

PLANNING COMMITTEE – Thursday 23 October 2025

PRELIMINARY REPORT

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

Parish: Watford Rural

Ward: Carpenders Park

Expiry of Statutory Period: 28 November 2025
(Agreed Extension)

Case Officer: Suzanne O'Brien

Development type: Major Dwellings

Recommendation:

- (1) That members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- (2) That the Committee note the report and is invited to make general comments with regard to the material planning issues raised by the application.

NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.

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

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

1. Relevant Planning History

- 1.1 No relevant planning history.

2. Description of Application Site

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

indicates have residential and commercial uses and appear to be occupied by varied but sporadic low level built form and hard surfacing.

- 2.4 The north west boundary of the site adjoins Watford Borough Council's boundary, with Hertsmere Boundary sited further to the north east of the application site. The site is also a historic landfill site and a pipeline buffer runs through the northern part of the site.

3. Description of Proposed Development

- 3.1 This application seeks planning permission for the; 'Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works'.
- 3.2 The development would include a new access and internal access road and separate pedestrian path accessed via Oxhey Lane. The access and road would be sited to the south of the boundary with Auburn Mere Residential Home. The road would meander through the existing wooded area and contain traffic calming measures.
- 3.3 The proposed development would provide 96 residential units. Centrally within the site would be six rows of terraces that would contain a mix of two and three bedroom two storey dwellings (the two bedroom properties would make up the higher proportion of these units). The three and four bedroom units would make up the detached and semi-detached dwellings and would be located in the northern and southern aspects of the site. The terraced properties would be served by one road-side allocated parking space each whilst the detached and semi-detached dwellings would be served by two onsite parking spaces.
- 3.4 A three storey building would be provided to the south of the proposed access road at the main entrance to the proposed developed part of the site. The building would contain a community space at ground floor and two flats sited over two floors above. A single storey private gym and reuse building would be sited to the south east of the community building/flats.
- 3.5 The development would include the provision of a battery storage area (which will provide storage for the energy generated by the PV panels which are proposed to be installed on all of the buildings) bin store and two substations sited close to the wooded area and southern boundary.
- 3.6 The development would include hardstanding through the provision of internal road and footpath networks within turning heads. Areas of open space would be provided in the wooded area and two additional areas within the site one to the north and one to the south. The south eastern open space would contain the main sustainable drainage feature.
- 3.7 The application was accompanied by the following plans/reports:
- Application Form
 - Proposed plans – this application seeks full planning permission so is supported by detailed proposed plans
 - Air Quality Assessment (Logika Group, May 2025)
 - Arboricultural Survey (arbtech, June 2025)
 - Arboricultural Method Statement (arbtech, June 2025)
 - Archaeological Desk Based Assessment (HCUK Group, May 2025)
 - Biodiversity Net Gain Assessment (Ethos Environmental Planning, June 2025)
 - Biodiversity Checklist
 - Preliminary Ecological Assessment (Alder Ecology UK Ltd, November 2024)
 - Phase 2 Ecology Surveys and Assessment (Alder Ecology UK Ltd, December 2024)
 - Design and Access Statement and Design Code (GS8, June 2025)

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

3.8 Amendments/additional information include:

- Response to Highways Comments (SLR, July 2025)
- Stage 1 Road Safety Audit & Designer's Response (SLR, June 2025)
- Great Crested Newts Potential Assessment (Alder Ecology)
- Private Lighting Impact Assessment (MMA Lighting Consultancy, September 2025)
- Financial Viability Assessment (DS2, September 2025)
- Desk Study (GEA, September 2025)
- Flood Risk Assessment and Drainage Strategy Report (BWM, September 2025)

4. Consultation

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

Watford Rural Parish Council	1.1.1	Objection
Three Rivers District Council – Tree and Landscape Officer	1.1.2	No objection
Three Rivers District Council - Conservation Officer	1.1.3	No objection
Herts County Council Highways Authority	1.1.4	Objection
Herts County Council Lead Local Flood Authority	1.1.5	Objection
Herts County Council Archaeology	1.1.6	No objection
Herts County Council Minerals and Waste	1.1.7	No objection
Herts County Council Water Officer	1.1.8	No objection
Transport for London	1.1.9	No comment
Network Rail	1.1.10	No objection
National Grid	1.1.11	Holding objection
British Pipeline Agency	1.1.12	No objection
Active Travel England	1.1.13	No comment
Thames Water	1.1.14	e
Affinity Water	1.1.15	Objection
Environment Agency	1.1.16	No objection
TRDC Local Plans Team	1.1.17	No objection

TRDC Housing	1.1.18	Comments
Herts Constabulary Safety Design Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	No objection
TRDC Environmental Health (Contamination)	1.1.21	No objection
National Highways	1.1.22	No objection
Herts County Council Ecology	1.1.23	Objection
Watford Borough Council	1.1.24	Objection
Hertsmere Borough Council	1.1.25	No objection
National Health Service	1.1.26	Commented
TRDC Environmental Protection	1.1.27	No comments received
TRDC Environmental Health (Residential)	1.1.28	No comments received
TRDC Transport and Parking	1.1.29	No comments received
TRDC Leisure Department	1.1.30	No comments received
Natural England	1.1.31	No comments received

4.2 Public/Neighbour Consultation

Number consulted: 37

No of responses received: 364 representations objecting to the proposed development

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

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

Summary of Responses:

Loss of Green Belt/impact on character of area: Unacceptable loss of Green Belt and long established green space; There are brownfield sites that should be built on; Area is semi rural; Green Belt should not be built on; Development will devastate the local area; Significant threat to low rise character of Carpenders Park; High density is out of keeping with areas established appearance; The multi storey flatted development with community space would represent a drastic and inappropriate departure from the existing character fo Carpenders Park which will undermine its identity, amenity and sustainability; Incompatible scale, massing, height and density; Inappropriate development and significant harm to openness; The land is meant to stop towns spreading and to protect countryside; Loss of green space would affect wellbeing; Gross overdevelopment; Will impact on Green Belt purposes – unrestricted sprawl, prevent towns merging and encroachment into countryside; Loss of natural walking options; Loss of natural aesthetics of the area; Maintaining the gap between Carpenders Park and Oxhey should be an important planning consideration; Multi storey block would not be in keeping with suburban atmosphere; Loss of identity of existing communities; Design of the development unacceptable; Will result in bins on the highway; Design of the dwellings are ugly and out of character; No very special circumstances exist; Merging the two settlements will impact on the communities of the settlements; Out of keeping with existing pattern of development; Overdevelopment; Carpenders will lose character; Will destroy rural character; Impact on areas heritage; Development should be considered in relation to application 25/1020/OUT as both developments would result in significant increase in the community of Carpenders Park; Application site has not been included in the recent Regulation 18 document due to the very high harm to Green Belt; Challenge the Grey Belt assessment set out in the Planning Statement; Should take into account of the impact of development to the south of Watford and its impact on the narrow gap between Watford and North London.

Infrastructure: Inadequate infrastructure; Not the infrastructure locally to deal with more housing; There are already unacceptable waiting times for doctors/dentist/hospitals which

are over already subscribed and overrun; Lack of school spaces; Schools are already oversubscribed; One local hospital; Proposed development will put extra pressure on existing services; No more investment into medical services; Will affect GP capacity; Overpopulation will impact on stretched resources; New Doctors Surgery already fails to provide services; No infrastructure proposed to serve development; Insufficient provisions for children as existing; Existing drainage cannot cope; Currently no police in this area extra housing will place additional pressures

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

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

Environment: Negative impact on wildlife; Notorious flood plane; building on site will make existing flooding problems worse; Carpenders Park residents are as existing subject to damage from flooding; The development should include integrated swift nests boxes to encourage swifts due to their decline; Additional traffic will lead to additional pollution; detrimental impact on the woodland, biodiversity and wildlife; Loss of biodiversity; Extra hardstanding would contribute to greater risks of flooding; Inadequate sustainable drainage; Loss of mature trees; Loss of hedgerows and trees will further impact the climate and environment; Site adjoins woodlands trust; Will not meet sustainability standards; Green space vital to protect against climate change; Development does not take into account Councils climate emergency declaration; Impact on the water table and lack of sewerage connections; Impact on air quality; Will provide off site BNG gains; Risk of pollution; Site has poor drainage; Increased pollution; Development is near a wildlife corridor; No plans provided for replacing loss of existing trees; Loss of wild growing fruit that residents can eat; Pollution will affect neighbouring allotments

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

5. Reason for Delay

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

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework (NPPF) was updated and may be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in the NPPF, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are 'material considerations' relevant to planning decision making. The NPPF is equally clear that "existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework" (NPPF Annex 1: 225).

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

2 – Achieving sustainable development

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

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 (Overarching Policy on Sustainable Development), CP2 (Housing Supply), CP3 (Housing Mix and Density), CP4 (Affordable Housing), CP6 (Employment and Economic Development), CP7 (Town Centres and Shopping), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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

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

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

The Waste Site Allocations Development Plan Document 2011–2026.

6.4 Other

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

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

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

Draft Stage 4 Green Belt Review (2025)

7. **Planning Analysis**

7.1 Green Belt

- 7.1.1 The application site falls entirely within the Metropolitan Green Belt. Since December 2024, the context for assessing such sites has significantly changed with the concept of 'Grey Belt' introduced by the Government.
- 7.1.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.
- 7.1.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) notes that "as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below". Relevant to this current application is a) New Buildings, which states "Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance". Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF in relation to inappropriate development are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded weight. The NPPF is considered to contain national policy and therefore relevant guidance and a relevant material consideration.
- 7.1.4 Paragraph 145 states that "Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process". This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.
- 7.1.5 Paragraph 151 states that "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access..."
- 7.1.6 Paragraph 153 states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 153 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".
- 7.1.7 Paragraph 154 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
 - g) limited infilling or the partial or complete redevelopment of previously developed land

(including a material change of use to residential or mixed used including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt;

h) Other forms of development provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, of for cemeteries and burial grounds; and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order”.

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

7.1.9 Paragraph 142 of the NPPF states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 143 states that Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

7.1.11 Whilst the development as a whole would not comply with paragraph 154, it is also necessary to consider the development in relation to paragraph 155 of the NPPF which relates to ‘grey belt’. This states that ‘the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply:

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

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

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

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

7.1.14 The Stage 1 Green Belt Review Strategic Analysis (2017) identified that the role of the Green Belt for this site (parcel E5) makes a significant contribution to preventing neighbouring towns from merging into one another. Parcel E5 is a small parcel of which the application site occupies a large proportion of. The Stage 1 Review also identified that Parcel E5 plays a contribution in all of the other purposes of including land within Green Belt other than purpose e). The application site forms part of a larger parcel (Parcel SO2) of the Stage 2 Green Belt review where it was identified that this parcel again made a significant contribution to preventing towns merging and safeguarding the countryside from encroachment. It concluded that the harm to the Green Belt of releasing this parcel would be high, stating: 'Release of the parcel would have a significant impact on preventing the merging of towns and preventing encroachment on the countryside, and a relatively significant impact on preventing urban sprawl. Although the grassland makes a weaker contribution than the woodland to preventing countryside encroachment, its role in settlement separation means that its release in isolation would still constitute high harm.'

7.1.15 The contents of the Stage 1 and Stage 2 Green Belt Reviews are material considerations in the assessment of whether the application site contributes to the purposes of including land within the Green Belt. However, the Stage 1 and 2 Reviews were carried out prior to the updates to the NPPF which introduced the concept of Grey Belt, and prior to the publication of the related parts of the NPPG which provide guidance on how sites should be assessed against whether they strongly contribute to the purposes a), b) and d). The published advice in the PPG is also a material consideration.

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

7.1.16 It is acknowledged by the PPG that this purpose specifically relates to the sprawl of **built-up areas**, and that villages should not be considered large built-up areas. The application site lies directly adjacent to the built up area of Watford Heath/Oxhey Village which are considered to form part of Watford. Watford is considered to be a large built up area. The site is detached from Carpenders Park, which is sited to the south and on the opposite side of Oxhey Lane to the application site. The site is located a substantial distance from other nearby large built-up areas such as Bushey and Harrow so they are unaffected by the development of the site.

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

7.1.17 The PPG identifies that assessment areas that contribute **strongly** to preventing the urban sprawl are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:

- be adjacent or near to a large built up area
- if developed, result in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt).'

7.1.18 The PPG states that assessment areas that contribute **moderately** are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose, such as (but not limited to):

- having physical feature(s) in reasonable proximity that could restrict and contain development
- be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
- contain existing development
- being subject to other urbanizing influences

7.1.19 In reviewing the criteria in the PPG, the site sits adjacent to Watford which is a large built up area. The site is considered to be detached from Carpenders Park as such it is not considered the proposal would result in sprawl associated with this settlement. The site itself is entirely free of existing development however there is the presence of built form along the western boundary that runs along Oxhey Lane for most of the length of the site. Taking into consideration the relationship of the residential development to the north west and development to the west that runs along Oxhey Lane the proposed development would not represent an incongruous pattern of development or result in an extended 'finger' of development. The site is contained by residential development to the north west and along the western boundary by both commercial and residential development and a wooded area.

7.1.20 Based on the analysis above the site is only considered to moderately contribute to preventing urban sprawl of Watford.

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

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

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

7.1.22 The PPG states that assessment areas that contribute **moderately** are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):

- forming a small part of the gap between towns
- being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation

7.1.23 The site only occupies a small part of the gap between Watford and Carpenders Park. The land surrounding the site is not free of existing development with development running along the eastern boundary of the site providing a degree of continuous development between Watford and Carpenders Park. The proposed development would not bring the built form closer to Carpenders Park than that of the existing development. The site is also visually contained with only the access being the main visual reference as viewed from public vantage points along Oxhey Lane. Taking into consideration the existing built form within the vicinity of the site the application site does not form a substantial gap between towns and the development of the site would not result in the loss of visual separation of towns.

7.1.24 It is noted that the site maintains an element of openness to the south of Watford Heath/Oxhey Village between Watford and Carpenders Park. However, taking the guidance of the PPG into consideration which sets out what should be considered when assessing whether a site strongly or moderately contributes to purpose b) it is considered

the site only plays a moderate role in preventing the merging of Watford and Carpenders Park.

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

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

Summary:

- 7.1.26 The Conservation Officer has confirmed that the proposal would not impact on heritage assets. There are however still outstanding matters regarding flooding. At this time, it is not known whether any footnote 7 areas/assets would provide a strong reason for refusal based on flood risk.
- 7.1.27 In the event the application site was concluded as Grey Belt, subject to no flood risk, this would therefore open up the ability for a future development to be appropriate development in the Green Belt, provided the scheme complies with NPPF155-157.

Other Matters

- 7.1.28 NPPF155 states “the development of homes...should also not be regarded as inappropriate where all the following apply:
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”
- 7.1.29 In respect of (a), if it is subsequently concluded that the site can be considered to be Grey Belt, the development must not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.
- 7.1.30** The application site sits in area 1 of the assessment area as set out in the recently publicly available Stage 4; Green Belt Review; this document is still only in draft form as such is of limited weight. The Stage 4 Green Belt Review identifies areas of fundamental importance. Area 1 is considered an area of fundamental importance. The explanation for this assessment states: ‘This area of Green Belt may be deemed of fundamental importance to the wider Green Belt as it checks the unrestricted spread of both the south-eastern edge of Watford at Watford Heath and at South Oxhey, containing the potential for sprawl across the A4008 into open land. It also checks the spread of South Oxhey southwards and so preventing a merger with the large built-up area extending out from Greater London at Pinner (Hatch End). The area therefore plays an important role in maintaining the wider gap between Watford, South Oxhey, Carpenders Park and Harrow and London’.
- 7.1.31 The site forms a small parcel on the outer part of Area 1 as identified within the Stage 4 Green Belt Review. The proposal would result in the redevelopment of an open undeveloped field. However, it would be contained by existing development and vegetation on all boundaries and due to its relationship with the existing built form to the north and west would not result in the appearance of encroachment into the open countryside (Purpose c)). As such, the proposal would not fundamentally alter the open rural character of the wider area through unacceptable encroachment into the countryside.

- 7.1.32 As such, it is not considered that the development of the 3.4 hectare site would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
- 7.1.33 In respect of (b) the council's published 1.7 year housing land supply position is material to this consideration in terms of the assessment of whether the development would meet unmet need.
- 7.1.34 In respect of (c), it is considered that if measures are put in place the site could be made sustainable thus could meet the requirements of (c); sustainability matters are still under review.
- 7.1.35 In respect of (d) para 156 of the NPPF states:
- 'Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) **until such policies are in place, the policy set out in paragraph 157 below;**
- b) necessary improvements to local or national infrastructure; and
- c) the **provision of new, or improvements to existing, green spaces that are accessible to the public.** New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.'
- 7.1.36 In respect of (a), the development is proposing 50% affordable homes, which in terms of tenure, equates to 60% rented (mix of social and affordable) and 40% shared ownership. A viability appraisal has been submitted in support of the proposed tenure mix – this is currently being independently reviewed.
- 7.1.37 In respect of (b), the development would provide infrastructure provisions which would be secured by S106 obligations as set out on Section 7.20 of this report.
- 7.1.38 In respect of (c), the development would provide new green spaces on site. Although the space would be open to the public taking into consideration the location of the site and that it would be enclosed by housing development the open space is likely to be mainly used by residents of the development.
- 7.1.39 Para 158: A development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission.
- 7.1.40 In summary, if members come to the view (at the time of a resolution) that the application site is not Grey Belt, then the development would be an inappropriate form of development which, by definition, would be harmful to the Metropolitan Green Belt. Paragraph 153 of the NPPF identifies that substantial weight is given to any harm to the Green Belt and development will only be considered acceptable if 'Very special circumstances' exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The overall balance of the other considerations put forward (including compliance with the Golden Rules) must decisively weigh in favour of the development. The 'other considerations' (referred to as 'Benefits') are be noted at the end of this report.

Openness of the Green Belt

- 7.1.41 If the view is reached that the application site is not Grey Belt, it will be necessary to consider the impacts on the openness of the Green Belt, one of its essential characteristics.
- 7.1.42 In terms of openness, the PPG states that a number of factors are relevant when making an assessment and these include spatial impacts, visual impacts, the degree of activity and the duration of development. Consequently, it is not solely the “visual” harm as referred to by the applicant that is important, there are multiple variables which must be considered. If applicable, this assessment would be set out in detail as part of the future report to committee.
- 7.2 Impact on Character
- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.2.2 Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii. The generation of excessive levels of traffic
 - iv. Loss of residential amenity
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).
- 7.2.4 Development Plan Policy DM7 requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure. In regard to Green Infrastructure Core Strategy Policy CP9 states: 'The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces'.
- 7.2.5 The proposed development would primarily consist of terraced, semi detached and detached dwellings two storeys in height. The development would include the community building that would contain flats above and would be three storeys in height and the reuse/gym building which would be a single storey structure. It would contain road side

parking for the terraced properties and on site parking for the detached and semi-detached properties. The dwellings would be served by private amenity space.

- 7.2.6 The site is surrounded by mixed development. The immediate neighbours that front onto Oxhey Lane consist of a detached nursing home and a mixed residential and commercial unit that contains low level industrial built form. The neighbours adjoining the northern boundary of the site consist of detached bungalows located on spacious plots. The character of the wider residential development to the north is that of two storey detached or semi detached properties with some flatted development. The application site is located to the north east of Carpenders Park on the opposite side of Oxhey Lane. The residential development within the eastern edge of Carpenders Park is primarily characterised by detached, semi detached, terraced housing (some three storeys in height) and flatted development on modest sized plots.
- 7.2.7 The proposed development would result in a relatively high density form of development where the terraced housing would be served by roadside parking and amenity space provision under the indicative scale as set out in Appendix 2. The scale of development would be noticeably higher density in character than the residential development in both Watford and Carpenders Park. Whilst the development would fundamentally change the character of the site from an undeveloped green field to residential development, consideration of any wider impacts on character would be material in assessing the potential harm. Any formal assessment would take into consideration visual containment of the site and visibility of the proposed development from surrounding public vantage points. Although the housing would be high density in character with smaller gardens and roadside parking the proposal would include areas of open/undeveloped space. The woodland along the eastern boundary would be retained and open space would be provided to the eastern and southern aspects of the development.
- 7.2.8 The proposed development would introduce a new vehicular access onto Oxhey Lane. This would sit between the accesses serving Auburn Mere Residential Home and the access serving the commercial site. The access is still under highways review and we are awaiting additional information; a central reservation along Oxhey Lane to facilitate a right hand turn into the site is proposed which will part utilise the existing central reservation. The access arrangements would result in the part removal of the brick boundary wall that forms the existing boundary treatment fronting Oxhey Lane. The access, internal access road and pedestrian path would be visible from Oxhey Lane however it would meander through the existing wooded area where the built form would be set back from Oxhey Lane. Oxhey Lane contains a number of vehicular accesses of varied scales thus the addition of an access in this location may not appear out of context.
- 7.2.9 With the exception of the access point the site is considered to be well contained along its western boundary with a wooded area, commercial unit and Auburn Mere Residential home separating the proposed residential development and Oxhey Lane. The northern boundary adjoins residential development and the western and southern boundaries adjoin open land. A public bridleway runs to the south of the site. Currently a dense vegetation screen is sited along this boundary restricting views of the site. Part of the existing dense vegetation sits outside of the application site. The built form would be sited away from the southern boundary with a SUDs feature and turning head forming the southern part of the site.
- 7.2.10 The application is supported by a Landscape and Visual Appraisal. The assessment identifies that the site comprises of greenfield land for horse grazing which is overgrown in parts with native trees. The LVA identifies that the site is within Bushey Pastures Local Character Area and the development of the site for residential would result in a not-significant and neutral impact. The LVA also reviewed the site from 7 view points (set out in the appendices of the report) and considered that the impact of the development from these view points would be not-significant and neutral. The LVA comments that the retained mature vegetation would limit visual impact of the proposed development and where there would be some removal of vegetation, thus opening up views visible from an informal

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

7.3 Housing Mix

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

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

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

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

- 7.3.3 The table above provides the percentage breakdown per tenure. It identifies that the proposed development would provide a mix of housing with the exception of one bedroom units. The higher percentage of 2 bed social/affordable rented housing is to reflect the current housing register needs.

7.4 Affordable Housing

- 7.4.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate.
- 7.4.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.
- 7.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC set out a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and have a restriction to ensure this. Given the First Homes guidance, TRDC have been requiring 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate. However, within paragraph 6 of the NPPF (2024), reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which

contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted.

- 7.4.4 In light of the requirements of paragraph 155 of the NPPF (as referenced within the Green Belt Section above) the application proposes to deliver 50% of the dwellings as affordable units, with the remaining 50% being provided as open market dwellings. During the course of the application a request for a change to the tenure mix of affordable housing has been submitted. The scheme continues to propose 50% affordable housing provision with a split of 60% rented and 40% ownership products. The table below identifies the originally proposed and revised proposed mix:

Tenure	Original Proposal	Revised Proposal
Social Rent	29	9
Affordable Rent	0	20
Shared Ownership	19	19

- 7.4.5 The revised proposed affordable housing mix relates only to the rented tenure. The supporting evidence identifies that the affordable rented accommodation would be secured at LHA rate. The revised social/affordable rented mix is supported by a viability appraisal which is currently being independently appraised.

7.5 Community Facilities

- 7.5.1 In addition to the residential element (96 dwellings), the application proposes construction of a community building (Use Class F2b) and open space.

- 7.5.2 The agent has confirmed that the building would have a F2b (Halls or meeting places for the principal use of the local community) use. The supporting evidence identifies that the building would be 'run by the parish council for local meetings, presentations, community building events, educational events, local networking etc'. If permission were to be granted it would be conditioned to the effect that the building would only be permitted to be used as an F2b use as identified within the supporting evidence. Securing the use of the building, as stated in the supporting documents, by Watford Rural Parish Council would also need to be included within any Heads of Terms to ensure that any benefits associated with the development are secured.

- 7.5.3 The operating hours are anticipated to be 10am to 7:30pm Monday to Saturday and the supporting statement identifies that the building will be occupied by reservation only through the Parish Council. The occupation and running of the building would be secured within a Section 106.

- 7.5.4 The development would also include publicly accessible open space within the site. The gym and reuse building that would solely be occupied by residents of the development. The agent has advised that these facilities will be secured by fob access and the fobs will be allocated to residents only.

7.6 Impact of proposal on heritage assets

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

- 7.6.2 Paragraph 208 of the NPPF advises that:

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

7.6.3 Paragraphs 212 and 213 of the NPPF state that:

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

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

7.6.4 Paragraph 215 of the NPPF advises that:

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

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

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

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

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

Archaeological Considerations

7.6.8 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment. The submitted HA considers archaeological interest.

7.6.9 Herts Archaeology have raised no objections to the development of the site subject to conditions.

7.6.10 In summary, in view of the specialist advice received, it is concluded that subject to conditions, there would be no adverse impacts on heritage assets of archaeological interest.

The proposed development in this respect complies with the NPPF (2024) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

7.7 Highways & Transport Impacts

- 7.7.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.
- 7.7.2 Policy CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.
- 7.7.3 The NPPF at paragraph 115 sets out that in assessing specific applications for development it should be ensured that
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 7.7.4 Paragraph 116 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 7.7.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.7.6 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
 - j) It is appropriate in scale to the existing infrastructure...*
 - k) It is integrated with the wider network of transport routes...*
 - l) It makes adequate provision for all users...*
 - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
 - n) The impact of the proposal on transport has been fully assessed...*
 - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.7.7 An 20m wide access, with associated visibility splays, leading to an 5.8m wide internal road off of Oxhey Lane is proposed. The development also includes a central right hand turn along Oxhey Lane to facilitate turning right into the site, this would part utilise the existing central reservation. The impact of the proposed highway works are to be assessed by

Hertfordshire County Council as the Local Highway Authority. HCCHA have raised an objection to the application at this stage (comments set out in paragraph 1.1.4 of Appendix 1) advising that there is insufficient information to enable them to ensure the access would be safe from a highways perspective. The agent has advised that a response / additional information is currently being prepared. HCCHA will be reconsulted upon receipt. HCCHA have also noted that no offsite works are proposed to improve the connection of the site for pedestrians and cyclists.

7.7.8 HCCHA commented on areas that should be considered when assessing the internal road network and layout:

a. gates/doors that open out onto the proposed footways – concerns this will cause a potential obstruction and safety issue for users of the adjacent footways. HCCHA suggest gates /doors should be amended to open inwards into the properties.

b. The entrance road into the site (for the first approximately 80m from Oxhey Lane) is 5.5m wide, which is acceptable and in accordance with HCC's Place & Movement Planning and Design Guidance. As you move further into the site the width of the carriageway reduces to 4.8m fronting the main access road fronting the dwellings and then reduces to 3.7m further into the site. Consideration should be given to the following:

- i. The 4.8m wide carriageways are bordered by parallel car parking spaces. Has the potential for doors opening out into the carriageway been considered?, a carriageway which would be used by cyclists and therefore could be a potential barrier to encouraging cyclists to use the site.
- ii. Some of the 3.7m width carriage areas including the stretch providing access to plots 79 to 94 do not have separate footways and would therefore act as shared used areas. Whilst HCC as Highway Authority is not opposed to shared use access areas providing access to 25 dwellings or less, the 3.7m width carriageway could be a barrier to some pedestrians using this area particularly when refuse and other large vehicles are using the road where there would be limited space for pedestrians to pass.
- iii. Provisions would need to be considered to ensuring that the proposed turning areas for refuse vehicles, emergency vehicles and other service / delivery vehicles are kept clear of parked vehicles, which would be particularly important when taking into account the narrow carriageways in the site and lack of two way vehicle passing on the 3.7m width stretches.

7.8 Vehicle Parking and Sustainable Transport Measures

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

7.8.2 Appendix 5 of the DMP LDD identifies that residential developments should provide the following parking requirements per unit size:

- 1 Bed = 1 assigned space + 0.75 unallocated
- 2 Bed = 1 assigned space + 1 unallocated
- 3 Bed = 2 assigned space + 0.25 unallocated
- 4/5 Bed = 3 assigned spaces

7.8.3 Based on the residential units proposed a total of 220.5 parking spaces should be provided with 132 assigned spaces. The proposal seeks to provide a total of 147 available parking spaces to serve the residential units; a shortfall of 73.5 spaces. This includes a total of 61 on street assigned roadside spaces and 68 on plot spaces, 13 visitor spaces and five

disabled spaces. The ground floor block plan indicates the allocation of the roadside assigned spaces. The application is supported by a Parking Management Plan. The allocation of the parking spaces per unit is indicated in the Accommodation Schedule - **Appendix 2.**

- 7.8.4 The development would result in a notable reduction in parking provision compared to the standards as set out within Appendix 5 of the DMP LDD. The site is considered to be located within a reasonably sustainable location considering it is within reasonable walking distance of infant schools, bus stops, railway stations (Bushey approximately 20 minute walk and Carpenders Park approximately 23 minute walk; Carpenders Park Station is sited at the bottom of a hill from the site) and amenities. However, it is noted that although the site can be accessed via a footpath along Oxhey Lane (which only provides access on the eastern side of the highway) Oxhey Lane does not provide an inviting environment for walkers and cyclists. The footpath is narrow and although lit the lighting is sporadic. This would be unattractive for many potential users. Further there is limited safe connectivity to Carpenders Park. There is a traffic island along Oxhey Lane which currently just serves recreational walkers and the footpath opens out to a shared cycle route. HCCHA also note the reduced parking requirements and note that improvements should be made to improve the pedestrian and cycle routes to the site to encourage walking and cycling. HCCHA have raised concerns that, without measures supporting sustainable modes of transport to the wider area, the parking levels proposed could result in parking on Oxhey Lane.
- 7.8.5 To reduce reliance on private modes of transport the development proposes the provision of three car club cars (served by three dedicated parking spaces, three quadricycles and 10 electric bikes that can be hired by residents. The scheme proposes that these will be purchased at the outset of the development and residents can use the vehicles at a nominal cost to cover insurance. The long term costs would then be passed to the management company to cover maintenance and replacement cars. The revised block plan identifies that each allocated parking space would be served by an electric charging point. This EV Charging would be available to all residents.
- 7.8.6 Three parking spaces, including one disabled space would serve the community building. It has been confirmed that the proposed community building would have a F2b use which would be used as halls or meeting places for the principal use of the local community. Appendix 5 of the DMP LDD stipulates that public halls require 1 space per 9sqm gross floor area or 1 space per 3 fixed seats plus 3 spaces per 4 staff members. The community building would have a floorspace of approximately 91sq.m. Based on floorspace requirements alone 10 parking spaces should be provided (not including staff members). Although the site is considered to be relatively sustainable based on access to amenities taking into consideration that the site is to some extent detached from Carpenders Park and that the existing access routes for pedestrians and cyclists is not inviting it is not unreasonable to make an assumption that the predominant users of the community building would access the site by car.
- 7.9 Impact on residential amenity and Quality of accommodation for future residents
- 7.9.1 Paragraph 135 (f) of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. As the application site is sited close to a commercial development Paragraph 200 of the NPPF is applicable which advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in

its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 7.9.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities. Design Guidelines for residential development are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.9.3 This application seeks full planning permission for the construction of 96 residential units, a community building and ancillary buildings including a battery storage area, reuse building and gym.
- 7.9.4 Five detached dwellings would be sited close to the northern boundary of the site. Amended plans have been received which reorientates dwelling on Plot 32 so that the rear elevation of the building would face south west and the proposed flank elevation would face the north western boundary which adjoins the rear boundaries of the neighbouring properties at Elms Avenue. The rear elevations of the other four dwellings would face in a northern direction at a slight angle to the north western boundary. The dwelling on Plot 32 (where the flank elevation would face the boundary with properties fronting Elm Avenue) would be sited a minimum of 5.4m from the north western boundary. Plots 33-36 which would have the rear elevations facing in the northern direction would be sited a minimum of 5.6m from the boundary to a maximum separation of 25.7m.
- 7.9.5 Plots 22-25 would have rear elevations that would face onto the south western boundary that adjoins Auburn Mere Residential Home. These properties would be sited a minimum distance of 7.4m from the boundary with the neighbouring care home. The flank elevation of Plot 25 would run parallel to the garden serving a property fronting Elm Avenue; the proposed dwelling would be sited 9.2m from this boundary. The access road would also run parallel to the boundary with Auburn Mere Residential Home; with a minimum distance of 12m separating the proposed access road and neighbouring boundary.
- 7.9.6 The commercial unit that adjoins the southern boundary of the site contains a mixture of residential and commercial units. The proposed residential dwellings would not appear to front the residential properties within the neighbouring site. The proposed dwellings would be sited a minimum of 8m from the south eastern boundary.
- 7.9.7 The boundary treatment plan identifies that part of the boundary treatment alongside the boundary with the commercial unit would consist of 3m high acoustic fencing to protect future residents from noise from the neighbouring unit.
- 7.9.8 The development includes a battery storage area which would be located approximately 15m from the closest boundary of the application site. The noise impacts and necessary mitigation measures generated from this feature is covered in the Noise and Vibration Section below.
- 7.9.9 Consideration of impacts on the neighbouring occupants in terms of overlooking, loss of light and impact on the residential amenities will be a material consideration. Factors such as orientation of the buildings and land levels changes will be considered as part of the formal assessment of the proposal.

Quality of residential amenities of future occupants

- 7.9.10 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved.

- 7.9.11 The guidance advises that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings or existing mature trees. Where space in the front of a house is assigned to that particular property, it should be defensible space in the sense of being enclosed as part of the original layout. Soft landscaped frontages also need to be carefully designed to avoid situations whereby future occupiers pave over front lawns to accommodate parking.
- 7.9.12 Amenity space requirements are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). The guidance advises that for each dwellinghouse the following amount of amenity space should be attained as either individual gardens or in part, as space forming settings for the buildings:
- 1 bed dwelling - 42 square metres
 - 2 bed dwelling - 63 square metres
 - 3 bed dwelling - 84 square metres
 - 4 bed dwelling - 105 square metres
 - Additional bedrooms - 21 square metres each
- 7.9.13 For flatted development the requirement is 21 square metres for one bedroom flats with an additional 10 square metres for each additional bed space. Communal space for flats should be well screened from highways and casual passers-by. It will be important to ensure that occupants of ground floor flats are provided with sufficient screening to ensure that use of the communal gardens does not harm their privacy.
- 7.9.14 The rows of terraced properties would have a back to back distance of approximately 21m. Plots 28/29 and 30/31 would have a back to back distance of 14m; this distance has been increased following submission of an amended plan.
- 7.9.15 Each dwellinghouse would be served by a private amenity space provision. No communal space serving the flats has been identified. Below sets out the minimum amenity space proposed to be provided however it is noted that the amenity space provision varies throughout the site. The table as shown in the Accommodation Schedule - **Appendix 2** identifies the amenity space provision serving each unit.
- 7.9.16 The amenity spaces would fall below the indicative levels for each unit type and size, however, the provision of on site open amenity space would be a material consideration when making a formal assessment of the proposal.
- 7.9.17 Consideration would be had to the internal arrangements and quality of accommodation for future occupants in terms of light, amenity and privacy.
- 7.10 Pollution – Air Quality
- 7.10.1 Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:
- (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- 7.10.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

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

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

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

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

7.11 Pollution – Noise and Vibration

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

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

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

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

7.11.4 Environmental Health (EHO) have been consulted on the proposed development and whilst not received at this time, their comments will be reported when this application returns to committee for a decision.

7.12 Pollution – Light

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

- 7.12.2 The application is supported by a Private Lighting Impact Assessment. This document does not include lighting within the proposed curtilages but impacts of lighting from within the site. It identifies that the impacts of the addition of lighting on this current undeveloped field would no harm has been identified. It notes that lighting should be positioned away from neighbouring sites and pointed into the development. The assessment also includes mitigation measures during the construction phase.

7.13 Pollution – Land Contamination

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

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

7.14 Impact on Wildlife, Biodiversity and Agriculture

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

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

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

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

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

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

- 7.14.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and

historic environment from inappropriate development and improve the diversity of wildlife and habitats". Policy CP9 of the Core Strategy (adopted October 2011) advises that; "The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces".

- 7.14.6 Policy DM6 of the Development Management Policies LDD (adopted July 2013) advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.14.7 The application site contains an open field no details of the agricultural classification of the land has been submitted in support of the application.
- 7.14.8 The proposed development would result in an approximate 40.29% biodiversity net loss. Baseline habitats comprise other neutral grassland, scrub (blackthorn, mixed, and bramble), ponds, ruderal, other broadleaved woodland, and rural trees. Most of the broadleaved woodland at the southwest section of the site would be enhanced..
- 7.14.9 Herts Ecology Officers comments notes that the site contains 10 out of 12 species for Local Wildlife Site criteria. However, the officer confirmed that following a site visit it was confirmed that, with the exception of Fleabane, all other indicators appeared rare. As such, the site is unlikely to justify LWS status. The development will include on site biodiversity units however due to the constraints of the site by virtue of its size offsite BNG is required to meet the overall 10% net gain. Herts Ecology raised no objections to this approach. They have however requested that on site compensation should seek to preserve the most abundant indicator 'Fleabane'. Any planning permission would include a condition requiring this.
- 7.14.10 In respect of protected species, there is currently a holding objection by Herts Ecology with regards to Newts. Herts Ecology consider that insufficient evidence has been submitted identifying that an off site pond 100m away would not be a constraint to development. Insufficient information has also been submitted within the lighting impact assessment. The applicant is reviewing these points.

7.15 Landscaping and Impact on trees

- 7.15.1 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.15.2 The NPPF sets out at paragraph 193c) that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".
- 7.15.3 The site contains a wooded area at the entrance to the site. The Landscape Officer has confirmed that eight 'B grade' (good quality) trees and tree groups would need to be removed, and around 30 'C grade' (poor quality) trees to facilitate the development; which include a number of protected trees. The Soft Landscape Plan indicates that the site would include the planting of large, medium and small trees and shrubs and native hedgerows. The Landscape Officer has not raised any objections to the proposed removal of the trees, including protected trees as it is considered that any impact could be mitigated over time through the replacement planting.

7.15.4 As part of the formal assessment of the application consideration would be had to the proximity of the dwellings and gardens to existing trees to be retained in terms of future pressure to fell or lop.

7.16 Sustainability and Energy Use

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

7.16.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.16.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.16.4 The application is accompanied by an Energy and Sustainability Statement. This sets out that the proposed development would provide 126.4% improvements over Part L Building Regulations. The proposed development would include sustainable measures including construction materials. The assessment states that the development would achieve a net zero operational carbon footprint by generating more renewable energy on-site through PVs than the projected annual consumption. The assessment states ‘the renewable energy generated by PVs is estimated to exceed the predicted energy demand of the homes on site. The drive for this significant surplus of energy generation comes from a desire to achieve guaranteed Zero Energy Bills for all residents using central battery storage to create a Smart Microgrid for energy sharing in partnership with Octopus Energy’.

7.17 Flood Risk and Drainage

7.17.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 of the Development Management Policies LDD (adopted July 2013) refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.17.2 The site is wholly within Flood Zone 1 as defined by the Environment Agency. Flood Zone 1 signifies areas with the lowest probability of flooding (less than a 0.1% annual probability of river or sea flooding, equating to less than 1 in 1000 chance). It has been identified that the site contains some areas at high risk of surface water flooding.

7.17.3 The application is supported by a Flood Risk Assessment and Drainage Strategy Report (BWM, June 2025).

7.17.4 The submitted FRA and Sustainable Drainage Strategy have been reviewed by the Lead Local Flood Authority (LLFA) who currently have a holding objection. Additional information has been submitted which the LLFA are currently reviewing.

7.17.5 Thames Water (TW) have confirmed that they have identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed.

7.18 Refuse and Recycling

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

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

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

7.18.3 HCC would require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site.

7.18.4 In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisation concerns.

7.18.5 In respect of domestic and commercial waste, no comments from Environmental Protection have been received at the time of writing.

7.19 Safety and Security

7.19.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.19.2 No objection has been raised by the Designing Out Crime Officer in this regard.

7.20 Infrastructure Contributions

- 7.20.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) Charging Schedule sets out that the application site falls within Area C which has a nil (£0) charge.
- 7.20.2 The below summarises the contributions requested at this time, however, it is important to note that the report is preliminary only at this stage and therefore the below may be subject to change once a recommendation is finalised.
- 7.20.3 As set out above, the applicant is providing additional information in response to an initial objection from Hertfordshire County Council as Highway Authority. In the event that the objection is overcome it is anticipated that Hertfordshire County Council as Local Highway Authority will require contributions and highways works to be secured. Further details will be provided once received.
- 7.20.4 Currently the following monetary contributions are requested:
- HCC Education:
Secondary = £1,360,656 index linked to BCIS (Q1 2024)
SEND = £184,537 index linked to BCIS (Q1 2024)
- HCC Waste:
Waste transfer station = £11,046 index linked to BCIS (Q1 2024)
- 7.20.5 Offsite credits for Biodiversity Net Gain would be secured via a S106 Agreement, there would also be associated monitoring fee in association with 30 year monitoring period for the onsite net gain proposed.
- 7.20.6 Monitoring fees for various parts of the scheme would also be required to be secured.

7.21 Referral to Secretary of State

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

7.22 Benefits of the Scheme

- 7.22.1 A number of benefits have been presented by the applicant which are summarised below (including commentary from the Planning Statement supporting the proposed benefits). The benefits are presented for information with no weighting or confirmation as to whether these elements constitute a 'benefit of any weight' being given by the LPA at this time:

Social Benefits

- Provision of Housing – The delivery of 96 homes will make a significant contribution to the Council's identified shortfall in housing delivery. The scheme is for family housing of either 2 bed, 3 bed or 4 bed homes.

- Provision of 50% Affordable Housing – The delivery of 48 affordable homes represents a substantial and urgently needed intervention.
- Provision of Community Building – The proposal would include a flexible space for the community.
- Immediately Deliverable – Application is purposefully a detailed full application to allow for quick transition if granted. Thus could make an immediate and meaningful contribution to the housing stock.

Environmental Benefits

- Low Carbon Development – The scheme seeks to optimise self-consumption of site renewable energy generation and reduce reliance on the grid. Onsite renewables will produce more energy than is needed for the homes on an annual basis which means that the homes are operationally zero carbon, with zero bills guaranteed for private and affordable homes in collaboration with Octopus Energy. The scheme overall achieves a 126.4% improvement in carbon reductions over Part L Building Regulations.
- Enhancement of the Natural Environment – The proposals deliver a transformative enhancement of the site. Central to the scheme is the preservation and revitalisation of the existing woodland, which will serve as both a natural play space, a key ecological corridor and the principal access route
- High Quality of Design – The scheme has been designed by collaboration of two award winning architects.

7.22.2 The benefits and weighting attributed to these benefits set out above would need to be considered by the decision maker.

7.23 Tilted Balance and Planning Balances including Very Special Circumstances (Green Belt) and Public Benefits (Heritage)

7.23.1 As part of the decision making process, there are various planning balances that must be undertaken by the decision maker. Whilst summarised in the title above, these are also explained in the relevant part of this report (for example, the need to consider very special circumstances is explained in the Green Belt section of this report).

7.23.2 In respect of the tilted balance, the Council can only demonstrate a 1.7 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be 'out of date' and the tilted balance at paragraph 11 of the NPPF applies:

For decision-taking this means:

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

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

7.23.3 In respect of d) i. the NPPF sets out that the policies referred to (that protect areas or assets of particular importance) include those relating to land designated as Green Belt, and designated heritage assets. In respect of d) ii. the NPPF sets out that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

- 7.23.4 As part of the assessment of the proposal, it will be necessary to identify which policies are most important for determining the application, and the weight to be attributed to them notwithstanding that they may be considered out of date. It would then be necessary to undertake an assessment under i or ii above.
- 7.23.5 In respect of the Planning Balance it will be necessary for the decision maker to take account of the material planning considerations to the case, and balance any adverse impacts of the development against the benefits put forward by the applicant (see section above) and any other identified benefits. Any adverse impacts are likely to primarily be identified as part of an assessment of the proposal against the statutory development plan and other material planning considerations. These would need to be weighed against the benefits which may also be identified as part of the assessment.
- 7.23.6 As part of a full assessment of the scheme to be presented at a later date, the full extent of any harm arising from the scheme would be identified, and this would be balanced against the benefits of the scheme to enable a recommendation to be made as to whether planning permission may be granted or not.
- 7.24 Site Visit
- 7.24.1 Taking into consideration the siting, scale and sustainability principles proposed it is recommended that Members agree to a site visit being arranged prior to the application being presented to Committee for a decision, to ensure Members have the opportunity to view the site and understand its location and how it relates to its surroundings.

8. Recommendation

- 8.1 That Members agree for officers to arrange a site visit prior to this application being presented to Planning Committee for a decision.
- 8.2 There is no recommendation for a decision to be made at this stage in the consideration of the application. Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.