Additional spaces:		
Quadracycle	3	
Car Club	3	
Disabled	5	
Visitor	9	
Community	3	inc 1 disabled
Total site parking	154	inc quads

Total Allocated:
131

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25/1055/FUL - Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works at LAND TO THE REAR OF WOODLANDS COTTAGE, OXHEY LANE, CARPENDERS PARK, WATFORD, HERTFORDSHIRE, WD19 5RF.



View within the site looking south east



View within the site looking south east including the north east boundary



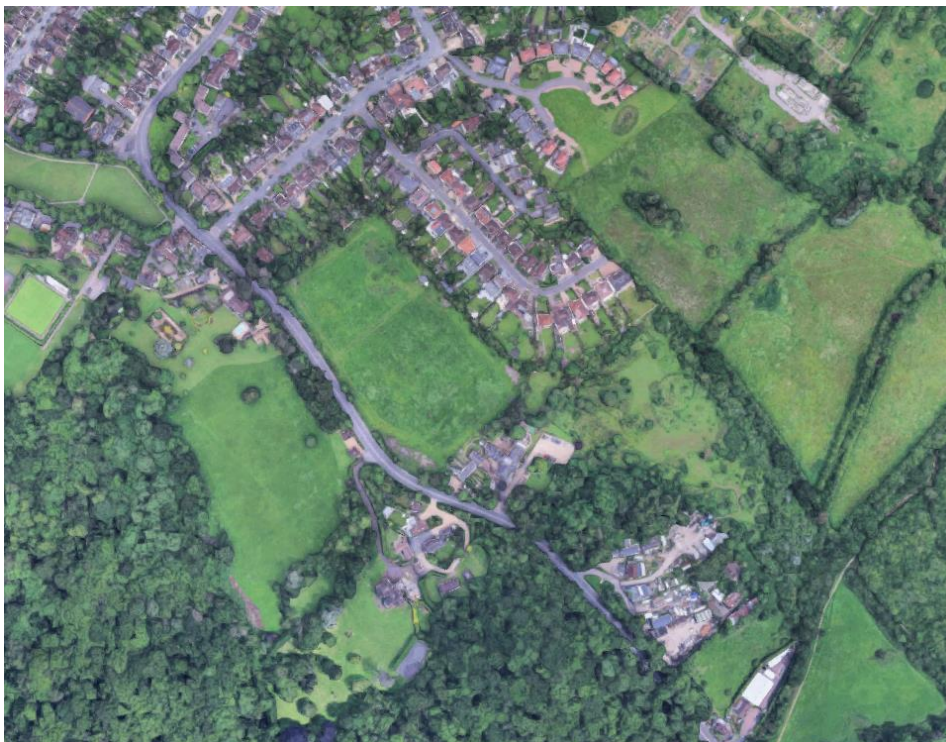
View within the site of the north west boundary that adjoins the neighbouring properties of Elms Avenue.



Google Street Scene view of the frontage of the site



Google Earth view of site – application site indicatively outlined in red



PLANNING COMMITTEE – 26 February 2026

25/1943/FUL - Demolition of existing building and construction of a new three storey building to provide community centre at ground floor level and 8 residential units to the two upper floors with associated landscaping, access, and parking alterations at BRITISH RED CROSS, COMMUNITY WAY, CROXLEY GREEN, HERTS, WD3 3HB

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 13.02.2026 (EOT agreed 02.03.2026) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be approved subject to conditions

Reason for consideration by the Committee: The applicant is Three Rivers Homes Ltd, a joint venture between Three Rivers District Council and Watford Community Housing.

Development type: Minor Dwellings

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

[25/1943/FUL - Demolition of existing building and construction of a new three storey building to provide community centre at ground floor level and 8 residential units to the two upper floors with associated landscaping, access, and parking alterations at BRITISH RED CROSS, COMMUNITY WAY, CROXLEY GREEN, HERTS, WD3 3HB](#)

1 Relevant Planning History

- 1.1 No relevant planning history.

2 Description of Application Site

- 2.1 The application site is located on the corner of Barton Way and Community Way in Croxley Green. The site is currently occupied by a single storey flat roofed building that is currently in a community use. The building adjoins the Library to the south, the Library being sited on the corner of Barton Way and New Road. There is an existing car park to the west of the building, accessed from Community Way.
- 2.2 This part of Croxley Green is characterised by a mixture of residential, commercial and retail uses.
- 2.3 To the south of the site there are shops on New Road. Barton Way is characterised predominantly by pairs of semi-detached two storey dwellings. Community Way provides access to a public car park, there are also allotments to the north of Community Way. There are a number buildings (to the rear of properties in New Road) that have access directly onto Community Way including houses and flatted properties. Barton Way Recreation Ground is to the east of the site.
- 2.4 Development within the area is predominantly two-storeys in height, however, there are existing single storey buildings (including the application building) and three-storey buildings within the vicinity fronting New Road, including opposite the junction with Barton Way.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of existing building and construction of a new three storey building to provide a community centre at ground floor level and 8 residential units to the two upper floors with associated landscaping, access, and parking alterations.

- 3.2 The proposed residential units comprise of 2 x 1 bed flats and 6 x 2 bed flats with a community use retained at ground floor level. This would comprise of a community hall in an F2 use and also a Class E (g) (i) office use (which is intended to be occupied by Croxley Green Parish Council).
- 3.3 The proposed building would have a square footprint (17.7 x 17.7m). The building would be three storeys in height with two mono pitched roofs at stepped heights. It would have a maximum height of 12m. A single storey side projection is also proposed to the north which would house the refuse store. This element would face Community Way and would have a depth of 3.5m and width of 6.8m (in line with the western flank). It would have a mono pitched roof with a maximum height of 3.5m.
- 3.4 The proposal would provide 100% on site affordable housing in Affordable Rented tenure.
- 3.5 The building would be finished in white render and buff brickwork with green windows, facias and rainwater goods to reflect the existing adjacent Library.
- 3.6 The entrance to the community use would front Barton Way with the access to the residential units via Community Way.
- 3.7 Parking for the residential units and landscaping would be provided to the north and east (fronting Barton Way and Community Way). Parking for the community use would be provided to the west (rear of the building) with a vehicle access barrier set back from Community Way. A total of 9 spaces are proposed to serve the residential units (1 per units plus 1 visitor) and 7 to serve the community use. Alterations are proposed to provide vehicle crossovers from Barton Way and Community Way.
- 3.8 A cycle store is proposed to the west of the building adjacent to Community Way and the entrance to the community use parking. This is intended to serve the residential development and would provide space for 10 cycles. To the rear (south) of the cycle store a further 4 visitor cycle spaces are proposed for the community use. The proposed cycle store would have a depth of 4m and a width of 2m. It would have a shallow mono pitched roof with a maximum height of 2.2m and would have a metal frame with timber sides.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council:

Croxley Green Parish Council notes the proposed application is out of accordance with the Croxley Green Neighbourhood Plan guidelines in terms of its scale and appearance on the street scene.

The compact ASHP's (Air Source Heat Pumps) and the Solar PV Panels are not shown on the drawings.

Officer comment: Officers have sought clarification and the Parish Council have confirmed that their comment above does express that 'the development would not be in accordance with the CGNP due to its scale and appearance within the streetscene'.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions].

Recommendation

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

COND1a): Highway Improvements - Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on submitted drawing number 24005-OA-XX-XX-DR-A-17102 have been submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority. The works shall include:

- Two new shared vehicle crossovers on Barton Way for residential parking, each at a maximum width of 7.2m, made up of six flat kerbs and 2 ramped kerbs to provide access for the 6 parking spaces;
- At least one full height kerb between the two new crossovers on Barton Way;
- An appropriate crossing pedestrian point on Barton Way to provide a safe, accessible and convenient crossing point between the site and the facilities on the opposite side of the road including the bus stop. The crossing point would need to be made up of pedestrian dropped kerbs, tactile / blister paving and a sufficient level of vehicular to pedestrian visibility;
- Pedestrian dropped kerbs and tactile/blister paving on either side of the mouth of the junction of Community Way with Barton Way.

COND1b): Highway Improvements - Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

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

COND2): Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- d. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- e. Provision of sufficient on-site parking prior to commencement of construction activities;
- f. Phasing Plan.

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

Informatives

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

AN1) 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>

AN2) 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>

AN3) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

Comments

Context: The development site is located on the junction of Barton Way and Community Way and proposals would result in vehicles utilising both as access for the site. Community Way is a private access route with speed limit signs of 15mph throughout the road; Barton Way is an unclassified local access road subject to a 30mph speed limit and is considered highway maintainable at public expense. On Hertfordshire County Council's Place and Movement network, Barton Way is categorised as P2/M1 (e.g. Residential Street). No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). The County Council considers Barton Way to be a traffic sensitive road between the hours of 07:00 - 09:30 and 16:00 - 18:30, Monday to Friday.

The proposals consist of the demolition of the existing Red Cross building and the construction of a new Croxley Green Community Centre with 8 residential dwellings on the two floors above, as well as the improvement of the existing vehicular access and the implementation of three other accesses to be used for residential parking.

Considering the traffic sensitive nature of Barton Way as well as the Right of Way identified on Community Way (referenced below), a Construction Management Plan is required to ensure mitigation of any potential impact on the highway network during construction works. This has therefore been added as a condition (COND2).

Right of Way: Despite Community Way's private classification, public right of way Croxley Green 010 runs through a section of Community Way and extends beyond the road, running to the south of Croxley Tennis Club and opening into The Green. To ensure the Right of Way remains unobstructed at all times, an advisory note has been added to this application with information regarding what should happen if an unexpected obstruction occurs.

Access: The existing site allows access via a bellmouth to the west of the site approximately 30m from the junction with Barton Way. The proposed access layout (outlined in drawing number 24005-OA-XX-XX-DR-A-27102) shows an intention to relocate and widen this bellmouth to the east. The application's transport statement states that this improved access will be approximately 6m in width. This access point will serve as the access and parking area for those attending the community centre/library which is the ground floor and to the rear of the site respectively.

The proposals also include the implementation of three residential parking areas, comprising of three spaces each, which will form the parking provision for the residents of the proposed dwellings. Two of these areas will be accessed via Barton Way and the remaining area will be via Community Way.

There appears to be no indication on detailed plans how wide the proposed residential parking areas are. Hertfordshire County Council's Dropped Kerb Policy states that shared vehicle crossovers must be no wider than 6 flat kerbs and 2 ramped kerbs. Each kerb has a standard width of 0.9m. This means that the dropped kerbs must be no wider than 7.2m (including ramped/transition kerbs) in line with HCC policy.

For both the vehicular access points for residential parking the applicant will need to enter into a Section 278 agreement with the Highway Authority. This has been conditioned (Cond1a/b) and more information can be found in the advisory note section (AN1).

Parking: The application's Transport Statement notes that 11 residential parking bays are proposed across three bays. This does not appear to be reflected in drawing number 24005-OA-XX-XX-DR-A-27102 ('Proposed block plan'), which shows 9 parking spaces.

Additionally, the development application form states that 16 parking spaces will be provided, 7 of which are provided for community centre/library use, meaning 9 parking spaces will be provided for residents in line with the Proposed Block Plan drawing. This ambiguity notwithstanding, the Local Planning Authority acting also as the Parking Authority will be responsible for ensuring the levels of parking are acceptable in line with local standards.

Parking spaces have been provided with acceptable dimensions in line with Hertfordshire County Council design standards, outlined as 2.5m wide and 5m long in Hertfordshire's Place and Movement Planning and Design Guide. Each space has been provided with these dimensions.

Ten secure cycle parking spaces have been provided for residents of the dwellings and two Sheffield stands (noted as four parking spaces) for visitors.

Accessibility: The site is located in Croxley Green and benefits from a number of nearby public amenities including Barton Way play area, Croxley Green Library and Malvern Way School. A number of small retail stores line New Road. The nearest bus stops to the site are located on Barton Way and New Road (Dickinson Square) and are well within the normal desirable walking distance of 400m (outlined in Planning for Walking by the CIHT),

both provide services to nearby towns such as Hemel Hempstead. Croxley train station is a 400m (approx.) walk from the site and is a stop on the Metropolitan line.

Footways line both sides of Barton Way up towards the junction with Community Way and throughout the rest of the road. No dropped kerbs or any aspect of a pedestrian crossing point allows pedestrians to cross at the junction with Community Way, nor to cross to the other side of Barton Way in order to avoid this. To ensure occupants of the new dwellings can safely and sustainably walk around Croxley Green. we have conditioned the provision of a crossing points on Barton Way and the junction of Community Way.

Surface water flood risk to the highway: The applicant is reminded that surface water must not be allowed to flow or be discharged onto land considered highway maintainable at public expense.

Considering the extent of the development - some changes to the existing access and no changes to the levels of hardstanding within the site - as well as the private nature of the road abutting the access, the Highway Authority does not believe this development will result in an increase in the risk of a surface water flood occurring on the highway network. The application's Sustainability Statement notes that surface drainage will be considered as part of future planning stages.

The development site is also located outside of a flood risk zone and is marked as 'very low' for the possibility of surface water flooding according to the Government flood risk map.

Emergency vehicle access: The widening of the access on Community Way will improve the arrangement for emergency vehicle access as it will be easier for a fire tender with a width of 2.9m to enter the site. The Highway Authority is content that all parts of the building are within the 45m distance necessary for a fire tender to reach. In line with building regulations, a fire tender is not expected to reverse more than 20m and this will not be required in any scenario as the access road is approximately 27m in length.

The Highway Authority has identified no concerns related to emergency vehicle access.

However having considered the size of the development, the Highway Authority has asked Hertfordshire Fire & Rescue to provide any comments they have concerning emergency vehicle access.

Access for waste collection vehicles: A refuse store for both the Community Centre and the residential dwellings has been provided adjacent to residential parking spaces 7, 8 and 9 and does not require a refuse vehicle to enter the site. As a result, the Highway Authority does not believe this proposal affects existing access arrangements for kerbside collection.

Conclusion

HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above conditions and highway informative / advisory notes.

4.1.3 Herts Fire and Rescue: [No objection]

HFRS have no issue re fire appliance access to the building as proposed.

4.1.4 TRDC Housing strategy team: [No objection]

Policy CP4 of the Adopted Core Strategy requires that 45% of new housing should be provided as Affordable Housing, unless it can be clearly demonstrated through financial evidence that this is not viable. As a guide, the tenure split should be approximately 70%

rented (of which 70% should be social rent and 30% affordable rent) and 30% affordable home ownership.

The Local Housing Market Assessment (2024) outlines the recommended proportions for housing mix in development proposals submitted to Three Rivers District Council. These proposals should generally aim for a mix of 19% 1-bed units, 39% 2-bed units, 30% 3-bed units, and 13% 4-bed units.

However, the identified need for affordable housing, based on the current housing register and the family composition of customers in temporary accommodation provided by the Council, suggests the following updated preferred mix: 20% 1-bed units, 45% 2-bed units, 30% 3-bed units, and 5% 4+ bed units. The primary need is for 2-bed, 4-person units, as there is a significant demand for family-sized accommodation to ensure families in temporary housing are offered permanent, suitable properties in a timely manner.

I can confirm that we would generally support this application, which proposes 100% affordable housing to be provided on site. While this exceeds the overall affordable housing requirement set out in Policy CP4, the proposal does not fully meet the policy's tenure requirements as it does not include any social rented housing.

The scheme would, however, deliver an entirely affordable development, including a number of family-sized homes, which are in identified short supply across the District. All rented units are proposed as affordable rent and it is confirmed that these rents will be capped at the applicable Local Housing Allowance. Given the significant need for family accommodation, the proposal is considered to make a positive contribution towards meeting local housing needs despite the absence of social rent provision.

4.1.5 Local Plan section: No response received.

4.1.6 HCC Footpath section: No response received.

4.1.7 Herts Ecology: No response received.

4.1.8 National Grid: No response received.

Public/Neighbour Consultation

4.1.9 Number consulted: 11

4.1.10 No of responses received: 71 objections.

4.1.11 Site Notice: 05.09.2025

Press Notice: 13.09.2025

4.1.12 Summary of Responses:

- Out of character
- Too high
- Loss of privacy/overlooking
- Noise and disruption
- Overbearing
- Parking issues
- Overdevelopment

- Community facility too small for the events
- Asset of community value only removed to facilitate demolition. Existing structure could be refurbished
- Housing prioritised over community use
- Damage from construction
- Request for replacement fencing.
- Conflict of uses-noise from community use impact flats. In turn meaning restrictions on hall impacting its viability
- Inclusion of swift bricks is pleasing however this should be secure by condition
- Bed sizes not shown clearly
- Contribution should be made to Croxley rail link

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework was revised. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.3 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM12, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA1, HO1 and HO2 are relevant.

6.4 Other

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

Affordable Housing SPD (June 2011).

7 Planning Analysis

7.1 Principle of development

7.1.1 Community Use:

Policy DM12 of the Development Management Policies LDD (adopted July 2013) relates to Community, Leisure and Cultural Facilities and advises that:

(a) Proposals for the redevelopment or change of use of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:

- i. The existing facility can be satisfactorily relocated within the development; or
- ii. The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or
- iii. The premises or site cannot readily be used for, or converted to, any other community facility and:
- iv. The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

7.1.2 The Croxley Green Neighbourhood Plan at Aim 7 sets out:

The Parish Council will make every effort to secure the future of leisure, community, and health and education facilities and to support the enhancement of existing facilities and the provision of new facilities.

All buildings and facilities listed in Table LC1 (which includes the application site) , serve a vital role in the community of Croxley Green and subscribe to the sustainability objectives.

- 7.1.3 Aim 17 goes on to set out that The Parish Council will work with Herts CC and TRDC to increase and diversify the use of the Library to accommodate adult education and community activities, including more intensive use of the Red Cross building and improve the appearance of Community Way by tree and shrub planting.
- 7.1.4 It is understood that the future occupier would be Croxley Green Parish Council however for planning purposes the floorspace would be in an F2 use (Local community use – essential shops, meeting places, sport and recreation) with the office being in a Class E (g) (i) use (office to carry out administrative functions). The use would technically be mixed as the uses are not mutually dependent of each other (with the exception of the toilets). This would mean the community hall and kitchen facilities could be used independently of the day to day operations of the offices. Therefore whilst the Parish may have a degree of on going management responsibilities the community element would still be available for the public.
- 7.1.5 The site plan submitted indicates that the existing community use has a floor space of 320sqm. The proposed community floor area would result in a minor reduction to this with 264sqm proposed. The reduction in community use floorspace would be very minimal. The actual hall itself has a net reduction of only 20sqm.
- 7.1.6 Whilst the reduction in the hall size and the overall community floorspace is noted the existing building is ageing. The proposed building would be modern with upgraded facilities including accessible toilets and a new kitchen . The presence of the Parish Council Offices within the same building and close connection to the library would mean the site would function as a community hub with easy access for residents to a number of services in one place. Overall it is not considered that the reduction would prejudice the delivery of community services in the area or across the district as a whole.
- 7.1.7 The uses would be conditioned to ensure the community use is solely in F2 (b) ‘Halls or meeting places for the principal use of the local community’ and the office shall only be used in Class E (g) (i) ‘offices to carry out any operational or administrative functions’ to safeguard the on-going community use and prevent any change of use between or within the Use classes without the express consent of the LPA.

Residential units:

- 7.1.8 The application site is located in Croxley Green, identified as a Key Centre in the Core Strategy (adopted 2011). The proposal seeks approval for the demolition of the Red Cross building and its replacement with a three storey building comprising of 8 residential flats, with community space and car parking. The site has not been allocated as a housing site by the Site Allocations LDD (adopted November 2014) and as such is not currently identified as part of the District’s housing supply. The site should therefore be considered as a windfall site.
- 7.1.9 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
- 7.1.10 The Spatial Strategy identifies that amongst the Principal Town and other Key Centres, Croxley Green is one of the most sustainable locations in the District. The application site is located within the primary shopping frontage of Croxley Green with easily accessible links to public transport connections, amenities and schools. Policy CP2 states that development in the Key Centres should provide approximately 60% of the District’s housing requirements over the Plan period. The Spatial Strategy states that in Key Centres, new development will

be directed towards previously developed land and appropriate infilling opportunities within the urban areas. The site is situated in an urban location on previously developed land with the proposed development adding to the Council's acute need for housing delivery. The proposal therefore complies with Policy PSP2, the Three Rivers Spatial Strategy. Paragraph 125 of the NPPF also outlines that planning decisions should encourage benefits from urban land including mixed use schemes, should support development in under utilised buildings and support opportunities to use the airspace above commercial premises for new homes. The general principles of the proposed development would align also with aims of paragraph 125 of the NPPF. However this is subject to consideration against other material planning considerations as discussed below.

7.2 Impact on character of the streetscene

- 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 The Croxley Green Neighbourhood Plan outlines that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design.
- 7.2.4 To conserve the visual cohesion new development should pay respect to adjoining buildings and the uniqueness of the Character Areas without resorting to pastiche, and pay particular attention to:
- the layout and urban grain, especially in any proposed back-land development
 - the building line, scale, eaves heights and ridge heights
 - the dominating architectural scale, detail and use of external materials
- 7.2.5 This site is within Character area 3. The only specific reference to this part of the street is "The paved area adjacent to the Library needs more of an attraction such as a coffee kiosk if the square is to provide a community focus." As set out above the Croxley Green Neighbourhood Plan at Aim 7 sets out:

The Parish Council will make every effort to secure the future of leisure, community, and health and education facilities and to support the enhancement of existing facilities and the provision of new facilities.

All buildings and facilities listed in Table LC1 (which includes the application site) , serve a vital role in the community of Croxley Green and subscribe to the sustainability objectives.

- 7.2.6 Aim 17 goes on to set out that The Parish Council will work with Herts CC and TRDC to increase and diversify the use of the Library to accommodate adult education and community activities, including more intensive use of the Red Cross building and improve the appearance of Community Way by tree and shrub planting.
- 7.2.7 This part of the streetscene includes a mix of 2 and 3 storey buildings. It is noted that the proposed building would be taller than those in the very immediate locality however there are other 3 storey buildings within New Road such that a building of the height proposed would not appear incongruous. The application site occupies a prominent corner position and therefore creates an opportunity for the creation of a focal point.
- 7.2.8 The proposed building has a pitched roof with stepped roof sections which responds to the roof of the existing library building. Owing to its corner location the proposed building would be a prominent form of development however it would be sited within the site such that it would not appear unduly dominating from the adjacent streets. The proposed roof form also assists in alleviating some of the additional apparent bulk. As such it is considered that the height, positing and principles of the massing of the building would be appropriate for this site. The design also positively responds to the architectural features of surrounding buildings. The proposed bin store would appear as a subservient addition to the building and would not appear incongruous in its form.
- 7.2.9 The general approach to materials with the combination of brick work, render and colour fenestration detailing would positively respond to the context of the streetscene, drawing upon the library's appearance to enable consistency and would be appropriate for the building. The plans submitted include a brick detailing plan which more effectively shows how the elevations of the building would be articulated. This includes the use of protruding brickwork, cills and corner/banding details. These features are considered key to the successful execution of the building's design in creating visual interest and ensuring good quality articulation of the elevations. The location and use of fenestration also creates an active frontage with Barton Way with landscaping leading visitors to the community use. The doors to the south of the community hall fronting the square which would enhance the use and appearance of this area in line with the aims of the CGNP. Hard and soft landscaping would be reserved by condition.
- 7.2.10 A parking area would be re-provided to the west of the building with a barrier. It is noted that the current parking area is open however the presence of a barrier fronting Community Way is not considered to appear as an incongruous addition. The proposed cycle store would be in a detached timber sides building. It would be modest in scale and would not appear at odds with the streetscene of Community Way where a number of rear outbuildings, garage and other structures are evident.
- 7.2.11 In summary, it is acknowledged that the proposed building would be larger than the one it replaces. However its design, use of materials and massing is such that it would be a focal point of this part of the primary shopping area as opposed to an incongruous or unduly prominent addition to the streetscene. The materials detailing provided would be secured by condition in order to safeguard the design quality proposed. Furthermore the proposal would make a more active use of the square to the south which supports that aim of the CGNP. Overall the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (adopted 2018) and the NPPF (2024).

7.3 Affordable Housing

7.3.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing. This sets out why the Council, contrary to the NPPF, applies Policy CP4 to small sites (net gain of 1 or above).

7.3.2 Given that the proposal includes the provision of 8 residential units Policy CP4 would apply. Policy CP4 sets out that the Council will:

f) 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.

7.3.3 Whilst in most cases small sites would be required, subject to viability, to make a payment towards off site provision, Policy CP4 is clear that this does not have to be the case. The proposal includes the provision of 8, on site, Affordable Rented units capped at Local Housing Allowance (LHA) rates.

7.3.4 Policy CP4 the policy sets out:

housing need as informed by the Strategic Housing Market Assessment, the Council will:

a) In view of the identified and pressing need for affordable housing in the District, 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.

b) As a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate.

c) Allocate specific sites, at higher or lower proportions of affordable housing depending on site circumstances, location and density of development. In some cases a target of 50% or above may be appropriate. Site specific targets will be set through the Site Allocations Development Plan Document.

7.3.5 When strictly applying this policy, all development proposing a net gain of one or more dwellings should contribute towards affordable housing. However as (f) sets out for small sites generally this could be by way of commuted sum payment. Nevertheless, when considering point (b) the proposed development would have a requirement for the provision of 4 affordable units with a 70%/30% tenure split. Given the limited number of units it is difficult to equate this however it is acknowledged that the higher proportion would be social rented.

7.3.6 The development does fail to provide any social rented units, however, the development would provide more on site affordable units than Policy CP4 requires. It is acknowledged that social rent levels are approx. 50% of market rent whereas affordable rent is up to 80% of market rent. However the Affordable Rent would, in this case, be capped at LHA rates which means that it would be affordable to households on no, or low, earned incomes if they are eligible for LHA. As of the time of publication the current LHA rates for this postcode are £218.63 per week for a 1 bed unit and £287.67 per week for a 2 bed unit.

7.3.7 It is acknowledged that the lack of the provision of any social rented units is regrettable as the reality of rent levels would be above the 50% reduction in market value. However overall the scheme provides more on site affordable housing than is required by Policy CP4 and the impact of the rent levels would be tempered to a degree by the LHA rate cap. Furthermore the need for affordable housing in the district is acute and the proposed development would result in the quicker delivery of units to meet this need than would have

otherwise been the case if an off site payment were proposed. In order to secure quicker on site delivery of the proposed affordable rented units, to offset the lack of social rented units, it is proposed that the standard 3 year time limit condition be reduced to 2 years for commencement.

- 7.3.8 Overall the technical departure from Policy CP4 is noted however the proposed development would meet an acute need for the provision of affordable housing in the district. This is supported by the LHA cap on the rental levels and quicker time frame for commencement to speed up delivery. Therefore, subject to conditions, the proposed delivery of 100% affordable housing scheme, with all units delivered on site as Affordable Rent, is in this case considered to be acceptable.

7.4 Housing Mix

- 7.4.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent Local Housing Needs Assessment (LHNA) (2024) advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%
Social/Affordable Rented Housing	20%	32%	35%	12%

- 7.4.2 The proposed development includes the provision of 1 and 2 bed units. 2 bed units are the second most in need however 1 bed are the second least needed. Overall, the scheme would deviate from Policy CP3 however given the limited scale of the proposal it is not considered that the scheme would prejudice the delivery of housing across the district as a whole.

7.5 Impact on amenity of neighbours

- 7.5.1 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'
- 7.5.2 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.
- 7.5.3 The proposed building would be set in 12m from the flank boundary with No.185 New Road with approximately 16m achieved from the closest corner of the proposed building and the rear projection of this neighbour. This neighbour is also favourably orientated south west of the application site. It is not disputed that the proposed building would be higher than that which exists currently and would be visible to this neighbour (and those further west along New Road) however the visibility of a building does not in itself automate harm. The proposal may result in the loss of some very early morning sun however owing to the separation distances and orientation would not result in unacceptable reduced light or an overbearing impact so as to result in demonstrable harm to their amenity.

- 7.5.4 The proposed building would be sited approximately 20m from the first property along Barton Way. No.1a Barton Way is a first floor flat with amenity space at ground floor. As above it is noted that the proposed building would be taller than the existing building however owing to the separation distance it is noted considered that overall the proposed building would result in such an overbearing impact or loss light so as to result in demonstrable harm to the rear gardens of the properties to the north.
- 7.5.5 It is noted that there are first and second floor habitable windows within all elevations. This includes towards the neighbouring properties rear gardens which front New Road to the west and Barton Way to the north. Notwithstanding this the building would be set 12m from the boundary with No.185 New Road (to the west) and views would be toward the rear of these gardens rather than views being towards their private patios. A separation distance of 20m would be achieved to the properties to the north and views would be at a 90 degree angle. Overall whilst it is noted that there would be some additional views however these would not be directed towards rear windows and would not be uncommon in a residential area.
- 7.5.6 In relation to the ground floor use of the building there would be no overall increase in area of this element compared with existing and therefore would not give rise to an unacceptable impact by reason of an intensification of the use.
- 7.6 Quality of accommodation for future occupants
- 7.7 *Amenity space (flats):* For flats, 21sqm is required for a 1 bedroom flat with an additional 10sqm for any further bedrooms. Space can be allocated specifically to each flat or communally.
- 2 x 1 bed flats = 42sqm
- 6 x 2 bed = 186sqm
- Total = 228sqm
- 7.7.1 The proposed development does not propose any amenity space by way of balconies or communal space and as such would not comply with Appendix 2 in this regard. However, the site is within walking distance (approx. 120m) of Public Open Space at Barton Way recreation ground which is easily accessible via lit pavement and crossing with relatively flat terrain. The proposal also includes improvements to crossing points making it easier and safer to access the other side of Barton Way from the application site. As such the lack of private or communal amenity space is not considered unacceptable in this location.
- 7.7.2 The proposed units would all be dual aspect with all habitable room benefitting from good quality accommodation with plentiful natural light and appropriate internal areas. The floor plates of the residential floors are identical and therefore the stacking of rooms is considered appropriate.
- 7.7.3 A condition would be added to require the submission of opening hours for the community use in order to ensure these are appropriate for the impact on residential occupiers and for the locality as a whole.
- 7.8 Trees and Landscaping
- 7.8.1 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.

- 7.8.2 There are no protected trees on or near the site. The proposal includes some additional soft landscaping including new trees. A hard and soft landscaping scheme would be reserved by condition. It should be noted that this condition is added for landscape/visual appearance purposes and is not related to Biodiversity Net Gain which is discussed below.

7.9 Wildlife and Biodiversity

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

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

- 7.9.3 The application has been submitted with a Biodiversity Checklist. In this case it is not considered that any further surveys are required.

- 7.9.4 A condition will be added to ensure the proposed swift bricks are installed and meet the required specifications.

7.10 Highways and access

- 7.10.1 The proposal includes alterations to the existing crossovers along Barton Way to create two accesses to the parking spaces along this side and one additional access facing Community Way to allow access to those new spaces. Furthermore offsite highways improvements are proposed to widen the existing bellmouth to the east (west of the site 30m from the junction with Barton Way). The Highways Officer raises no objections to the proposed access works subject to the inclusion of conditions requiring the submission of more specific design details for the off site improvements.

- 7.10.2 A construction management plan has also been recommended to be reserved by condition by the Highways Officer. Owing to the site location it is considered reasonable to attach this.

- 7.10.3 Herts Fire and Rescue have also confirmed they have no objections to the proposed development.

7.11 Parking provision

- 7.11.1 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.

- 7.11.2 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the DMLDD set out the car parking requirements for the District. Car parking spaces should be shown on a proposed site layout plan submitted to accompany a formal planning application, with care taken to ensure that the size of any proposed car parking area is the minimum necessary to facilitate parking. Provision must be made for cycle parking facilities and you may wish to also consider the provision of electric car charging points.

7.11.3 Parking standards are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013).

1 bed = 2 x 1.75 (1) = 3.5 (2 assigned)

2 bed = 6 x 2 (1) = 12 (6 assigned)

Total requirement = 15.5 (8 assigned)

7.11.4 The proposed site plan indicates that 8 spaces plus one visitor space would be provided to serve the residential units. As such the assigned number of spaces would be provided however there would be an overall parking shortfall of 6.5 spaces for the residential element.

7.11.5 In relation to the community use the requirement is for 1 space per 9sqm plus 1 space per full time staff member equivalent.

7.11.6 A zonal reduction of 25-50% of the demand based standard may be applied for the community use however cannot be applied for the C3 residential units. Applying the zonal reduction to the Class D (now F under the new use class order) requirement above would equate to provision of between 17-25 car parking spaces to serve the community use. However, this does not take into account the additional requirement based on staff numbers as this information has not been provided.

7.11.7 A total of 9 spaces would be provided to serve the community use, 1 fewer than existing and between 8-16 spaces below the standards of Appendix 5. Three of the residential parking spaces have been designed to be M4(2) compliant which means they are large enough for less able users and meet accessible space standards.

7.11.8 Overall there would be a shortfall in parking across the scheme as a whole. This includes an increased shortfall of 1 space compared with existing for the community use and a shortfall of 6.5 for the residential use. However it is noted that the residential use would comply with the assigned spaces requirements.

7.11.9 Notwithstanding the above, a view needs to be taken as to whether the shortfall results in demonstrable harm. The application site is located within the main shopping frontage of Croxley Green within close proximity of bus services, Croxley Station and local services. Parking restrictions exist on Barton Way and Community Way close to the application site with paid parking in Community Way however the site is outside the Croxley Green Permit Zone which exists along New Road and beyond. Given the sustainable location of the site and restrictions preventing spilling of parking onto the immediate roads it is not considered that the proposed development would result in unacceptable harm in this regard. Furthermore the proposal includes an enclosed cycle store for residential occupants and an external cycle parking area for visitors which would encourage sustainable travel. It is noted that the submitted D&A statement sets out that each space will have residents only signs and a lockable bollard. However a condition would be added to ensure car parking management details are provided to ensure that each residential space is clearly marked as being one space per unit and on going management responsibility to deter/enforce its use solely for residential occupants. Additionally that the community use spaces are only for those users and not for residents or any other persons.

7.11.10 A total of 7 EV charging points are indicated to be provided for the residential spaces and 1 to serve the community use parking to the west. It is considered that the provided number of charging facilities would be sufficient and would contrite towards the aims of emerging policy.

7.12 Energy Use

7.12.1 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”.

- 7.12.2 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.
- 7.12.3 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.
- 7.12.4 An energy statement has been submitted with this application which confirms that the proposal would achieve an energy saving of 59% as such would comply in this respect. This would be partly achieved by the provision of Air Source Heat Pumps and PV panels. Details of these including noise output would be required by condition in the event of a grant of planning permission.

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 sight lines
- 7.13.2 The proposal includes a refuse store is proposed to the north which provides bin stores for both the residential and community uses. The uses would each have a lockable section of the store to avoid conflict with waste disposal. The bin stores are within the required drop distance for council waste service collection. The proposed bin store would be within a solid structure in easy access for both the community use and future residents above. The refuse store would be in keeping in style to the main building and would not appear as an incongruous addition to the area.

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 proposes to meet the 10% net gain by way of on site provision. The baseline of the existing site is relatively low and as such in order to achieve the gains 2 trees and grassed landscaping areas are proposed. Whilst the proposed approach is considered acceptable the Biodiversity Gain plan remains a post determination matter. The

approach would be secure by the requirement for the submission of a Biodiversity Net Gain Plan and a Landscape Ecological Management Plan.

7.15 Tilted balance

7.15.1 For the reasons set out above the proposed development is considered to be acceptable. However in view of the Council's lack of housing land supply were an alternative view to be reached then paragraph 11 of the NPPF would become engaged.

8 Recommendation

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 Time limit

The development hereby permitted shall be begun before the expiration of TWO 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 Plan numbers

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

24005-OA-01-01-DR-A-11102 REC C1

24005-OA-01-02-DR-A-11103 REC C1

24005-OA-01-03-DR-A-11401 REC C1

24005-OA-01-ZZ-DR-A-11101 REC C1

24005-OA-01-ZZ-DR-A-12204 REC C1

24005-OA-01-ZZ-DR-A-12501 REV C1

24005-OA-01-ZZ-DR-A-13301 REV C1

24005-OA-XX-XX-DR-A-17102 REV C1

24005-OA-XX-XX-DR-A-17601 REV C1

24005-OA-XX-XX-DR-A-19101 REV C1

24005-OA-01-ZZ-DR-A-12205 REV C1

24005-OA-01-02-DR-A-11110 REV C1

24005-OA-XX-XX-DR-A-17101 REV C1

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP4, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (2018), and the NPPF (2024).

C3 Materials

The building shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and as

stated in the submitted application form and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (2018), and the NPPF (2024).

C4 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:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of site facilities, plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

C5 Landscape and Ecological Management Plan.

Prior to above ground works hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority, demonstrating how the habitat enhancement and creation and subsequent target habitat conditions on site (as detailed within the Biodiversity Net Gain Appraisal Oct 2025 prepared by Trium Environmental Consulting) will be created, enhanced, maintained and monitored following the completion of the works required to create them. The development shall be implemented and thereafter maintained in accordance with the LEMP.

Reason: In order to ensure the development delivers a net gain in biodiversity in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and Schedule 7A of The Environment Act.

C6 Off site highways improvements

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on submitted drawing number 24005-OA-XX-XX-DR-A-17102 have been submitted to and approved in writing by the Local Planning Authority. The works shall include:

- Two new shared vehicle crossovers on Barton Way for residential parking, each at a maximum width of 7.2m, made up of six flat kerbs and 2 ramped kerbs to provide access for the 6 parking spaces;
- At least one full height kerb between the two new crossovers on Barton Way;
- An appropriate crossing pedestrian point on Barton Way to provide a safe, accessible and convenient crossing point between the site and the facilities on the opposite side of the road including the bus stop. The crossing point would need to be made up of pedestrian dropped kerbs, tactile / blister paving and a sufficient level of vehicular to pedestrian visibility;
- Pedestrian dropped kerbs and tactile/blister paving on either side of the mouth of the junction of Community Way with Barton Way.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

Affordable Housing

- C7 No development shall take place until a scheme for the provision of the 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 two x one-bedroom and six two-bedroom flats which shall be constructed on the site and provided as Affordable Rented Dwellings.
- iii. 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;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing;
- v. 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;
- vi. 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);
- vii. 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 and Communities Agency 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 subparagraph (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).

C8 PV panels and ASHP

Prior to works above first floor slab level details of the proposed PV panels and ASHP shall be submitted to and approved in writing by the Local Planning Authority. Elevations and roof plans should be provided of the PV panels together with a detailed manufacturers specification (including noise output in dB) of the ASHP and mitigation measures in the event the output levels are excessive. The energy measures shall be installed in accordance with the approved details and maintained in that condition thereafter.

Reason: 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 Policies DM1, DM4 and DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C9 Swift bricks

Prior to the commencement of any works above ground level, details of the proposed type and location of swift bricks/tiles to be installed shall be submitted to and approved in writing by the Local Planning Authority. The swift bricks shall thereafter be installed prior to the first occupation of the development hereby approved and permanently maintained thereafter.

Reason: This condition is a condition to maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C10 Hard and soft landscaping scheme

No works above ground level shall taken place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials, and method of drainage around the areas of the site affected by the development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

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

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

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

C11 Surface water run off

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

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

C12 Parking layout

Prior to the first occupation of the development hereby permitted, the parking spaces shall be laid out, marked and permanently maintained for the use of residents, their visitors and users of the ground floor of the building only, in accordance with the layout depicted on plan number 24005-OA-XX-XX-DR-A-17102 REV C1. The parking shall be made available in that condition thereafter.

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

C13 Cycle storage

Prior to the first use of the building hereby permitted the cycle storage as more particularly shown on plan numbers 24005-OA-XX-XX-DR-A-17601 REV C1 and 24005-OA-XX-XX-DR-A-17102 REV C1 shall be constructed and shall ne made available for users and visitors to the building thereafter.

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

C14 Bin store

Prior to the first use of the building hereby permitted the bin store as more particularly shown on plan numbers 24005-OA-XX-XX-DR-A-17102 REV C1 and 24005-OA-01-ZZ-DR-A-11101 REC C1 shall be constructed and shall be made available for users and visitors to the building 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).

C15 Boundary treatment

Prior to the first use of the development hereby permitted a replacement 1.8m high closed boarded fence shall be installed in the same position as existing (to the western boundary with No.185 New Road. The fence shall be maintained in that condition thereafter.

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

C16 Car parking management plan

Prior to first use of any part of the building hereby permitted a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the signage, physical demarcations and on going management of the spaces to ensure one space per residential unit is proposed and the community use spaces are only for visitors/staff. The measures shall be implemented and maintained in accordance with the approved details thereafter.

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

C17 Hours of opening

Prior to the first use of the building hereby permitted the opening and operating hours of the community hall and its associated facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved hours shall be adhered to thereafter.

Reason: To safeguard the amenities of existing neighbours and future occupiers and to ensure the operations are appropriate for the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C18 Energy Statement

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

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

C19 Use (Community Hall)

The use of the community hall hereby permitted shall only be used in Use Class F2(d) (halls or meeting places for the principal use of the local community) and for no other purpose (including any other purpose in Class F2 of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of express planning consent from the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

C20 Use (Office)

The use of the office space hereby permitted shall only be used in Use Class E(g) (i)(an office to carry out any operational or administrative functions) and for no other purpose (including any other purpose in Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of express planning consent from the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

Informatives

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

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

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development

Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.

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

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

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

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

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

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

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

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

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

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>

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.

16 Definitions informative

Affordable Housing - Definitions:

The following terms (and those related to them) referred to at Condition 7 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.

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 The applicant is reminded that any exterior signage including the 'Croxley Green Parish Council' lettering may require an application for Advertisement Consent under separate cover.

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

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that:
 - a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”

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

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

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

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

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. 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)²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of

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

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 developments which contribute a net dwelling gain. Of those only 19 have been permitted to lapse which is only 6.6% of all such schemes³.
- 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 determined⁴ 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:

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

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

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

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

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

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

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

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

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

evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

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

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

General House Price Affordability in Three Rivers

2.5 Due to the District's close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), 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
5	Three Rivers	£325,000.00

Table 1.

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

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

- 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 £404,500⁷. 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	Three Rivers	£404,500.00
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 £33,056.00⁸, 12.24 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). 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 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 11.57¹⁰ (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).

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

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

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

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

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
8	Three Rivers	11.57

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 12.24¹¹, 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 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

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

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 sites¹² 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:

¹² Sites with completions in the monitoring year 2023/24

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%
2023/24	39	36	92%

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%)¹³. 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 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:

¹³ 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.”¹⁴

- 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 22nd October 2019:**
“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”
- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11th October 2019:**
“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the

¹⁴ Paragraph 7, Planning Inspectorate Letter, March 2017.

supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight."

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

Decision Date 22nd May 2019:

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

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

Decision Date 10th December 2019

"Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy."

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

“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”
- APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley Decision Date 7th May 2020**

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”
- APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**

“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”
- APP/P1940/W/20/3259397 24 Wyatts Road Decision Date 8th February 2021**

“...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework.”
- APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green Decision Date 18th February 2021**

“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high

affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”

- **APP/P1940/W/20/3244533 2 Canterbury Way**

Decision Date 4th March 2021

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

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

Decision Date 15th June 2021

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

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

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning

Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council's decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district."

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

Decision Date: 16th March 2022

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

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**

Decision Date: 29th April 2022

"The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010."

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**

Decision Date: 30th August 2022

"I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case. There is no substantive evidence before me which would lead me to a different conclusion, including

with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

Decision Date: 23rd September 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

Decision Date: 27th October 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”

- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**

Decision Date: 10th May 2023

The Council’s evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case

- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**
Decision Date: 8th August 2023

As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.

- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood**
Decision Date: 20th June 2023

In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above

- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth**
Decision Date: 7th February 2024

The Council's Housing Needs Analysis [2023] provides an up-to-date and robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below 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: 18th 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: 10th 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: 3rd 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: 3rd 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: 14th 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: 21st 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:

1. Core Strategy (October 2011)
[https://cdn.threerivers.gov.uk/files/2023/01/945fc600-9ff2-11ed-8d80-6dc425ce7e94-core-strategy-adopted-17-oct-2011%20\(1\).pdf](https://cdn.threerivers.gov.uk/files/2023/01/945fc600-9ff2-11ed-8d80-6dc425ce7e94-core-strategy-adopted-17-oct-2011%20(1).pdf)
2. Annual Monitoring Report 2023/2024 (December 2024)
<https://cdn.threerivers.gov.uk/files/2024/12/a48e36b0-bee0-11ef-96f7-11db50b6bf11-FINAL%20Annual%20Monitoring%20Report%202023-2024.pdf>
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 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/ratioofhousepericetoresidencebasedearningslowerquartileandmedian>

July 2025







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PLANNING COMMITTEE – 26 February 2026

25/2120/FUL - Removal of condition 3 (Lighting Hours) pursuant to planning permission 25/1012/RSP at 57 - 59 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AE.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 12.01.2026
Extension of Time Agreed: to 06.03.2026

Ward: Abbots Langley And Bedmond
Case Officer: Danielle Kavanagh

Development Type: Minor development.

Recommendation: That planning permission be GRANTED.

Reason for consideration by the Committee: Called in to planning committee by Abbots Langley Parish Council for the reason set out at 4.2 below.

To view all documents forming part of this application, please go to the following website:
[25/2120/FUL - Removal of condition 3 \(Lighting Hours\) pursuant to planning permission 25/1012/RSP at 57 - 59 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AE.](#)

1 Relevant Planning and Enforcement History

- 1.1 25/1012/RSP - Part Retrospective: Installation of parcel locker facility - 30.10.2025 - Permitted
- 1.2 24/0022/COMP – Erection of click and collect facility (in-post). Case Closed.
- 1.3 08/1644/FUL - Erection of uncovered trolley park - 26.09.2008 – Permitted
- 1.4 08/1275/FUL - Erection of covered trolley park- 22.08.2008 – Permitted

2 Description of Application Site

- 2.1 The application site contains a supermarket known as ‘Sweeney’s’ and associated areas of hard surfacing, located along Abbots Langley High Street, which is a Primary Shopping Frontage and located within the Abbots Langley Conservation Area.
- 2.2 The application site is located on a corner plot with a frontage that runs adjacent to the High Street and a side elevation that runs along The Crescent. The Crescent leads to a residential area, whilst the High Street consists of predominantly commercial units with residential units above.
- 2.3 To the northeast and west of the building there are uncovered trolley bays, while to the northwest, there is an Inpost locker (subject of this application)
- 2.4 The parcel locker structure (hereafter referred to as the “structure”) is located to the northwest of the application building. It is set back from the shop frontage by 1.5m. The structure is 2.6m wide and 0.9m deep, set off the wall by 0.1m. The main unit has a height of 2.3m. There is a canopy with a maximum height of 2.5m, which projects 0.8m forward of the lockers. The structure is metal in construction, and currently finished in dark grey vinyl wrap, with an integrated LED screen. There are two CCTV cameras on the front canopy projection, with 5 No. metal-clad downlights located above the front elevation of the structure.
- 2.5 The closest residential neighbours to the application site are occupants of the first-floor units adjacent to or on the application site, and neighbouring commercial units No.3. The

Crescent is located on the opposite side of the application site and is approximately 23m to the east.

3 Description of Proposed Development

3.1 This application seeks planning permission for the Removal of condition 3 (Lighting Hours) pursuant to planning permission 25/1012/RSP.

3.2 Condition 3 states:

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

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

3.3 This application proposes to remove the requirement for the lights on the structure to be used only during the hours of 7am and 10pm daily, while the shop within the application site is open. This time restriction would be removed. The condition requiring no additional lighting would remain.

3.4 The planning statement submitted with the application, sets out the following reasons to justify the proposed removal of Condition 3. The submitted lighting specification demonstrates that the locker's integral LED lighting will not cause harm to the character or appearance of the conservation area, as light levels beyond 2 metres are generally below typical street lighting, and the fittings comply with best practice standards (ROHS and CE). The lighting is necessary to ensure the safety and security of users, particularly during periods of low light and in winter months, addressing potential health and safety concerns.

4 Statutory Consultation

4.1 National Grid: [No response received]

4.2 Abbots Langley Parish Council: [Objection]

Members would support the use of a motion sensor for people approaching the lockers, however, we cannot accept the lights being left on all evening as this would have a negative environmental impact and disturb local residents. If the planning officer is minded to approve this application, Members request it be brought to committee for consideration.

4.3 Conservation Officer: [No objection]

The conservation officer was verbally consulted on this application and supplied the following comment:

Based on how late the illumination hours are already, removing that constraint would not have any further impacts or harm in heritage terms.

4.4 **Public/Neighbour Consultation**

4.5 **Site notice displayed**: 19.12.2025, expires 12.01.2026

4.6 **Press notice published**: 15.12.2025, expired 12.01.2026

4.7 Neighbours consulted: 19

4.8 Responses received: 1 [1 objection]

Summary of objection:

- *The lighting restriction (7am–10pm) is necessary and meets the planning tests.*
- *The officer's finding of no harm relied on the lights being switched off overnight.*
- *The site is in a conservation area near listed buildings and residential properties.*
- *Most nearby businesses close by 10pm and street lighting is reduced overnight.*
- *Removing the condition would encourage late-night use, causing noise and visual disturbance.*
- *This would harm the conservation area and residential amenity, so the application should be refused.*

5 Reason for Delay

5.1 The committee cycle

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

6.6 The Environment Act 2021.

6.7 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.8 The Three Rivers Local Plan

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

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

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

Abbots Langley Conservation Area Appraisal 2014.

7 Planning Analysis

7.1 Background

7.2 This application follows the approval, subject to conditions, by the Committee of application 25/1012/RSP at the October 2025 Planning Committee meeting. This application seeks to remove condition 3 (Lighting Hours) from the grant of Planning Permission. The analysis of this application will focus on lighting and its impact, as the development's principles remain acceptable in line with the approved scheme.

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

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.3.2 Policy DM3 sets out that applications will only be supported where they sustain, conserve and where appropriate, enhance the significance, character and setting of the asset itself and the surrounding historic environment. The NPPF at paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.3.3 The application site is within the Abbots Langley Conservation Area. As set out in the Abbots Langley Conservation Area Appraisal, 'The Commercial Centre' is effectively the area between Abbots Langley Police Station and St Lawrence Close. The rows of shops on both sides of the road provide an important link between St. Lawrence Close and Kitters Green and generate the busy and bustling character that is evident in this part of the conservation area. This central area is the most urban of the conservation area's three distinctive 'Character Areas'. The location of most of Abbots Langley's amenities and services here ensure that the conservation area remains the central focus of the village. The Appraisal cites that 'buildings on the eastern side of the High Street are a mix of types and ages, although most date from the 20th Century, and include a good example of a 1930's shopping parade'.

7.3.4 The structure occupies a prominent location within the conservation area on the corner of Abbots Langley High Street and The Crescent, meaning that there are clear views of the

lockers when viewed from the High Street looking to the south and east and from The Crescent.

- 7.3.5 As part of the consideration of the previous planning application, the report to committee noted: *"The structure is supported by down lights however, it is not considered that this results in any harm. A condition is attached to control existing and future lighting"*. It is also noted that the reason for the condition is *"To preserve the character and appearance of the Abbots Langley Conservation Area"*. It should be noted that since that grant of planning permission, the colour of the structure has been changed (in accordance with condition 1 attached to that planning permission) from a yellow colour scheme to a grey colour scheme. Officers have visited the site during the hours of darkness to observe the appearance of the illuminated structure.
- 7.3.6 The structure is served by 5 No. down lights mounted to the front, above the locker doors. It is considered that the operation of the lights and the directional lighting that they provide does not result in harm to the Conservation Area. The structure is sited in an urban part of the Conservation Area, as identified by the Conservation Area appraisal, and lighting associated with shops and services in the immediate local area is present without restriction on hours of use. The proposed removal of the restriction that the downlights operate only during the hours of operation of the adjacent shop (7am-10pm) is not considered to result in an unacceptable adverse impact on the Conservation Area or the host building, and the character of the Conservation Area would be preserved. It is noted that the Conservation Officer has no objection to the proposal and has stated that it would not have any further impacts or harm in heritage terms. The condition restricting any further lighting from being installed on the structure would remain and is considered a sufficient control over the way the structure is lit.
- 7.3.7 In summary, it is considered that the removal of the hours of lighting restriction does not result in any adverse harm to the character or appearance of the Abbots Langley Conservation Area. The development is therefore acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011), Policy DM3 of the Development Management Policies LDD (2013), Abbots Langley Conservation Area Appraisal 2014 and the NPPF (2024).
- 7.4 Impact on amenity of neighbours
- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 The closest residential neighbours to the application site are any occupants of first floor units of the building on the application site and the neighbouring commercial units, No. 3. The Crescent is located on the opposite side of the application site and is approximately 23m to the east.
- 7.4.3 The downlights present on the structure provide directional light for the structure's use. As observed on site at 9.45 – 10.15pm, the lights provide some illumination to the surrounding area during hours of darkness, however, there were many other shops and light sources contributing light to the area at this time. It is not considered that the light contributed by the downlights is in excess of the lighting already present in the area. It is noted that the structure is sited against a two-storey wall where no first-floor windows are present, with the closest neighbours located on the Crescent, and the first-floor residential units, which are separated by a road from the structure. This separation and the downward direction of the lights is considered sufficient to prevent any light from the structure harming these neighbours' amenity.
- 7.4.4 The structure is not considered to have any impact on the light or amenity of the neighbouring dwellings due to its scale and siting.

- 7.4.5 The development is acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM9 of the Development Management Policies LDD (2013).

7.5 Other Matters

- 7.5.1 The proposed development would not impact the previously approved position on Trees, Highways & Parking, Biodiversity Net Gain, and Ecology.

8 **Recommendation**

- 8.1 That **PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

- C1 The external appearance of the lockers shall have a grey colour scheme as shown on TRDC001 (EXISTING AND PROPOSED LOCKER FINISHES) and the lockers shall be maintained as such thereafter.

Reason: To preserve the character and appearance of the Abbots Langley Conservation Area and to meet the requirements of Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (adopted 2014) and the NPPF (2024).

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

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

INFORMATIVES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

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

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

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

Daytime Photos



Night-time Photos – Pre 10am when adjacent store is open





Photographs taken post 10pm, while the Convenience store in the host building Sweeney's, was closed:





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25/2182/FUL - Construction of single storey rear extension, garage conversion and loft conversion with side rooflights and windows to side elevation, relocation of entrance door at 99 BYEWATERS, CROXLEY GREEN, WATFORD, HERTFORDSHIRE, WD18 8WH

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 05.03.2026 (Agreed Extension)

Case Officer: Lilly Varnham

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

Reason for consideration by the Committee: Called in by Croxley Green Parish Council for the reasons set out at para 5.3.

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

[25/2182/FUL | Construction of single storey rear extension, garage conversion and loft conversion with side rooflights and windows to side elevation, relocation of entrance door | 99 Byewaters Croxley Green Watford Hertfordshire WD18 8WH](#)

1 Relevant planning history

- 1.1 96/0589 - Replace existing buildings with a residential development consisting of 302 dwellings access roads car parking and landscaping works.
- 1.2 97/0470 - Replace existing building with a residential development consisting of 283 dwellings access roads car parking and landscaping.
- 1.3 09/1670/CLPD - Certificate of Lawfulness Proposed Development: Enlargement of 2 windows to front of property – Permitted.
- 1.4 25/2183/PDE – Prior Approval: Single storey rear extension (depth 6.00 metres, maximum height 3.61 metres, maximum eaves height 2.76 metres) – Pending Consideration
- 1.5 25/2184/CLPD - Certificate of Lawfulness Proposed Development: Roof alterations including hip to gable roof extension with front/rear rooflights; construction of an outbuilding – Pending Consideration

2 Site description

- 2.1 The application site contains a three-storey end of terraced dwelling on Byewaters, Croxley Green. The application dwelling has a hipped roof with a front to back gable and has an exterior finish consisting of a stone/red brick mix. The dwelling does not appear to benefit from any existing extensions.
- 2.2 To the front of the dwelling is an existing driveway with off street parking provision for two vehicles with an existing integral garage within the front elevation of the dwelling. To the rear is an amenity garden predominantly laid as lawn with an area of patio adjacent to the rear elevation of the dwelling.
- 2.3 The wider context of Byewaters consists of a number of detached, semi-detached and terraced dwellings of similar architectural styles and design, many of which appear to have been extended or altered.

3 Description of proposed development

- 3.1 The application seeks full planning permission for the construction of single storey rear extension, garage conversion and loft conversion with side rooflights, and windows to side elevation, relocation of entrance door.

- 3.2 The proposed single storey rear extension extends across the width of the plot with a depth of approximately 3.1m. It would have a gabled roof with a parapet on both sides, sitting at a total height of approximately 3.6m, with the parapet sitting at 3m. A set of bifold doors are proposed within the rear elevation of the extension as well as glazing within the apex of the gable.
- 3.3 The proposal also includes relocation of the dwelling's main entrance door. The main entrance door would be brought forward, sitting flush with the front façade and infilling the existing recess.
- 3.4 The existing garage is proposed to be converted into habitable accommodation. The existing garage door would be removed and replaced by a two-casement window in the front elevation. The remaining space around the window would be infilled.
- 3.5 The proposal includes a loft conversion which would comprise internal alterations creating vaulted ceilings at the second-floor level within the existing front and rear gables. This would be served by two rooflights within the flank roofslope of the existing front gable.
- 3.6 Windows are proposed within the side elevation of the dwelling at both ground and first floor level serving the utility/shower room at the ground floor and shower rooms at the first floor. The existing windows within side elevation at the second floor are proposed to be replaced by new windows which would serve the existing bathroom and en-suite. The new windows at the first-floor level and the existing (but replaced) windows at the second-floor level are proposed to be fitted with obscured glazing and would be non-openable 1.7m above the finished floor level of the rooms they serve.
- 3.7 Amended plans were requested and received during the course of the application. The hip to gable extension and associated flank glazing has been omitted from the proposal. The rear rooflight and solar panels to the front and rear roofslope have also been omitted and the first and second floor windows in the side elevation of the dwelling are proposed to be fitted with obscure glazing and non-openable 1.7m above the finished floor level of the rooms they serve.

4 Consultee responses

4.1 National Grid – [No response received]

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

' The hip to gable loft extension is contrary the Croxley Green Neighbourhood Plan guidelines. It will also affect the symmetry of the terrace of houses. The proposed new gable will be visible from several adjacent roads & houses as well as the waterside path and affect the existing street scene.

' CGPC also objects to the proposed new large second floor side windows which will overlook the neighbour's rear gardens.

' There are no 45-degree sight lines shown.

CGPC supports neighbours' objections.

If the officer is minded to approve, CGPC requests the application be called in for decision by the TRDC planning committee.

5 Neighbour consultation

Site / Press notice: [Not Required]

No. consulted: 3 No. of responses: 6 [6 Objections Received]

Summary of responses:

- Privacy/overlooking – side facing habitable windows would directly overlook home/garden at 103 Byewaters causing material loss of privacy.

- Overbearing/out of character – hip to gable roof alteration creates a large gable end and increased bulk next to 103, harming outlook and cohesive roofline/character of the Byewaters terrace. TRDC guidance discourages hip to gable where it unbalances a uniform group. Combined massing of roof alteration plus rear extension is disproportionate and visually intrusive.
- Daylight/sunlight – rear extension and increased roof mass risk loss of daylight/sunlight and a reduced sense of openness for 103, contrary to residential amenity design criteria (including 45-degree principles).
- Parking stress: converting the garage removes an off-street space while adding habitable accommodation/bedroom, likely increasing on street parking pressure on an already constrained private estate road. The scheme does not demonstrate compliance with TRDC parking standards or mitigation.
- Scale and design completely out of character with the uniform appearance of the Byewaters terrace. Increased height, bulk and roof alterations create an overbearing and visually intrusive structure that disrupts the rhythm and balance of the streetscene.
- Raises serious privacy concerns. Increased overlooking, including properties several doors away. Adding massing will reduce natural light and create a greater sense of enclosure in an already tightly spaced terrace, materially affecting the amenity of surrounding homes.
- Construction noise, dust and disruption will be significant due to scale of the works and close proximity of the houses.
- Drainage concerns. Increasing built footprint and altering roof structures risks adding pressure to the estates drainage systems which are already sensitive due to the nearby waterways. No evidence has been provided to demonstrate that surface water runoff or drainage issues will not be exacerbated by this development.
- Roof alterations, increased lighting and construction disturbance may negatively affect these species. No ecological assessment has been submitted.
- Proposed new room looks directly and inescapably down from a great height, in a way carefully obviated by the original design. Presenting a threatening posture, removing privacy from us and several others.
- Conduct of works will intrude on the whole end of the estate.
- Impact on Building Integrity. Ruins the architectural character and cohesive roofline of the entire row.
- Overlooking from fourth floor intrusive and takes away the privacy that the original estate design was supposed to protect.
- Impact on wildlife. Massive glass area at that height is hazard for wildlife and light pollution. No ecological assessment has been provided to address this.
- Access and Construction Disruption.
- Objection to glass sided build.
- Highly likely that Byewaters management would refuse the application as they have refused previously applied for permissions within the same set of town houses whom simply wished to make one of their windows larger and a balcony.
- Invasive, needless and dominating overdevelopment of the plot.
- Overlooking/Loss of privacy
- Visual Amenity / Impact

- Adequacy of Parking
- Noise and Disturbance
- Existing Covenants
- Impact on adjacent land use (Croxley Common Moor & Grand Union Canal)
- Impact on design on character of an area.
- Contravenes human rights act.
- No other town house, nor terraced property, on Byewaters has such a roof conversion.
- No end of wall of any town house on Byewaters has clear windows or rooflights on any of the upper levels that would overlook any other property.
- To allow this would set a poor precedent.
- Concerns regarding consultation list/no site notice in the street given the number of properties affected.
- Shortfall in amenity space provision.
- Objection to garage conversion and concerns regarding future parking pressures.

5.1 Further Consultations:

5.1.1 Amended plans were requested and received during the course of the application omitting the hip to gable extension from the proposal. The proposed windows within the first-floor flank elevation and replacement windows within the second-floor flank elevation have amended to be fitted with obscured glazing and non-openable 1.7m above the finished floor level of the rooms they serve. A reconsultation was issued on the amendments.

5.2 National Grid – [No response received]

5.3 Croxley Green Parish Council - The parish council objects and requests call-in for decision by committee if the officer is minded to approve. The proposal is contrary to the design principles of the Byewaters Estate and the Neighbourhood Plan. The proposed loft extension is overlooking, overbearing and has an adverse effect on the street scene. The loft won't be high enough to stand upright. The flank windows will cause an apparent loss of privacy, even if obscured. The loss of garage and additional bedroom will increase demand for parking. The design layout suggests the property is being adapted for multi occupancy. The parish council supports neighbours' concerns. We suggest TRDC should check thoroughly for restrictive estate conditions and existing covenants before considering this application further. If the planning officer is minded to approve, we request a condition limiting use to a single occupancy dwelling house.

5.3.1 Officer Comment – Comments from the parish are noted. The hip to gable extension has been omitted from the proposal as amended. The loft conversion relates solely to the vaulting of the ceilings within the existing front and rear gable projections, served by the rooflights in the flank roofslopes of the front gable. The second-floor flank windows are existing and are clear glazed, these are being replaced by obscurely glazed windows which would be non-openable 1.7m above the finished floor level of the room they serve. The new first floor flank windows would also be obscurely glazed and non-openable 1.7m above the finished floor level. The first and second floor windows within the side elevation all serve bathrooms/en-suites and not habitable rooms. Comments regarding the parking will be addressed in the relevant section of this report below. Any restrictive estate conditions or covenants would fall outside the remit of the assessment of this planning application. The grant of consent does not automatically convey consent for any other sets of legislation that may need to be complied with which would be the responsibility of the applicant. The plans do not suggest a multi-occupancy home and the number of bedrooms is not increasing and therefore a condition would not be appropriate.

6 Further Neighbour Consultation:

6.1 No of responses: [4 objections received]

6.2 Summary of responses:

- Side facing windows unacceptable in principle. Permanent visual presence and perception of overlooking.
- Parking pressure remains unresolved. Plans don't demonstrate compliance with TRDC parking standards.
- Despite amendments, proposal continues to cause material planning harm.
- The following text is common to my comments on applications 25/2182, 25/2183 and 25/2184. It is unclear whether any supersedes any other, and I respond as if all stand together.
- Although the third floor picture window which caused me real concern has been removed from this application, a very considerable rebuilding of the property, with the garden reduced to a small courtyard, certainly smaller than 50% of the original, by an outbuilding (25/2184) and large extension (25/2183).
- The relationship between these three apparently conflicting or mutually supporting applications must be clarified, and I request no further decision until that has been done. The famous 'three card trick' comes to mind. If all three were to be realised the effect on this part of the estate would be considerable.
- I make no comment on the impact of the building works on the area, save to point out that they will be extensive and very disruptive.
- This revised full application provides side windows overlooking the garden of my neighbour no 103. The intrusion on my property seems reduced, but I support the much greater concerns of my neighbour.
- Side-facing windows unacceptable in principle
- The amended drawings clearly retain side elevation windows facing directly toward other properties, now labelled as "obscure glazed, non-opening below 1.7m FFL". While this attempts mitigation, the principle of flank habitable windows remains unacceptable. Such windows introduce a permanent visual presence, perception of overlooking, and future pressure to alter glazing. TRDC design guidance generally resists flank windows serving habitable accommodation due to their impact on neighbouring amenity. Obscure glazing does not remove the sense of enclosure or dominance created by new openings at first and second floor levels.
- Parking pressure remains unresolved
- Extension too high.
- Overlooking concerns.
- Noise issue.
- Extra weight may not be able to be supported by the foundations.

6.3 Officer Comment – Comments from the neighbours are noted. All material planning considerations will be addressed in the relevant sections of this report below. It should be noted that comments regarding drainage and restrictive covenants are not a material consideration and would fall outside the remit of the assessment of this planning application.

Legislation

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

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

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

The Environment Act 2021.

Policy/Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

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

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

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA2, Appendix B and C.

Other

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

8 Analysis

8.1 Design and impact on the character of the Host Dwelling and Streetscene

8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area

and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

- 8.1.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. Applications for single storey front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the streetscene. In relation to single storey rear extensions generally, the maximum depth should be 3.6m in the case of terraced dwellings. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.
- 8.1.4 In relation to privacy, Appendix 2 of the DMP LDD sets out that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7m or more may be acceptable where a secondary light source is necessary.
- 8.1.5 Policy CA2 of the Croxley Green Neighbourhood Plan sets out that domestic extensions requiring planning consent should seek to conserve and enhance the character areas described in Appendix B through the careful control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted. Proposal should take account of the guidelines in Appendix C. The application site is located within Character Area 8. The neighbourhood plan sets out the special features of this character area, being well maintained buildings and well-designed mature landscaped grounds, little change since original construction and little scope for major change, brick elevations and tile roofs with rather dated fussy aesthetic at Byewaters, major redevelopment of either site is impossible without radical effect on the amenity of remaining buildings. It goes on to state that *'Byewaters and the Croxley Green Business Park each have a strong visual cohesion, although very different from each other. Adherence to the special features described above together with adherence with Development Management Policy CA1 and CA2 will assist in maintain their unique character over time.'*
- 8.1.6 Appendix C of the Croxley Green Neighbourhood Plan sets out the guidelines for extensions, setting out that the proposal should address its visual impact in the streetscape, roof extensions should not involve the raising of the roof ridge, a change from hip to gable or the construction of front dormers which are out of scale with the host building.
- 8.1.7 The proposed single storey rear extension would not be readily visible from the streetscene owing to its siting to the rear of the dwelling. Given the layout of the estate, it is acknowledged that limited/oblique views of the extension may be possible from some distance to the south adjacent to the River Gade looking north. However, given the siting of neighbouring dwellings it is considered that these views would be both limited and passing. The depth of the extension measures approximately 3.1m and would be of a similar depth to the existing rear projections at the adjoining neighbour at No. 97, thereby complying with the design criteria at Appendix 2 of the DMP LDD. The roof form would be gabled, which would increase its apparent bulk and mass, it is however acknowledged that this would slope to a parapet on both boundaries, reducing its visual impact. It is also noted that there are other examples of similar types of development within the context of the application site including within the existing row of terraced dwellings. When read in the site context, it is not considered that the proposed extension would be disproportionate to the host dwelling and would therefore remain subservient. It is therefore not considered that this addition would result in an incongruous or unduly prominent form of development and therefore would not result in harm to the character or appearance of the host dwelling such to justify a refusal in this regard.
- 8.1.8 The proposed windows within the ground floor side elevation would be largely screened from view of the streetscene, given their positioning at the ground floor, the relationship to neighbouring properties and existing boundary treatments. The windows within the first-floor side elevation would however be readily visible from the streetscene. The same applies for the second-floor windows within the side elevation although it is noted that these are existing windows which are proposed to be replaced. Whilst the windows may be visible from the streetscene, they are considered to be limited in number with much of the flank elevation remaining legible. The windows are also considered to reflect the style and appearance of the existing windows and from a character

perspective are not considered to increase the prominence of the dwelling within the streetscene to an unacceptable degree.

- 8.1.9 The relocation of the main entrance door would be readily visible from Byewaters given its siting to the front of the dwelling. Its scale is however considered to be limited with the existing recess infilled such that the new entrance door would be flush with the main front wall. Whilst this would alter the external appearance of the dwelling from the streetscene and result in a visual difference between the application dwelling and the remaining dwellings within the existing terraced row it is not considered that this element of the proposal would appear incongruous or increase the visual prominence of the host dwelling to an unacceptable degree such to justify the refusal of planning permission in this regard.
- 8.1.10 With regard to the garage conversion, this would result in the garage door being removed and replaced by a two-casement window. Whilst this would be visible from the streetscene on Byewaters, it is acknowledged that a number of other properties within the adjoining row of terraces have implemented garage conversions notably No. 91, 93, 95 and 97. As such, it is not considered that the conversion of the garage in this case would appear unduly out of character.
- 8.1.11 The proposed flank rooflights would remain proportionate to the roofslope, with the existing gable remaining legible. Whilst rooflights are not a prevalent feature within the streetscene there are examples of both front and rear rooflights, as such it is not considered that these would result in demonstrable harm to the character or appearance of the host dwelling such to justify a refusal in this regard.
- 8.1.12 The proposed loft conversion would not be visible from the exterior of the dwelling given that it relates to the internal works to create vaulted ceilings within the existing front and rear gable projections. As such, it is not considered that this would have any harm to the character or appearance of the host dwelling or wider streetscene.
- 8.1.13 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or wider streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013) and Policy CA2, Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

8.2 Impact on Neighbours

- 8.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 8.2.3 The proposed single storey rear extension would be set up to the shared boundary with No. 97. This neighbour is also a three-storey mid terraced townhouse which benefits from an existing single storey rear projection, this neighbour's existing rear projection is built up to the shared boundary with the application site. The extension in this case would have a total depth of approximately 3.1m which would comply with the design criteria at Appendix 2 of the DMP LDD. The extension would not project beyond this neighbour's rear building line, it is however acknowledged that it would have a greater height than the neighbours existing rear projection. Whilst it would be set at a slightly greater height with the gabled roof, it would slope down to a parapet on the shared boundary at a height of 3m which sits below the height of these neighbours pitched roof. In light of the above, it is not considered that the proposal would result in an overbearing form of development or harmful loss of light to the residential amenities of the occupiers of this neighbouring dwelling.
- 8.2.4 In relation to No. 103, the application site is set off the shared boundary with this neighbour by virtue of an existing footpath which provides side access to the application dwelling as well as rear access to No. 97. The neighbouring property (103) is a two storey detached dwelling which appears to benefit from a part single, part two storey rear extension, this neighbour's rear elevation faces the front of the application site, with its front elevation facing south adjacent to the application site's rear

amenity garden. In the case of the proposed rear extension, whilst set up to the flank boundary of the application site, would remain set off the boundary with this neighbour. Given its modest scale and limited depth it would not project beyond this neighbour's front building line. Owing to the separation maintained to the boundary, its single storey nature, scale and design it is not considered that this would give rise to an overbearing form of development or harmful loss of light as experienced by the occupiers of this neighbouring dwelling.

- 8.2.5 The glazing within the rear elevation of the proposed rear extension would predominantly have outlook over the application site's rear amenity space. Despite the glazing in the apex of the gable, the glazing remains at single storey level and is not considered to facilitate additional overlooking of surrounding neighbouring properties beyond that of the existing fenestrations within the rear elevation of the dwelling.
- 8.2.6 The new windows within the ground floor side elevation would face the boundary with No. 103. It is noted that they would serve non-habitable rooms (a utility / shower room). Given their siting at the ground floor, paired with the existing close boarded fencing on the boundary it is not considered that these windows would give rise to unacceptable or harmful overlooking of this neighbour such to justify a refusal in this regard.
- 8.2.7 In relation to the new windows within first floor side elevation and the replacement of the existing windows within the side elevation of the dwelling at the second-floor level, these would also serve non-habitable rooms (two bathrooms at both the first and second floor). It is acknowledged that their siting at first and second floor within the side elevation may give rise to an increased perception of overlooking of neighbouring properties, notably the rear amenity gardens of No. 103, 101 and the windows may be visible from those properties north west of the application site being No. 90-98 whose rear amenity gardens face in the direction of the flank elevation of the host dwelling. However, the existing windows at the second floor are fitted with clear glazing and already result in a degree of overlooking.
- 8.2.8 The new windows at the first floor and replacement windows at the second floor are proposed to be fitted with obscured glazing and would be non-openable 1.7m above the finished floor levels of the rooms they serve which would therefore comply with the design criteria at Appendix 2 of the DMP LDD. Any possible views would be predominantly directed outward rather than downward into the private rear amenity gardens of these neighbouring properties. Furthermore, the windows would serve non-habitable rooms, thereby further limiting any potential impact on neighbouring residential amenity. It is further noted that the windows appear to be aligned with the two storey rear extension to No. 103, which would block the majority of views of and from those windows to the surrounding area. In the event permission were to be granted, a planning condition would be imposed to secure the obscure glazing and to ensure that the first and second floor flank windows remain non-openable 1.7m above the finished floor level to limit any harmful overlooking of the neighbouring properties.
- 8.2.9 The relocation of the main entrance door would infill the existing recessed area. Whilst this would bring development further forward, this element would not project beyond the existing face of the dwelling and is therefore not considered to result in any harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 8.2.10 In relation to the garage conversion, the existing garage door would be replaced by a window serving a study room. Whilst this would add a new fenestration to the front façade, views from this window would predominantly overlook the application site frontage and adjacent highway. Given its siting at the ground floor level, it is not considered to result in unacceptable overlooking of any neighbour beyond that of the existing fenestrations within the front elevation of the dwelling.
- 8.2.11 The proposed flank rooflights within the existing front gable would serve the existing bedroom at the second-floor level. The proposed rooflights would serve the new vaulted ceiling. Due to their height and positioning within the roofslope, they are not considered to result in unacceptable or harmful overlooking of neighbouring dwellings.
- 8.2.12 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

- 8.3.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 8.3.2 The existing dwelling has five bedrooms across the first and second floor. Appendix 5 of the DMP LDD sets out that four or more-bedroom dwellings require 3 assigned spaces. The application site has an existing driveway with off-street parking provision for 2 vehicles. The dwelling also has an existing integral garage, the existing ground floor plan indicates that the existing garage has a dimension of approximately 2.2m x 5m. Hertfordshire County Councils Highways and Growth & Environment, Places & Movement Planning and Design Guidance for Hertfordshire at Part 4 sets out that the minimum bay size for cars inside a garage is 6m x 3m. Therefore, it is considered that with modern standards the existing garage would fall short of these dimensions and is therefore of a size that would be incapable of accommodating a modern vehicle. On this basis, the existing site is considered to have two off street parking spaces and therefore a shortfall of one space.
- 8.3.3 The proposal is not increasing the number of bedrooms within the dwelling and therefore there would be no additional requirement for off-street parking provision. The proposal includes the conversion of the existing garage; in light of the above assessment, it is not considered that the conversion of the garage would result in the loss of an existing parking space. Therefore, the existing shortfall would remain unchanged. The proposal is therefore considered acceptable in this regard.
- 8.4 Wildlife considerations
- 8.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 8.4.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.
- 8.5 Mandatory Biodiversity Net Gain
- 8.5.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 8.5.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.
- 8.6 Rear amenity
- 8.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

8.6.2 The proposal would not increase the number of bedrooms within the dwelling and there would therefore be no additional requirement for rear amenity space provision. Appendix 2 of the DMP LDD sets out that five-bedroom dwellings would require 126sqm of rear amenity space provision. The application site has an existing amenity space provision of approximately 69sqm, thus there is an existing shortfall. The site would retain approximately 53sqm following implementation of the proposed development resulting in a greater shortfall. Whilst the shortfall is noted, it is not considered to be significant in this regard. A private/useable rear amenity space would be retained, and the application site is within close proximity to publicly accessible open spaces including Croxley Common Moor which is approximately a 3-minute walk from the application site. Thus, the proposal is therefore considered acceptable in this regard.

8.7 Trees and landscape

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

8.7.2 The application site is not located within a Conservation Area and there are no trees within or adjacent to the application site which are protected by an existing Tree Preservation Order. It is not considered that any trees will be affected by the proposed development and the proposal is therefore considered acceptable in this regard.

9 **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 3902 PPL1, 3902.HH1.B, PP-14559612v1 (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, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policy CA2, Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Before the first occupation of the building/extension hereby permitted the window(s) in first and second floor side elevation; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first and second floor side elevations or roof slopes of the extension/development hereby approved.

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

8.2 Informatives

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

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

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

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

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

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

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

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

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

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

to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

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

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

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

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

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

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

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

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

on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

25/2182/FUL – 99 Byewaters Site Photos



Figure 1: Existing Rear Elevation



Figure 2: Existing Rear Elevation



Figure 3: View of flank wall at ground level



Figure 4: Existing Front Elevation



Figure 5: View from existing en-suite at the second floor level



Figure 6: View from existing ensuite at the second floor level



Figure 7: View down from existing second floor side window



Figure 8: view from existing flank bathroom window at second floor level



Figure 9: view from existing flank bathroom window at second floor level with window open



Figure 10: View of flank elevation from streetscene



Figure 11: further view of existing flank elevation from streetscene



Figure 12: Flank elevation of No. 89 flank elevation with existing flank windows at second floor level