

## Planning Committee – 14 August 2025

### **25/0987/RSP – Retrospective: Installation of substation at Land to south of Foxgrove Path/Heysham Drive, South Oxhey, Watford, WD19 6YL**

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 15 August 2025  
Extension of time agreed to 27 August 2025

Case Officer: Adam Ralton

**Recommendation:** That subject to no further material considerations being raised, retrospective planning permission be granted.

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

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SXF61XQFGSG00>

## **1 Relevant Planning History**

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). **Approved** January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). **Approved** May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). **Approved** October 2023.
- 1.4 23/0701/OUT: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), and Condition 7 (Bus stop and Crossing works) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), and to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved. **Approved** October 2023.
- 1.5 25/0986/FUL: Variation of Condition 12 (Plans) pursuant to reserved matters application 23/0699/AOD to allow alterations to facade to all dwellings including removal of burglar bond (brickwork to elevation), alterations to porch roof design and solar panels layout. Under consideration.
- 1.6 A number of applications to discharge conditions attached to outline planning permission 23/0701/OUT and reserved matters permission 23/0699/AOD have been submitted to the LPA for consideration. These applications are not listed here but are available on the online planning register.

## **2 Description of Application Site**

- 2.1 The wider land around the application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of land currently under development to provide 53 houses. The development is well advanced, with many houses substantially complete externally. The application site (red line) for the current application includes the access to the site from Foxgrove Path, and an area approximately 47 metres into the site from Foxgrove Path. The red line includes the electricity substation, already constructed and forming part of this application, and six car parking spaces provided within the site to compensate for the loss of car parking at Foxgrove Path once highway access works are completed.

## **3 Description of Proposed Development**

- 3.1 This application seeks retrospective planning permission for the construction of an electricity substation. The substation itself measures 2.8m in width and depth, and 2.4m high. It is constructed on a concrete base approximately 4m wide by 5m deep. The substation is finished in a GRP (glass-reinforced plastic) cover finished in a mid-brown colour.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Watford Rural Parish Council:**

No comments received.

#### **4.1.2 National Grid: [No objection]**

After receiving the details of your planning application , we have completed our assessment. We have no objection to your proposal from a planning perspective.

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

- 4.2.1 Site Notice: Posted 24 June 2025, expired 15 July 2025.
- 4.2.2 Press notice: Published 4 July 2025, expired 25 July 2025.
- 4.2.3 Number of neighbours consulted: 34
- 4.2.4 Responses received: 0

## **5 Reason for Delay**

- 5.1 Committee cycle.

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

### **6.1 Legislation:**

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of the Town and Country Planning Act 1990).
- 6.1.2 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

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

6.1.4 The Environment Act 2021.

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

6.2.1 In 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.

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

## 6.3 The Three Rivers Local Development Plan

6.3.1 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 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 DM6 and DM9.

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

## 6.4 Other

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

# 7 **Planning Analysis**

## 7.1 Background

7.1.1 Outline planning permission was granted in October 2023 for a residential development of up to 53 houses. Reserved Matters were granted planning permission in October 2023 at the same planning committee meeting. Since then, the development has commenced and above ground construction works are nearing completion, with works relating to hard and soft landscaping commencing. As part of the development, an electricity substation has been constructed on site, and this application seeks retrospective planning permission for that substation.

## 7.2 Impact on the character and appearance of the area

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high

standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.2.2 The substation does not appear as a feature commonly found within the context of the street scene. Whilst functional in appearance, it is a small-scale structure and set within the confines of a residential development site such that the harm caused by its appearance would be very limited. The submitted plans show the substation would be screened in part from the street scene by proposed soft landscaping and subject to this mitigation being secured by condition, the harm caused by the structure would be reduced further. Given its limited size and the wider residential context of its siting, and subject to a condition requiring soft landscaping to be provided it is not considered that the substation results in demonstrable harm to the character or appearance of the area. The proposal is considered acceptable, having regard to Core Strategy Policies CP1 and CP12.

### 7.3 Impact on amenities of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. DM9 sets out that the council will refuse planning permission for development which would or could give rise to polluting emissions by reason of disturbance. It states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.
- 7.3.2 The substation is located at least 8m from the nearest residential dwelling on Foxgrove Path. It is a small structure and given its size and the separation distance it would not appear overbearing or visually intrusive when viewed from the neighbouring property. Furthermore, given its size and siting relative to the neighbours, no adverse impact is anticipated in respect of noise or vibration.

### 7.4 Landscaping and Biodiversity

- 7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.4.2 The substation has been built on land within a residential development site, which was a field prior to this. The construction has not resulted in any obstruction to the completion of the approved soft landscaping scheme forming part of the approved residential development. The submitted drawings include additional hedging/landscaping to be planted around the substation to soften its visual impact, in the form of 22 ceanothus arboreus plants. These are described by the Royal Horticultural Society as large, vigorous spreading evergreen shrubs. The proposed soft landscaping is considered acceptable to filter views of the substation, and subject to this being secured by condition no objection is raised.
- 7.4.3 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.
- 7.4.4 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application

is subject to the de minimis exemption. The LPA considers this to be correct, however in any case the application is retrospective, and retrospective applications are not subject to BNG.

## **7.5 Other Matters and Conclusion**

- 7.5.1 The substation has no material impact on car parking or highways matters, nor on the drainage strategy for the site. Subject to conditions, the substation is considered to be acceptable.
- 7.5.2 The applicant served notice on Three Rivers District Council as landowner on 28 July 2025. No decision can be made on the application within 21 days of this date, and as a result the recommendation is to approve subject to no new material considerations being raised during this period.

## **8 Recommendation**

- 8.1 That subject to no new material considerations being raised by 19 August 2025, RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The proposed additional soft landscaping, in the form of one set of 10 and one set of 12 *Ceanothus arboreus* planting, shall be carried out before the end of the first planting and seeding season following the date of this grant of planning permission or the first occupation of any dwelling approved under outline planning permission 23/0701/FUL and reserved matters application 23/0699/AOD, whichever is sooner.

If 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 suitable screening is given to the substation to mitigate against its visual impact on the street scene and wider 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).

### **8.2 Informatives:**

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must

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

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

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

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

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

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.

There are statutory exemptions and transitional arrangement which mean that the biodiversity gain condition 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>.

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