

PLANNING COMMITTEE - 23 OCTOBER 2025

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

Parish: Sarratt

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 11.09.2025

Case Officer: Claire Wilson

Extension agreed to 23.10.25

Application Type: Major Residential Development

Recommendation:

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

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

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

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

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

1 Relevant Planning History

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

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

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

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

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

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

Appeal allowed July 2023.

2 Description of Application Site

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

3 Description of Proposed Development

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

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

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

Plot 1 would have 2 bedrooms.

Plot 2 would have 3 bedrooms.

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

Plot 3 would have 3 bedrooms

Plot 4 would have 2 bedrooms.

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

They would all be two-bedroom dwellings.

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

They would be two-bedroom dwellings.

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

This would be a four-bedroom dwelling.

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

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

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

This would be a four-bedroom dwelling.

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

These would be three-bedroom dwellings.

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

This would be a four-bedroom dwelling.

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

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

This would be a four-bedroom dwelling.

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

These would be three-bedroom dwellings.

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

Both would be 2-bedroom dwellings.

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

4 Consultation

4.1 Statutory Consultation

4.1.1 Sarratt Parish Council: [Objection]

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

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

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

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

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

4.1.2 Hertfordshire County Council - Minerals and Waste: [No objection]

Minerals: In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.

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

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

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

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

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

Section 4.6 of the Planning, Design and Access Statement makes reference to the Waste Core Strategy and Development Management Policies DPD (2012). The policies in the adopted DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

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

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

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

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

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

As a minimum, the SWMP should include the following:

Project and People

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

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

Estimating Waste

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

Space for Later Recordings

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

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

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

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

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

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

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

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

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

2. Construction Management Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.1.4 TRDC Housing Officer: [No objection]

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

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

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

I can confirm that we would generally support this application, which currently proposes 50% affordable housing to be provided on site.

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

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

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

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

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

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

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

- 4.1.6.1 Initial comment: [Objection]

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

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

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

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

The main points of this are;

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

Informative

For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and Proforma

on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-wasteandenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.

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

4.1.6.2 Second comment: [Objection maintained]

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

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

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

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

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

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

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

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

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

Informative

For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and Proforma on our surface water drainage webpage

<https://www.hertfordshire.gov.uk/services/recycling-wasteandenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.

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

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

4.1.6.4 Third comment: [Objection maintained]

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

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

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

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

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

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

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

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

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

4.1.7 Thames Water: [No objection]

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

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

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

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments: The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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

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

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

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

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

In addition to the below regarding contaminated land:

Air Quality: The proposed development exceeds the stage 1 criteria (10 or more residential units) given in the EPUK/IAQM guidance document entitled Land-Use Planning & Development Control: Planning For Air Quality. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area.

The proposed development may also meet the stage 2 criteria.

An air quality assessment is required. The suitability of the site needs to be assessed. It would therefore be preferable for the impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

4.1.8.1 Officer comment: The applicant advised that an Air Quality Assessment had been submitted and this was brought to the attention of the Environmental Health Officer and the following comments made:

I have reviewed the report submitted (Report Ref: ADO250 62 -R1-V1, dated 9/6/ 25) and am happy that air quality should not be a planning constraint.

4.1.9 Hertfordshire County Council - Water Officer: [No objection]

Please be aware that Hertfordshire Fire and Rescue Service (HFRS) will be seeking a condition for the Provision of Fire Hydrants, at no cost to ourselves.

4.1.10 Hertfordshire County Council - Growth and Infrastructure: [No objection]

Herts County Council's Growth and Infrastructure Unit do not have any comments to make in relation to financial contributions required by Herts Council Council's Guide to Developer Infrastructure Contributions 2021. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

We therefore have no further comment on behalf of these services although you may be contacted separately from our Highways Department.

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

I trust this above is of assistance, if you require any further information please contact the Growth and Infrastructure Unit.

4.1.11 Herts Ecology: [No objection]

Overall Recommendation: Application can be determined with conditions and informatives.

Comments and recommended Conditions and Informatives:

Control of Schedule 9 Species: Japanese knotweed and cotoneaster horizontalis which are listed on Schedule 9 of the Wildlife and Countryside Act have been, in order to prevent a criminal offence I advise that a identified on a Method Statement outlining measures to prevent and control the spread should be included in the Construction Environmental Management Plan, CEMP (see below)

Protected Species: Bats: A Preliminary Roost assessment assessed the ash tree T4 as having moderate potential as a bat roost, subsequent emergence surveys were carries out on the 30/06/25 and 28/07/25). No behaviour indicating the presence of a bat roost has been reported from these surveys. I have no reason to dispute this finding, and the application can be determined accordingly. Precautionary soft-felling strategy for T4 is detailed in the Ecological Assessment, I advise these are secured by the following compliance Condition.

“The Recommendations in section 5.24 of the Ecological Assessment by Luscinia Ecology (report date 29/07/2025) relating to the removal of the ash tree T4 represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species.

Non licensable measures to prevent negative effects of lighting on bats during the operational phase of the development are outlined in the ecological assessment and should be followed in full. I advise this is secured by the following Condition or similar:

“A lighting design strategy for bats shall be submitted to and approved in writing by the LPA. This should be informed by section 5.10 of the Ecological Assessment by Luscinia Ecology (report date 29/07/2025) and accurately identify the features/areas of interest and the maximal illumination of these areas that will not compromise their existing use by bats. This should be shown in suitable contour plans and charts and accord with best practice (Guidance Note 08/23: Bats and artificial lighting in the UK, (BCT & ILP, 2023.)). No external lighting should be allowed to exceed these limits, unless agreed with by the LPA, either during (if important for long-term construction projects) or post-development.”

Other Protected species: In order to ensure that protected species are suitably safe guarded and that any permission granted for this application is consistent with the principles relating to the mitigation hierarchy embed within the NPPF. I advise that the mitigation/compensation measures outlined in the supporting applicant's ecology reports are secured by Condition.

To this effect, I advise method statements based on the mitigation within the Ecological Assessment by Luscinia Ecology (report date 29/07/2025) for but not limited to Reptiles, Nesting birds, non licensable mitigation for bats as well as standard best practice measures

to protect commuting and foraging mammals such as badgers and hedgehogs should be submitted for approval to the LPA. These are best demonstrated within an ecological section of a Construction Environmental Management Plan, such as below or similar

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

1. A review of any ecological impacts and should be informed by the submitted ecological report (Ecological Assessment by Luscinia Ecology (report date 29/07/2025).
2. Risk assessment of potentially damaging construction activities.
3. Identification of 'biodiversity protection zones'
4. A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
5. The location and timings of sensitive works to avoid harm to biodiversity features. (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset).
6. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
7. A non-native invasive species protocol for Japanese knotweed and cotoneaster horizontalis.
8. The times during construction when specialist ecologists need to be present on site to oversee works.
9. Responsible persons and lines of communication.
10. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site.

Ecological enhancements

The Ecological report includes recommendations for species enhancements I advise the installation of these will allow the application to be policy compliant with section 187 d of the NPPF. I advise these are secured by the following Condition or similar.

Prior to the commencement of development A Biodiversity Species Enhancement Strategy /Plan for Protected and Priority Species shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should be informed by section 5.20 of (Ecological Assessment by Luscinia Ecology (report date 29/07/2025). With the exception that the swift boxes are replaced by universal swift bricks. Bat roosting features and Swift Bricks should be Integrated (built "into" rather than "onto" buildings). Features should be installed in a ratio of one for every two buildings and located according to ecological best practice.

The scheme/ plan shall include, but not be limited to, the following details:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- c) Detailed designs to achieve stated objectives.
- d) Materials and construction to ensure long lifespan of the feature/measure

- e) Proposed Locations shown by suitable maps and plans and where appropriate the elevations of the features or measures to be installed or undertaken.
- f) When the features or measures will be installed within the construction, occupation, or phase of the development,
- g) Persons responsible for implementing the enhancement measures
- h) Details of initial aftercare and long-term maintenance (where relevant). Thereafter, the biodiversity enhancement measures shall be carried out and maintained for their designed purpose in accordance with the approved details including timescales and shall be retained as such thereafter.

Biodiversity net gain (BNG)

BNG- Pre Determination: Minimum BNG information pre- determination: A base line habitat map and statutory metric sufficient meet the minimum requirements for BNG predetermination have been submitted

The metric calculation tool (Mandatory Metric) 09 June 2025 shows base line values of 19.51 Habitat Units and 0.3 Hedgerow units. I have no reason to doubt these values.

BNG- Determination: The Biodiversity Net Gain Plan should be prepared in accordance with the base line shown with in the metric completion date 09 June 2025 unless varied in agreement with the LPA and I advise this element is secured by Condition

Significant Onsite Enhancement: The proposed BNG includes areas of medium distinctiveness habitats. As a result, I advise that the On-Site enhancements should be considered Significant Enhancement. Given the scale and nature of these enhancements, in this case, it would be proportionate to secure these by Condition requiring:

A Landscape Ecological Management and Monitoring Plan demonstrating how the habitat will be created/ enhanced and maintained for 30 years.

“No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The LEMP should include the following:

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a thirty year period).
- g. Details of the body or organisation responsible for the implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

BNG-Post Determination: A net loss has been shown as not yet having been achieved, and the trading rules have not been met, in line with government guidance it would generally be inappropriate for concerns about the ability to discharge the condition to be used as a reason to refuse an application. However, the applicant should be made aware the general biodiversity condition is a pre commencement condition and that if the applicant chooses not to address these matters prior to determination they will need to

do so at the post determination stage.

At the biodiversity gain plan stage an updated metric will need to be submitted showing how a net gain can be delivered. This could be either by the provision of further onsite non-significant enhancements, onsite enhancements that can be secured at the post determination stage, or by the use of an off-site location. As a last resort if an off-site location cannot be found Biodiversity Credits would need to be purchased. In this latter case the applicant must demonstrate to the satisfaction of the LPA that all other options have been fully explored and that the BNG hierarchy has been followed

Biodiversity Gain Plan: The applicant has submitted a Biodiversity Statement and Draft Biodiversity Gain Plan with a un-completed version of the government template within Appendix C: I strongly advise that the net gain plan is submitted using the government template/ form as opposed to a any alternative bespoke version, this should be accompanied by supporting information as listed below attached as separate documents.

In order the Biodiversity Gain Plan to be discharged it should be submitted with the following minimum information either within the body of the plan or as supporting information.

- completed metric tool calculation
- pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale)
- a compensation plan if the development affects irreplaceable habitats
- biodiversity net gain register reference numbers if they're using off-site units
- proof of purchase if they're buying statutory biodiversity credits

Chilterns Beechwoods Special Area of Conservation (SAC)

The proposed development comprises the Erection of 20 Dwellings. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).

This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out. If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required. Effective mitigation will be best delivered by payment of the appropriate tariff(s) set by the Council that will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).

As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.

4.1.12 TRDC Tree and Landscape Officer: [No objection]

We would recommend approval subject to the following conditions:

Replacement planting for the removal of T4 Ash, with an appropriate species such as Oak, Sycamore or Beech. The tree should be at least 2-3 m height and/or 10-12 cm girth at the time of planting, and should be replaced if it fails to establish.

The submission of a detailed tree protection plan (for prior approval) which outlines the position of the tree protection fencing to be used, and any ground protection.

- 4.1.13 Affinity Water: No comments received.
- 4.1.14 Herts Footpaths: No comments received.
- 4.1.15 TRDC Environmental Protection: No comments received

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 44
- 4.2.2 No of responses received: 19 objections
- 4.2.3 Site Notice: Expiry: 18.07.2025 Press Notice: Expiry 18.07.2025
- 4.2.4 Summary of Responses:
- Unsure how this has made it past the appeal stage?
 - Previous planning application on this site has been declined already.
 - Previous reasons for refusal – impact on Green Belt, harm to local character and traffic and infrastructure concerns still apply.
 - There have been numerous applications for this unsuitable site including for a temporary building, all of which have been turned down due to the suitable nature of the site.
 - Numerous planning applications in Sarratt including the approved outline planning in Church Lane or the immediate vicinity, delivering 121 housing units including affordable housing in excess of local need
 - Use Class C3 (B and C) with the ability of up to 6 persons living together with or without care is not sustainable with the proposed allocated parking for the development. Concerns regarding emergency access.
 - Impact on the Green Belt, will harm openness of the Green Belt.
 - Scale of the development would erode green setting and contribute to creeping urbanisation
 - Unnecessary, inappropriate development.
 - Impact on the AONB
 - No very special circumstances presented.
 - Would destroy the village nature of Sarratt
 - Sarratt will no longer be a village. It will be a small town.
 - Sarratt is defined by its Green Belt and Conservation Area status.
 - Inconsistent with existing street patter. Additional massing and height would dominate landscape and erode character.
 - Sarratt's infrastructure cannot feasibly accommodate this development.
 - Schools, highways, doctors surgeries are already oversubscribed.
 - Water and sewage cannot cope already. Major sewage leak in gardens along Dimmocks Lane in January 2025.
 - Concern that water and drainage systems, particularly waste water handing may not be able to cope with sudden increase in housing density.
 - Cannot see indication of Sustainable Drainage Systems to manage surface water run off. There is already an issue on the road with lack of surface water drainage.
 - Development is unsustainable.
 - Cannot see sufficient energy or carbon reduction features outlined which would accord with the Council's declared climate emergency.
 - Loss of mature landscaping,

- Removal of hedgerows and mature planting will harm wildlife including nesting birds protected under the Wildlife and Countryside Act.
- Impact to wildlife such as badgers, bats, deer, foxes and conflicts with policies aimed at preserving the distinctive green corridor.
- No biodiversity or carbon gain. It lacks meaningful biodiversity compensation and mitigation.
- Development is suitable for Swift bricks to be integrated into the walls of the new houses. Ecology report proposes 2 externally fitted boxes to be installed. These are not enough and the chosen type does not comply with British Standards.
- Please condition swift bricks at a ratio of 1-2-1 per dwelling.
- Residents will erect high fencing for security and privacy which would fragment habitats.
- Lighting would cause light pollution in a rural area.

- Church Lane not suitable for further development
- Photographs submitted off gridlocked traffic along Church Lane.
- Church Lane is a narrow country lane with no passing places making HGV access impossible.
- Signs on Church Lane state it is not suitable for HGVs. How will lorries bring materials to build the houses?
- The Burlington development for 90 houses will cause major traffic problems and overstretch infrastructure,
- Will be dangerous for residents, horse riders and car drivers.
- Construction traffic would raise emissions and impact on air quality.
- Unlikely that construction traffic can access site due to parking on Church Lane.
- Parents taking children to school will not get past a HGV using the road.
- No funds to carry out repair works to existing highway.
- Transport links in the area are poor- there is only one bus service.
- Church Lane unsuitable for cyclists.
- Limited parking and visitor spaces will lead to parking on Church Lane which would be a hazard.
- Church Lane is an unlit road, although quiet the majority of the time, traffic speed and volume are high during rush hour.
- Proposed access is too narrow and unsuitable for two way traffic, would be unsafe for pedestrians, cyclists and horse riders.
- A secondary vehicle access should be required for a development of this size.
- Site layout shows pedestrian link from the rear of the site to footpath SA30. This is incorrect as footpath SA30 is set back from the site boundary by approximately 3m. The land in between is owned by the Diocese of St Albans.
- Pedestrian link is unfeasible; the path is unlit and for 9 months of the year muddy and unsuitable.
- Few residents have received notification and the timescale for objections is too short.
- All comments on previous application should be taken into consideration.
- 'Blown away' that all proposed developments in Sarratt cannot be looked at collectively and the negative impact on village infrastructure.

- The outline application was allowed on appeal on the basis that all of the homes were affordable. This application now proposes 10 market houses which is a material change.
- The mix of 2, 3, 4 bed homes in the current application has also been altered with more larger homes proposed. This does not match local need.
- Application should include land to rear of no.80 as it overhangs boundary

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP3, CP4, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM7, DM9, DM10, DM12, DM13 and Appendix 5.

TRDC has published a Decision Statement in respect of the Sarratt Neighbourhood Plan 2024-2039 and on the basis that it is now proceeding to referendum in November 2025, in accordance with PPG Significant Weight can be given to the plan in Decision Making. Relevant Policies include Policies 1 3, 4.1, 4.2, 5.2, 5.3, 5.4, 6.1, 6.3, 7, 12.

6.4 Other

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

Affordable Housing SPD (June 2011).

7 **Planning Analysis**

7.1 Background

- 7.1.1 The application site was the subject of outline planning application 21/2896/OUT for the provision of up to twenty residential dwellings (Use Class C3) with new access to Church Lane and proposed pedestrian link to existing public footpath (appearance, landscaping, layout and scale reserved). This application was refused by the Local Planning Authority for the reasons set out in paragraph 1.1 of this report. However, the outline application was subsequently allowed at appeal. The Inspector deemed that the development would represent an appropriate form of development within the Green Belt, determining that it fell within the identified exception of 'limited affordable housing for local community needs'. In addition, whilst some harm was identified to both the character of the area and AONB, the Inspector concluded the following:

'Overall, it is clear that the benefits of the proposed affordable housing, economic benefits and BNG would outweigh the limited harm to the character and appearance of the area and the landscape and scenic beauty of the AONB and the loss of existing biodiversity on the appeal site. This is despite my placing great weight on the harm to the AONB because the harm would be limited, whereas the benefits from the proposed affordable housing would be substantial'.

- 7.1.2 This appeal decision is attached at Appendix A to this report. This outline permission remains extant.

- 7.1.3 The current scheme submitted is for full planning permission, and is also for the provision of twenty residential dwellings. However, the current scheme no longer proposes 100% affordable housing, with 50% affordable housing now proposed, and 50% market housing proposed. Whilst the previous scheme was in outline form, an indicative layout was presented which the Inspector did have regard to noting that 'layout is reserved but is likely to be similar in form to as depicted on the illustrate site layout'. The current scheme proposes a similar layout, although it is noted that there have been some minor changes to the siting of dwellings, with regards to their exact positioning on the plot.

- 7.1.4 Since the time of the appeal, there has been a material change to national planning policy, in that the NPPF now includes provisions in relation to Green Belt Land which must be considered. In addition, weight must also now be given to the Sarratt Neighbourhood Plan which is due to go to referendum in November 2025. The following analysis therefore considers the current proposal, with reference to the appeal scheme as a material consideration and with regard to the updated NPPF and with regard to the Sarratt Neighbourhood Plan.

7.2 Principle of Development

- 7.2.1 The proposed development would result in a net gain of twenty dwellings. The site is not identified as a housing site in the Site Allocations document and would be considered as a windfall site. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with the relevant national and local policies. Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:

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

7.2.2 Policy 1 of the Sarratt Neighbourhood Plan relates to development in Villages and Hamlets and advises that all development should respond positively to its local context. In addition, it sets out the following:

'Proposals for development on the edge of the village and hamlets will only be supported where they are small scale and meet an identified local need, with priority given to previously developed sites....

7.2.3 The application site is located within Sarratt, although it is noted that the main body of the site is located outside of the designated settlement boundary as defined within the Core Strategy. In addition, the application site is not located on previously developed land, contrary to Policy 1 of the Sarratt Neighbourhood Plan.

7.2.4 Whilst it is not considered that the site is located within a sustainable location, it is noted that the principle of residential development was found to be acceptable by an Inspector considering application 21/2896/OUT relating to the construction of up to 20 residential dwellings with new access to Church Lane and proposed pedestrian link to footpath. This outline consent remains extant, with the permission expiring on 19 July 2026. Whilst matters relating to appearance, landscaping, layout and scale were reserved, an indicative site layout was submitted at outline stage which suggested how the site could be developed with the Inspector noting the following:

'It is proposed to erect up to 20 homes, all within the rear, open part of the appeal site. The existing access would be altered and hard surfaced to provide vehicular access to the site. Layout is reserved but is likely to be similar in form to as depicted on the illustrative site layout, with homes lining a central 'spine road' and at the top of a turning head to the rear of the site'.

7.2.5 The layout plan submitted at the outline stage is similar to that currently being considered under the current application. The scheme still proposes the provision of twenty residential homes located around a central spine road with turning head to the rear of the site. A pedestrian link to the existing public right of way is still proposed as part of the current application. There have been some changes to the siting of dwellings. The submitted Planning Statement details the siting of units 12-15 have been adjusted, with nos.12-14 being located marginally closer to the National Landscape boundary, with unit 15 being no closer and unit no.16 slightly further away. Units 1-7 would also be slightly closer, with units 8-11 sited similarly. The submitted block plan 3245. PLN. 202 E shows an overlay of the extant scheme against that currently proposed. It is therefore considered the outline consent must be afforded significant weight within the decision-making process and as such the principle of residential development in this location is considered acceptable subject to assessment against all other relevant material planning considerations below.

7.3 Green Belt

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

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

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

7.3.3 Paragraph 153 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

7.3.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:

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

7.3.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. cy DM2 of the Development Management Policies LDD (adopted July 2013) notes that "as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below". Relevant to this current application is a) New Buildings, which states "Within the Green Belt, except in very special circumstances,

approval will not be given for new buildings other than those specified in national policy and other relevant guidance". Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF in relation to inappropriate development are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded full weight

- 7.3.6 At the time of the allowed appeal, the Inspector determined that the development would not be an inappropriate form of development as it would meet exception (f) limited affordable housing for local community needs. The Inspector noted the following:

'All the proposed homes would be for affordable housing, as secured through the S106. No direct link is provided to local tenants in the S106 but a Nominations Agreement would need to be entered into and the S106 secures that this retains all nomination rights with the Council. It would therefore be within the control of the Council to secure the affordable housing for local community needs.'

Policy CP4 of the CS states that there is an identified and pressing need for affordable housing within the District. The reasoned justification, at paragraph 5.30 finds that to completely satisfy affordable housing requirements, all future housing in the District to 2021 would need to be affordable. In addition, the Sarratt Housing Needs Assessment finds, at Paragraph 10, a need for 122 social rented and 48 intermediate affordable units in Sarratt in the Plan period of 2020-2046 and acknowledges that it is unlikely this need can be satisfied through conventional housing delivery and that exception sites might be required'.

I do not have to data on the most up to date situation, but given that the Council cannot demonstrate a five year supply of housing land, it is clear that delivery since the adoption of the SC would not have fully met this high level of need. I am therefore satisfied that the proposal would be for affordable housing for local community needs. No definition is provided in the Framework of 'limited' in relation to this exception. 20 homes are proposed and I view this as a relatively limited provision.

- 7.3.7 The development as currently proposed has altered the tenure split and it is now proposed that 50% affordable housing provision would be provided rather than 100%. The LPA considers that the reduction in affordable housing provision means that the development would now fail to fall within exception (f) as the development would now provide market housing and not just affordable housing.
- 7.3.8 The applicant has also suggested that the proposed development could also meet exception (e) Limited infilling in a Village. In response, the application site is not located within the defined village boundary of Sarratt and therefore is outside of any defined settlement boundary. However, the LPA has been in receipt of a number of appeal decisions where the Inspector has considered the locational circumstances of those sites and relationships with nearby settlements as relevant in cases where the site lies outside of the defined settlement boundary. In an appeal decision at land adjoining Notley Croft, Bedmond Road, Bedmond (APP/P1940/W/17/3187494) the Inspector allowed an appeal against TRDC'S refusal to grant outline planning permission for up to two dwellings. The Inspector stated that 'the Framework does not specify that a village must be designated as such in the development plan or specify what the limits of the village should be'. The Inspector considered, despite the LPA's defined village settlement boundary of Bedmond, 'given its locational circumstances, the appeal site lies within the village of Bedmond for the purposes of the NPPF. The site in that instance is some 650m from the centre of Bedmond and the Inspector concluded that the village centre is safely accessible on foot.
- 7.3.9 In this instance, whilst the majority of the site is not located within the defined settlement area, the site's vehicular access is located within the defined village boundary. Furthermore, the village boundary extends close to three sides of the application site. The south eastern part of the site is within the boundary, whilst the north eastern boundary of the site is located

68m from the village boundary and the south western boundary of the site is located 52m from the village boundary. The site is located approximately 0.4 miles from The Green which has a local shop, and a number of pubs. It is considered that given the location of the site, its proximity in relation to the village boundaries and its proximity to the Green that the site could be considered physically and functionally within the village of Sarratt.

7.3.10 However, notwithstanding the above, to fully meet this exception, one must consider whether the development constitutes 'limited infilling'. In this case, it is viewed that Church Lane has a linear building line with dwellings located along an established frontage with open fields beyond. Whilst the access itself is located between two existing buildings, the layout shows that the built form would project back into the open field land. Whilst it is acknowledged that the site is physically contained by the existing public footpath to the north west and existing woodland to the north east, given the lack of built form surrounding the site, it is not considered that the proposal would constitute 'infilling'. In addition, concerns are raised that the provision for twenty residential dwellings would not constitute 'limited' in relation to this exception. However, in any case, the proposed development would not constitute infilling. It is therefore concluded, that the proposed development would fail to meet exception (e).

7.3.11 As such, the proposed development would not meet any of the exceptions to inappropriate development as defined by Paragraph 154 of the NPPF. However, whilst the development would not be in accordance with Paragraph 154 it is also necessary to consider the development in relation to paragraph 155 of the NPPF which relates to Grey Belt. This sets out 'that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply:

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

7.3.12 In considering whether the site would constitute Grey Belt land, reference must be had to Annex 2 of the NPPF which defines Grey Belt as follows:

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

7.3.13 In this case, the site is 'any other land', as it is not 'previously developed land'. For it to be considered Grey Belt land, the land needs not to contribute to any of the purposes (a), (b) or (d) of paragraph 143 of the NPPF. These purposes are:

- a) *To check the unrestricted sprawl of large built up areas*
- b) *To prevent neighbouring towns merging into one another*
- d) *To preserve the setting and special character of historic towns.*

7.3.14 In considering whether the application site contributes to the purposes (a), (b) or (d) regard must be had to Planning Practice Guidance at paragraph 005 Reference ID: 64-005-2025022 which provides guidance in relation to informing judgements as to whether land can be considered as Grey Belt. In addition, Paragraph 007 of the PPG is also relevant and sets out the following:

After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.

- 7.3.15 A) To check the unrestricted sprawl of large built-up areas. The application site is located at the edge of the village of Sarratt which is not considered to be a 'built up area' and is classed as a village within the Three Rivers Settlement Hierarchy. As such, the site does not contribute towards this purpose.
- 7.3.16 B) To prevent neighbouring towns merging into one another. It is acknowledged from the PPG that this specifically relates to the merging of towns, rather than villages. In this case, given the location of the site, it is not considered that the parcel of land plays any role in preventing the merging of towns.
- 7.3.17 D) To preserve the setting and special character of historic towns. The PPG sets out that areas that make no or only a weak contribution are likely to include those that 'have no visual, physical or experiential connection to the historical aspects of the town'. Whilst the site is located adjacent to the settlement boundary of Sarratt, the parcel of land itself is removed and set away from the historic core of Sarratt and it is therefore considered that the site makes a weak contribution this purpose.
- 7.3.18 At the current time of writing, it has not been confirmed whether any footnote 7 areas/assets would provide a strong reason for refusal. It is noted that at present the LLFA have raised an objection in relation to flood risk commenting that 'the proposed SuDs are likely to increase the risk of flooding elsewhere'. However, providing that this is overcome, given that the application site is not considered to make a strong contribution to the above purposes, it is likely that the site would be considered to be Grey Belt.
- 7.3.19 Paragraph 155 of the NPPF also advises that where development utilises Grey Belt land, it must not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. In this case, it is not considered that the development would undermine the purposes of the remaining Green Belt across the plan area.
- 7.3.20 In addition, criteria (b) of Paragraph 155 of the NPPF sets out that development in the Green Belt would not be inappropriate where 'there is a demonstrable unmet need for the type of the development proposed'. In this case, the applicant is proposing a residential development for the provision of 20 dwellings. National Policy places great emphasis on the delivery of housing with paragraph 61 of the NPPF stating the following:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

- 7.3.21 The Council cannot demonstrate a five-year housing land supply as required by the NPPF, with the current housing land supply being at 1.7 years. Consequently, there is a significant need for housing within the District which must be afforded significant weight in the decision-making process. In this case, the scheme would deliver 20 residential dwellings of a range of unit sizes, providing an opportunity to meet different needs. In addition, it is noted that there is also a significant need for affordable housing within the District. In this case, 50% of the 20 residential units would be for affordable housing and at a policy compliant tenure split comprising 70% social rented dwellings and 30% shared ownership. Given the need for housing and affordable housing within the District, it is considered that the proposed development would be in accordance with criteria (b) of the Paragraph 155.

- 7.3.22 Criteria (C) of Paragraph 155 sets out that the development should be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF. The application site is not located within the settlement boundary and sits adjacent to the Sarratt village boundary. In this case, regard is had to the appeal decisions relating to applications 22/0601/OUT (appeal references APP/P1940/W/22/3311477) at Land rear of 17-49 Church Lane and 22/0602/OUT (APP/P1940/W/22/3311479) at Land adjacent to 97 Church Lane where the Inspector noted the following with regard to the sustainability of Sarratt:

‘Sarratt is designated as a ‘village’ in the settlement hierarchy in the CS. The CS notes that villages provide a ‘limited range of services and access to public transport is also limited. I agree with this appraisal. There is a Community Post Office and Store that sells a limited range of convenience products. There is a primary school and pre-school. There is a small doctors’ satellite surgery. There are three public houses. There is a village hall, playing fields and a pavilion. It is not disputed that future residents would be able to walk or cycle to the services and facilities available. However, I consider the reality is that for most residents, it would be necessary to travel further afield for a range of essential shops, service, secondary schools and employment which is likely to result in trips by private vehicles’

- 7.3.23 With regard to sustainability, the Inspector (for applications 22/0601/OUT and 22/0602/OUT) considered that public transport in the area was limited, with limited bus services and no railway stations in the near vicinity with Chorleywood and Rickmansworth being located at 4.3km away and 5.4km away respectively. In addition, whilst cycle routes were available, the Inspector commented that this would; *‘entail the use of rural lanes with narrow sections and passing bays and in sections subject to a 60mph speed limit. Some of the routes are hilly, with steep inclines and declines include the route to Chorleywood via North Hill’*.

- 7.3.24 In the current application, it is noted that the applicant is proposing to improve sustainability by providing a link to the nearby public footpath which would improve connectivity to Sarratt. However, it is still considered that Sarratt as a whole is not particularly sustainable. Indeed, this was noted by the Inspector referenced above who went on to note the following with regard to locational sustainability:

‘I have found that Sarratt cannot be regarded as particularly locationally sustainable. On the other hand, as noted the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. A realistic approach is required, and residents of the appeal developments would be in no different position to other existing residents in Sarratt, nor in parts of the wider District. Furthermore, given the scale of the need for new housing, some development may need to take place in areas less accessible to public transport. Nevertheless, the relatively poor locational sustainability of Sarratt must weigh to a degree against the proposals’.

- 7.3.25 Consequently, when taken into consideration the location of the site and the Inspector’s comments in relation to the village of Sarratt, it is therefore concluded that the site is not located within a sustainable location for the purposes of paragraph 155.

- 7.3.26 Finally, Criteria D sets out that the development must meet the ‘Golden Rules’ requirements set out in paragraphs 156-157 of the NPPF as follows:

Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces

- 7.3.27 With regard to criteria (a) of paragraph 156, the application does propose the provision of 50% affordable housing with a total of 10 out of 20 units proposed to be for the provision of affordable housing. As such, the proposed development would meet criteria (a)
- 7.3.28 With regard to criteria (b), the development includes a new link to the existing public right of way to the rear of the site which would be accessible to new and existing residents.
- 7.3.29 With regard to criteria (c), it is not considered that the development provides a new green space. Whilst the applicant does consider that a small green space would be provided on site, this measures approximately 0.03 hectares and is mainly occupied by a large tree, meaning that it would not provide a good quality green space. This area contributes moderately to the setting of the development but is surrounded by the access road/parking areas and is not considered to be useable. The development also does not make improvements to existing green spaces.
- 7.3.30 Summary: In summary, subject to no objection from the LLFA with regard to flood risk, officers are of the view that the site can be considered as Grey Belt as it does not strongly contribute to the purposes (a), (b) or (c). However, the development fails to comply with (b) of paragraph 155 of the NPPF which requires development to be located in a sustainable location. For the reasons set out in the analysis above, Sarratt is not viewed to be locationally sustainable. In addition, the development fails to meet the Golden Rules as it would fail to deliver green space or make improvements to existing green spaces.
- 7.3.31 As such, the proposed development represents an inappropriate form of development. Paragraph 153 of the NPPF sets out the following with regard to inappropriate development:
- When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness 55. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 7.3.32 Very special circumstances would therefore be required which will be considered at the end of this report.
- 7.3.33 Harm to openness: The proposed development would constitute an inappropriate form of development and therefore an assessment of the impact of the development on openness and actual harm to the Green Belt must be made.
- 7.3.34 The provision of twenty residential dwellings and associated access, access road and the creation of residential curtilages would result in spatial harm to the Green Belt as the existing field land is currently free of any built form. As such, there would be harm in this regard.
- 7.3.35 Visually, the provision of twenty, two storey dwellings would also result in visual harm to the openness of the Green Belt. The development would project rearwards into the site beyond the established, predominantly linear building line along the Church Lane frontage and would introduce a visible mass of built form into this location. As such, the development would be urbanising and therefore harmful to the openness of the Green Belt. Furthermore, it is noted that the development would be visible from the public footpath to the rear of the site, although as noted by the Inspector in determining the previous appeal at the application site in respect of application 21/2896/OUT, views of the development from Church Lane would be more limited due to the narrowness of the access.

7.3.36 In addition, to the built form, the proposed development would include a new access road which projects for a large proportion of the application site, with parking areas and driveways also proposed. The extent of hardstanding would also result in some harm to the visual appearance of the site particularly given that no built form exists on this site at present. Furthermore, the proposed development would result in an intensification of use of the site which would further impact on the open and rural character of the Green Belt. The introduction of residential development would also result in the provision of domestic paraphernalia including boundary fencing, outbuildings, washing lines and play equipment, all of which would have an urbanising influence. However, it is noted that the actual harm to openness would be minimised due to the location of the site with the Inspector noting the following in relation to the impact on the overall character of the area in allowing the previous appeal:

'However, the proposed encroachment would be confined to the rearwards area that is currently domestic, rather than rural, in character and appearance. The proposed built form would not breach the rear boundary created by the mixture of hedges and trees and the footpath to the rear, or the wooded area to the west. In addition, this part of the village of Sarratt forms a 'U' shape running along The Green and Dawes Lane. This, in combination with the wood to the west, creates a largely self-contained area. In addition, relatively thick boundary vegetation is proposed and the detail of this could be controlled reserved matters stage. The urbanisation that would be caused by the proposal would therefore be relatively visually contained'.

7.3.37 It is also noted that the Sarratt Neighbourhood Plan includes a number of important views which should be maintained, this includes view 11 as identified on Map 3 within the document. (SE towards Sandfield Wood from the West Village Conservation Area *behind the Village Shop*). *The Sarratt Neighbourhood Plan sets out that this view 'encompasses ancient farmlands and provides an open separation between the village and the surrounding area'.* It continues on to state that *'this view is enjoyed by residents and ramblers using a very frequently used right of way. Any development in this landscape would break the rural open setting of the village'.* Given the existing public right of way runs along the rear boundary of the application site, development would not encroach into the open land to the north of the footpath and therefore would not impact on views to Sandfield Wood.

7.3.38 In summary, it is acknowledged that the proposed development would result in both spatial and visual harm to the openness of the Green Belt, contrary to Policy CP11 of the Core Strategy. However, given the Inspector's comments regarding the contained nature of the site, it is considered that the proposed development would result in limited harm to the openness of the Green Belt. However, given the inappropriate nature of the development, very special circumstances would be required which would need to outweigh the identified harm to the Green Belt and any other harm and this shall be considered at the end of this committee report.

7.4 Housing Mix

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

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Market Housing	4%	21%	42%	32%
Affordable Home Ownership	19%	39%	30%	13%

Social/Affordable Rented Housing	20%	32%	35%	12%
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7.4.2 The applicant is proposing the following housing mix:

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	Total
Market Housing	-	2 (20%)	4 (50%)	4 (40%)	10 dwellings
Affordable Home Ownership	-	3 (100%)	-	-	3 dwellings
Social/Affordable Rented Housing	-	5 (71%)	2 (29%)	-	7 dwellings

7.4.3 The proposed development would not be in accordance with the recommended mix for Three Rivers. The accompanying Planning Statement sets out that 'whilst not strictly in line with CP3, the proportion of unit sizes identified as the most in demand in each tenure category are being provided in the largest quantity'. With regard to affordable housing, the Housing Officer has stated that the identified need for affordable housing based on the current housing register suggests that the greatest need is for 2 bedroom dwellings. The Housing Officer emphasises that the primary need is for 2-bed, 4-person units, as there is a significant demand for family-sized accommodation to ensure families in temporary housing are offered permanent, suitable properties in a timely manner. The submitted Schedule of Accommodation indicates that for social rented housing, family sized units would be being provided including 2 x 3 bed five person units, 4 x 2 bed four person units and 1 x 2 bedroom three person unit. Consequently, it is considered that the proposed mix would provide family sized affordable housing units which are needed within the District.

7.4.4 Since the time of the previous application and subsequent appeal, the Sarratt Neighbourhood Plan has been written and is due to go to referendum in November. Policy 4,1 sets out that development proposals should include a size mix consisting of 3 bedroom dwellings (50%), two bedroom dwellings (30%) and one bedroom dwellings (20%). It is acknowledged that the mix is different from that outlined above and from that proposed at outline phase which included more 3 bedroom units. However, given that the proposed development would still include family sized accommodation including 6 x 3 bedroom units and 10 x 2 bedroom units, it is not considered that this would result in significant adverse harm to justify refusal on this basis.

7.4.5 Furthermore, given the size of the proposed development, it is not considered that acceptance of this mix would prejudice the ability of the Council to deliver housing targets and therefore it is not considered reasonable to raise an objection. The proposed development is therefore considered acceptable and in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.5 Affordable Housing.

7.5.1 Core Strategy Policy CP4 states that in order to increase the provision of affordable homes in the district and meet local housing need, the council will seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. As a guide, 70% of affordable housing would be social rented and 30% intermediate

7.5.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD. Policy 5.3 of the Sarratt Neighbourhood Plan sets out that affordable homes should be integrated into developments in design, layout and location so as not to be distinguishable from other homes in the development.

- 7.5.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC set out a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and have a restriction to ensure this. Given the First Homes guidance, TRDC have been requiring 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate. However, within paragraph 6 of the NPPF (2024), reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted.
- 7.5.4 In this case, the applicant is proposing that 50% of the units would be affordable, therefore, in excess of the 45% required by Policy CP4 of the Core Strategy. The Housing Officer has set out in their comments, that the provision of 50% affordable housing is welcomed, however, requested further information on the proposed tenure split. In response, the applicant has advised that 7 of the units would be for Social Rent (70%) and 3 of the units would be for Shared Ownership (30%). As such, this represents a policy compliant form of development in relation to the mix required by Policy CP4 of the Core Strategy and exceeds the requirements of Policy CP4 in terms of the overall percentage provided.
- 7.5.5 Comments received from Sarratt Parish Council and residents note that the proposal represents a departure from the previously allowed scheme which proposed the provision of 100% affordable housing. Whilst this is noted, the provision of 50% affordable units would still be in excess of the 45% requirement of the Core Strategy and in addition the 50% would provide a policy compliant tenure split with regard to social rented dwellings and shared ownership. Furthermore, whilst the previously allowed scheme proposed 100% provision, the Inspector allowed the scheme on the basis of securing the provision of 6 social rented dwellings, two first homes and one as intermediate with the remaining 11 units to be in a determined split in the control of the applicant. As such, whilst providing affordable housing, the remaining 11 dwellings could have been at a tenure which did not meet the needs of the District.
- 7.5.6 As such, taking into consideration the appeal decision, that 50% provision for affordable housing is proposed and at a policy compliant tenure split, it is not considered reasonable to raise an objection in this regard. The proposed development is considered to be in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and can be secured via a S106 agreement. The Section 106 Agreement would also secure that nomination rights are retained with the Council.
- 7.6 Impact on the Chilterns National Landscape.
- 7.6.1 Policy DM7 of the Development Management Policies LDD relates to the Chilterns Area of Outstanding Beauty, now known as a National Landscape. Policy DM7 advises that in considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposals would:
- i. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design, or external appearance of or the type or form of development
 - ii. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
 - iii. Detracts from the public enjoyment of the AONB landscape.
- 7.6.2 The application site lies adjacent to the National Landscape, to the north west. At the time of the previously refused application, it was considered that the proposed development would detract from the setting of the AONB through the introduction of an urbanising form of development which would extend towards this area. It was considered that the proposed

residential development would be visible from the AONB and consequently would detract from its setting, contrary to Policy DM7 of the Development Management Policies LDD.

- 7.6.3 This issue was considered by the Inspector in determining the appeal in respect of application 21/2896/OUT, and the following was noted:

'The appeal site lies adjacent to the AONB, to the north west. The AONB is characterised by a mixture of woodland, copses, pastures, fields, farms and villages. The proposal would not directly affect any of these characteristics. It would introduce an urbanising form of development to a currently open site but this would be largely visually separated from the immediately adjoining part of the AONB by the proposed boundary treatment, and from the wider AONB by existing woodland and the rest of Sarratt village. In addition, the existing properties along Church Lane and their associated gardens and outbuildings have already introduced domestic influences to the setting of this part of the AONB.

Overall, the proposal would cause harm to the character and appearance of the area because of its urbanising influence on a currently open site and the introduction of smaller plot sizes out of keeping with the prevailing, if varied, character of this part of the village. However, the harm would be limited because of the relatively visually contained location and that the proposed built form would be within the domestic rather than rural character area. For the same reason, the proposal would harm the landscape and scenic beauty of the AONB but only to a limited degree.

- 7.6.4 The submitted Planning Statement details the siting of units 12-15 have been adjusted, with nos.12-14 being located marginally closer to the National Landscape boundary, with unit 15 being no closer and unit no.16 slightly further away. Units 1-7 would also be slightly closer, with units 8-11 sited similarly. The submitted block plan 3245. PLN. 202 E shows an overlay of the extant scheme against that currently proposed. The differences in siting are minor and furthermore the ridge heights would be no higher. It is not considered that the proposed development would have a materially different impact on the National Landscape area to that considered at appeal by the Inspector.
- 7.6.5 It is noted that the Sarratt Neighbourhood Plan is now a material planning consideration. Policy 7 relates to landscape and sets out that there are a number of important views of the Chess Valley and of the open fields that surround habitations that should be retained. 'New development should ensure that there is no detrimental effect on the key features of these identified views'. View 16 relates to the view from Sandfield Wood towards Sarratt. Given development would be contained by the footpath located adjacent to the rear boundary of the site, it is not considered that there would be harm to view 16 as identified by the Sarratt Neighbourhood Plan.
- 7.6.6 As such, given the proposed development would be similar in terms of its scale and layout to that considered on appeal, it is considered that the proposed development would harm the landscape and scenic beauty of the AONB, albeit to a limited degree. The proposed development is therefore considered to be contrary to Policy DM7 of the Development Management Policies LDD.

7.7 Character and appearance.

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

enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

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

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic
- iv. Loss of residential amenity
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, building frontage line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges etc).

7.7.3 The existing built form in Church Lane has a linear building line along the frontage with a mix of dwellings present, including terraces, semi detached and detached dwellings and as such, plot sizes do vary. As already set out, the application site currently consists of an undeveloped field which extends beyond the rear boundary of the properties fronting Church Lane. Whilst some structures are visible within the rear, these are generally ancillary structures, of predominantly domestic scale which do not have a significant impact on the character of Church Lane. The more domestic character of the land was also emphasised by the Inspector who noted the following in this regard:

'Significant built form does not extend westwards behind properties other than gardens and associated outbuildings and an area of equestrian land. However, there is a definitive boundary which runs along the footpath along the far north west boundary of the appeal site and also to the rear of the rear gardens and associated outbuildings and equestrian land. Beyond this boundary is an open field that is not a garden and does not contain ancillary structures or buildings. This field has a more countryside character and appearance compared to the ancillary domestic and partially developed character and appearance of the appeal site, rear gardens and equestrian area as described above'.

7.7.4 The proposed development would introduce a form of backland development, sited beyond the linear building line of this section of Church Lane, thus encroaching into this undeveloped location. Consequently, the proposed introduction of twenty residential dwellings would result in an inevitable change to the character and appearance of this part of Church Lane and would have an urbanising impact by introducing significant built form in this location. However, the Inspector's comments in relation to the impact of the development on Church Lane must be taken into consideration:

'However, the proposed encroachment of built form would be confined to the rearwards area that is currently domestic rather than rural, in character and appearance. The proposed built form would not breach the rear boundary created by the mixture of hedges and trees and the footpath to the rear, and the wooded area to the west. In addition, this part of the village of Sarratt forms a 'U' shape running along The Green and Dawes Lane. This, in combination with the wood to the west, creates a largely self-contained area. In addition, relatively thick boundary vegetation is proposed and the detail of this could be controlled at the reserved matters stage. The urbanisation that would be caused by the proposal would therefore be relatively visually contained'.

7.7.5 In addition, the Inspector continued, stating the following with regard to the visual impact of the development:

'The proposed access would be relatively narrow, but this is largely the same as existing and the narrowness would help to limit views of the proposed homes from Church Lane, limiting their visual impact'.

- 7.7.6 Given that the proposed layout is similar to that put forward at outline stage, it is considered that the Inspector's comments would remain applicable. It is therefore considered that whilst the proposed development would be urbanising, the proposed layout would have limited harm on the character and appearance of the area due to the contained nature of the site.
- 7.7.7 In terms of siting and design, the proposed development would consist of a range of terrace, semi detached and detached dwellings. Given the varied mix of dwellings within the immediate locality, this would not be considered uncharacteristic. It is acknowledged that due to the nature of the site, the plot sizes and amenity spaces would be smaller than that prevalent along Church Lane. This was also acknowledged by the Inspector, however, it was also emphasised by the Inspector that Church Lane is varied, with a *'variety of house sizes, types and plot sizes'*.
- 7.7.8 In acknowledgement of the smaller plot sizes and amenity spaces, it is considered necessary to remove permitted development rights in relation to the provision of extensions, roof alterations and outbuildings. This is necessary to ensure that the character of the locality is retained. It is acknowledged that the Inspector did not remove permitted development rights when determining the appeal at the application site. However, the appeal related to outline consent, whereas the current application is for full planning permission where the layout, design and siting of dwellings are specified. This would also further protect the openness of the Green Belt and the character of the National Landscape Area.
- 7.7.9 The designs of the dwellings would vary, with a range of external materials utilised. Were the development to be considered acceptable, a condition could be attached requiring a full schedule of external finishes to be submitted. This would ensure that the type of materials used would be sympathetic to the wider locality.
- 7.7.10 Appendix 2 of the Development Management Policies LDD does provide guidance on spacing and sets out that generally a distance of 1.2m from boundaries should be maintained in order to prevent a terracing effect, although this can be reduced in higher density areas, or increased in areas of lower density. The distances between dwellings vary, with a distance of 2m maintained between the flank walls of the dwellings on Plots 2 and 3, 2m between the flank walls of the dwellings on Plots 12 and 13 whilst a distance of 1.8m is maintained between the flank walls of the dwellings on Plots 15 and 16. This therefore would not retain the required 2.4m spacing between dwellings (given 1.2m is required to be retained from flank wall to boundary). Whilst this would not comply with the guidance distance of 1.2m to the boundaries and would be different to the more generous spacing between dwellings fronting this particular section of Church Lane, it is not considered significant harm would occur for the following reasons. The proposed development is a denser form of development than the existing linear form of development fronting Church Lane. The spacing between properties would not be readily discernible from the Church Lane frontage due to the proposed layout and the narrow nature of the access which helps to minimise views. Furthermore, future buyers would be aware of the nature of the proposed development and the relative distances between dwellings. As such, this in itself would not result in significant visual harm to the amenities of the streetscene.
- 7.7.11 The proposed layout indicates that a number of parking areas would be provided in the form of parking forecourts rather than individual driveways. It is acknowledged that the provision of hardstanding to accommodate car parking would result in urbanising features on the site. However, the Inspector at the time of the appeal noted the following:

'Parking forecourts are proposed but this is a common feature to existing homes along Church Lane and is in accordance with the prevailing character and appearance in that respect, although I acknowledge that they would further urbanise the appeal'

7.7.12 It is noted that a comprehensive hard and soft landscaping scheme could be conditioned as part of any decision to ensure that appropriate planting is provided to soften the visual impact of the development.

7.7.13 In summary, it is acknowledged that the proposed development would introduce a more dense form of development into this location and there would be an urbanising impact on the character and appearance of the area. However, the visual impact is considered to be limited due to the siting of the development and its relationship with existing built form, as was emphasised by the Inspector at the time of the appeal:

'Overall, the proposal would cause harm to the character and appearance of the area because of its urbanising influence on a currently open site and the introduction of smaller plot sizes out of keeping with the prevailing, if varied character of this part of the village. However, the harm would be limited because of the relatively visually contained location and the proposed built form would be within the domestic rather than the rural character.....'

7.7.14 Therefore, whilst the harm would be limited as set out above, the development is still considered to be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.8 Impact on amenity of neighbours

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

7.8.2 It is acknowledged that the proposed development would result in an intensification of use of the site, given the proposed change to residential. The proposed vehicular access would be located between no.76 and 78 Church Lane, and therefore these residents would be aware of additional traffic activity to and from the site. However, the principle of the access was found to be acceptable at the time of the previous outline consent and subsequent appeal with disturbance not being considered harmful by the Inspector. Consequently, it is not considered that any harm to residential amenity would occur in this regard.

7.8.3 It is also acknowledged that the outlook from the neighbouring dwellings fronting Church Lane would be altered as a result of the proposed development. Plot 1 would be located to the rear of nos.78 and 80 Church Lane. With regard to back-to-back distances, Appendix 2 of the Development Management Policies LDD advises that back-to-back distance should be retained between dwellings. In this case, the relationship would not be back-to-back with the flank elevation of the dwelling located on Plot 1 facing towards these neighbours. However, the block plan indicates a minimum distance of approximately 36.5m to be retained between the flank wall of the dwelling which would be in excess of the 28m distance set out above and would be sufficient to ensure that there would not be significant harm to these neighbours. The submitted floor plans indicate that a first-floor flank window is proposed which would face towards these neighbours, however, this would serve a bathroom which is classed as a non-habitable room and therefore can be conditioned to be obscure glazed and top vent opening only. As such, it is not considered that significant harm would occur in this regard. The built form to the rear of no.76, Plots 19 and 20, would be set away from the rear boundary with this neighbour, and therefore given the separation distance as a result of the proposed layout, no harm would occur to this neighbour.

7.8.4 In summary, given the proposed layout and that the general principle of residential development has been previously found to be acceptable, no objections are raised. The development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.9 Quality of accommodation for future occupiers.

7.9.1 Appendix 2 of the Development Management Policies LDD sets out amenity space standards for new development and as follows:

- 1 bed dwelling- 42 square metres
- 2 bed dwelling- 63 square metres
- 3 bed dwelling- 84 square metres
- 4 bed dwelling- 105 square metres

7.9.2 Of the twenty residential dwellings, five would not benefit from policy compliant amenity space with the shortfall ranging from 1.7 square metres for plot 17 to 29.5 square metres for the dwelling located on plot 18. However, all of the residential dwellings would have useable, regular shaped amenity spaces and furthermore future occupiers would be aware of the size of the gardens. It is not considered that the shortfall on five plots would result in significant harm to justify refusal and thus no objection is raised in this regard. As set above, a condition removing permitted development rights in relation to the provision of extensions, roof alterations and outbuildings shall be attached, which would also ensure that sufficient amenity space is retained for future occupiers.

7.9.3 In order to ensure privacy, full details of boundary treatment can be reserved via a condition, likewise full details of planting could also be secured as part of a landscaping condition.

7.9.4 It is also noted that the submitted block plan, indicates the siting of proposed sheds to serve the dwellings. It is considered that they have been sited such that they would not result in harm to amenity, particularly taken into consideration their modest size. Full details of the elevational appearance of the outbuildings can be reserved via a condition to ensure that the residential amenity of future occupiers is protected.

7.9.5 In summary, it is not considered that any significant harm would occur to future occupiers to justify refusal of the application on these grounds. Subject to conditions securing further details of outbuildings and boundary treatment, the development is viewed to be acceptable and in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.10 Trees and Landscaping.

7.10.1 Policy DM6 of the Development Management Policies LDD notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.

7.10.2 The Landscape Officer has raised no objection to the application. The removal of T4 Ash is noted, however, the Landscape Officer raises no objection to this subject to the provision of replacement planting with an appropriate species such as Oak, Sycamore or Beech. The Landscape Officer advises that a replacement tree should be at least 2-3m in height and/or

10-12cm girth at the time of planting. Full details of a replacement tree should be submitted as part of a detailed hard and soft landscaping scheme via a condition.

7.10.3 The Landscape Officer has also advised that a condition should be added to any consent requiring the submission of a tree protection plan which outlines the position of the tree protective fencing and the use of any ground protection.

7.10.4 In summary, given the Landscape Officer's comments, and subject to conditions, the proposed development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.11 Wildlife and Biodiversity

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

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

7.11.3 A Preliminary Roost Assessment has been submitted which has assessed Ash Tree (T4) as having moderate potential as a bat roost. In addition, subsequent emergence surveys were undertaken and no evidence of the presence of a bat roost was identified. The Ecology Officer has advised that they have no reason to dispute the findings and has suggested that the soft felling strategy for T4 set out in the Ecological Assessment is secured via a condition. In addition, the Ecology Officer suggests a condition should be attached in relation to the submission of a lighting design strategy in respect of bats. In addition, the Ecology Officer notes that a confidential mitigation strategy in respect of badgers should be secured via a condition.

7.11.4 With regard to other protected species, the Ecology Officer has advised that mitigation/compensation measures set out in the Ecology Report are secured via a condition. In addition, a Construction and Environmental Management Plan should be added to any consent to ensure best working practices are adopted to protect ecology on and adjacent to the site.

7.11.5 The Ecology Officer also sets out that the Ecological Report accompanying the application includes recommendations for species enhancements and advises that these should be secured through a condition requiring a Biodiversity Species Enhancement Strategy to be submitted via a condition.

7.11.6 It is also noted that the application site lies within the Chilterns Beechwood Special Area of Conservation (SAC) Zone of Influence and therefore the Ecology Officer recommends that a Habitats Regulation Assessment should be undertaken. This is due to the risk of impacts from the increase in recreational pressure on the SAC. Natural England note that the recreational pressures harming the biodiversity interests sought to be protected by the designation are as follows:

- The greatest pressure, noted in the Footprint Ecology report and experienced on the Chilterns Beechwoods SAC, in particular Ashridge Commons and Wood SSSI arises from recreational pressure.
- Natural England describe the damage caused by people using the designated site for recreation as including trampling and vegetation wear, soil compaction and erosion,

nutrient enrichment (dog fouling), litter, invasive species, increased incidence and risk of fire and other impacts

- 7.11.7 The location of the site within the Zone of Influence is acknowledged, however, the evidence relating to actual harm caused to the SAC by visitation from the public indicates that it is generally proportionate to the SAC. In this case, Three Rivers is located at the outer edge of the Zone of Influence and the District generates less than 2% of the visits to the SAC. Consequently, taking into the above evidence, and the scale of this development, it is considered that material harm to the SOC as a result of this development would be unlikely. As such it is not considered that any compensatory measures would be required.
- 7.11.8 In summary, subject to the conditions outlined above, no objection is raised. The development is considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.
- 7.12 Mandatory Biodiversity Net gain.
- 7.12.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 7.12.2 A baseline habitat map and statutory matrix has been submitted and shows the baseline values of 19.51 habitat units and 0.3 hedgerow units. The Ecology Officer has advised that there is no reason to doubt the values. The submitted matrix demonstrates that the proposed development would result in a net gain of 0.06 hedgerow units (20.9%) and a net loss of 1.83 habitat units (-9.40%).
- 7.12.3 It is noted that the Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions:
- First, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
 - then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.
- 7.12.4 The Ecology Officer advises that the proposed onsite BNG includes areas of medium distinctiveness and given the scale and nature of the enhancements a condition requiring an Ecological Management and Monitoring Plan demonstrating how the habitat will be created and enhanced for thirty years should be secured via a condition. A monitoring fee would also be required and would need to be secured via a S106 Agreement.
- 7.12.5 In addition, given that the development would result in a net loss in respect of habitat units, the applicant is proposing to secure the net gain through utilising Biodiversity Units/Credits. As set out above, the Biodiversity Gain Hierarchy requires adverse effects to be compensated by prioritising enhancing existing habitats, then creating new habitats, and after that the allocation of registered off-site gains. The Ecology Officer has advised that if biodiversity credits are proposed, then the applicant must demonstrate to the satisfaction that all other options have been explored. In this case, the submitted report sets out that it

was not deemed possible to enhance the retained habitats on the basis of the proposed use of the site and the proposed locations of retained habitats. This justification is accepted. Full detail would be required to be submitted as part of the discharge of the mandatory BNG Condition.

- 7.12.6 In summary, the proposed development would secure a 10% BNG through the creation of on site enhancements for which a monitoring fee of £5,060 would be secured via a S106 agreement, and through the purchase of off-site biodiversity units/credits, which the LPA has accepted as acceptable in this instance. Consequently, the proposed development would be in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

7.13 Highways: Access

- 7.13.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access.
- 7.13.2 Herts Highways have been consulted and consider the access arrangements to the site to be acceptable. They note that the development would utilise an existing access point from Church Lane and would include a re-arranged bellmouth access leading to a 5.5m wide access road. The Highways Officer notes that the width of the access road would enable two vehicles to pass one another and would be acceptable to support the development of 20 dwellings. In addition, the Highways Officer has confirmed in their comments that the level of vehicular- to- vehicular visibility to either side of the access onto Church Lane is considered to be acceptable and sufficient when taking into the consideration of the speed and nature of the highway.
- 7.13.3 A swept path analysis has accompanied the application and demonstrates that a 12m long refuse vehicle would be able to use the access road and would be able to turn around and egress onto the highway in a forward gear. In addition, the Highways Officer has confirmed that a fire tender (shorter than a refuse vehicle) would be able to safely access the site and be able to get within 45m of all parts of the proposed dwellings. This is viewed to be acceptable and in accordance with the guidelines as outlined in HCC'S Manual for Streets and Building Regulations 2010: Fire Safety Approved Document B – Dwellings (and subsequent updates).
- 7.13.4 The proposed development would also include a pedestrian link to existing Public Footpath Sarratt 30 to the rear of the site. The Highways Officer has advised that this is supported as it would improve pedestrian accessibility from the site into the village. The Highways Officer has confirmed that whilst there is no footway along this part of Church Lane nor a dedicated footpath link, this is not deemed sufficient grounds to recommend refusal taking into consideration the pedestrian link, the previous appeal decision relating to this site and also the appeal decision APP/P1940/W/22/3311479 relating to land adjacent to 97 Church Lane which was for 9 dwellings, located further from the village centre than the application site. It is noted that the deliverability of the link to the footpath has been queried by the Parish Council and residents. This has been raised with the applicant who has advised the following:

The definitive plan provided by Hertfordshire County Council illustrates Footpath 30 running along a south west/north east alignment between footpath 28 to the west and The Green to the east. The alignment of FP 30 abuts the rear boundary fences of all of the properties along Church Lane.

Whilst the actual route taken by walkers' meanders from the boundary fence and in places abuts the boundary fence of the development site such a route does not represent the actual defined footpath. Typically, vegetation or overgrown hedgerows restrict the right of way and pedestrians over time chose the less obstructive route. The current route therefore does not define the definitive route of the footpath along its entire length.

It is therefore my considered opinion that the footpath 30 does about the development site and a connection be made, and the footpath link can be delivered.

Notwithstanding this view, as will be known, a recent appeal decision granted (APP/P1940/W/22/3311479) for 9 dwellings without a footway or footpath links to the surrounding area was granted permission, it is evident that a footpath link is not essential for this scheme to be deemed acceptable, and planning permission granted

7.13.5 The applicant has also provided a land registry plan which indicates that the line of the footpath is located adjacent to the rear boundary of the application site and therefore it is considered a link can be provided. Furthermore, the Inspector found no reason why a link could not be provided at the time of the appeal which remains extant.

7.13.6 In summary, subject to the conditions suggested by Herts Highways including the submission of a construction management plan, the proposed development is considered acceptable and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

7.14 Car Parking Provision.

7.14.1 Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the following off street car parking requirements:

1 bedroom dwelling:	1.75 spaces	(1 assigned)
2 bedroom dwellings:	2 spaces	(1 assigned space)
3 bedroom dwellings:	2.25 spaces	(2 assigned)
4 or more bedrooms:	3 spaces	(3 assigned)

7.14.2 The proposal therefore requires the following off street car parking provision:

10 x 2 bedroom dwellings:	20 spaces (10 assigned)
6 x 3 bedroom dwellings:	13.5 spaces (12 assigned)
4 x 4 bedroom dwellings:	12 spaces (12 assigned).

Total: 45.5 spaces (maximum) (34 assigned spaces).

7.14.3 The proposed site layout indicates a total car parking provision of 45 spaces, therefore indicating a shortfall of 0.5 spaces.

7.14.4 Neighbours have raised concern in relation to car parking, and that the provision of twenty dwellings will lead to overspill on to Church Lane. Whilst these concerns are acknowledged, the proposed shortfall of 0.5 spaces is considered to be minor. The submitted plans demonstrate that all of the residential dwellings would have the appropriate number of assigned spaces, with the 2 bedroom dwellings, all benefiting from two off street car parking spaces. Given shortfall of 0.5 spaces it is considered there would be limited harm, particularly taking into consideration that all of the dwellings would benefit from the correct number of assigned spaces. The Highways Officer has also advised that the spaces are of an acceptable size. A condition shall be added to ensure that car parking should be laid out and provided in accordance with the proposed plans prior to occupation. In addition, full details of surfacing should be provided including details of the demarcation of the parking bays. In addition, taking into account the location of the site, a condition shall be attached requiring the garages to be retained for off street car parking purposes.

7.14.5 With regard to cycle parking, the submitted Planning Statement details that there 'is sufficient room within the curtilage of each dwelling to incorporate safe and secure cycle storage'. It is noted that outbuildings are proposed which would allow storage for bikes.

7.14.6 In summary, taking into consideration the proposed car parking provision including that all of the dwellings would have the correct number of assigned spaces, the limited shortfall of 0.5 spaces. car parking provision and that the site can accommodate secure cycle storage, it is considered unreasonable to raise an objection on these grounds. The development is acceptable and in accordance with Policy DM13 of the Development Management Policies LDD.

7.15 Refuse and Recycling

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

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

7.15.2 The Highways Officer notes that a swept path analysis has been submitted which illustrates that a 12m long refuse vehicle would be able to use the proposed access, the internal access road layout, turn around and egress to the highway in forward gear, the arrangements of which are considered to be acceptable. Full details of refuse storage have not been submitted as part of the application. However, it is deemed that this matter can be reserved via a condition.

7.15.3 As such, the proposed development is considered to be acceptable and in accordance with Policy DM10 of the Development Management Policies LDD.

7.16 Contamination

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

7.16.2 The Environmental Health Officer has assessed the submitted information and has raised no objection. The Environmental Health Officer had advised that a condition should be added to any consent requiring details of unexpected contamination to be submitted to the Local Planning Authority. Subject to this condition, the development is considered acceptable and in accordance with Policy DM9 of the Development Management Policies LDD.

7.17 Sustainability

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

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

- 7.17.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. Policy 12 of the Sarratt Neighbourhood Plan sets out that 'development proposals are encouraged to achieve the highest standards of sustainability, decarbonisation and energy efficiency'.
- 7.17.4 An Energy Statement accompanies the application and details that the development would result in a 63.2% reduction in CO2 emissions which would therefore exceed the policy requirements set out in Policy DM4 of the Development Management Policies LDD. The applicant has advised that this would be through measures within the fabric of the buildings including insulation to all heat loss floors, walls and roofs, high efficient double glazing, low energy lighting and efficient heating systems. In addition, individual air source heat pumps would be installed. It is noted that these are not illustrated on the submitted drawings and consequently a condition would be attached to the consent requiring full details of the ashp including details of their siting and appearance to be submitted and approved in writing prior to first occupation of the development.
- 7.17.5 Therefore, in summary, it is considered that the proposed development would be in accordance with Policy DM4 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the Sarratt Neighbourhood Plan.

7.18 Drainage

- 7.18.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 of the Development Management Policies LDD (adopted July 2013) refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.18.2 The LLFA have raised an objection to the proposed details due to concerns that the proposed SuDs are likely to increase the risk of flooding elsewhere. The LLFA have requested further clarification in relation to the discharge of surface water, and justification as to why the proposed drainage system cannot be a gravity system. In response, further information has been submitted by the applicant and this is being considered by the LLFA who have informally advised that the further information overcomes their concerns/objection. Formal written comments and suggested conditions are awaited.
- 7.18.3 Thames Water (TW) have confirmed that they have identified an inability of the existing foul water network infrastructure to accommodate the needs for the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all foul water network upgrades are completed or a phasing plan agreed. TW have confirmed that they have identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed.

7.19 Referral to Secretary of State

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

7.21 Very Special Circumstances

7.21.1 As set out in the analysis above, it is considered that the proposed development would fail to meet any of the identified exceptions to inappropriate development within the Green Belt. Furthermore, whilst it is viewed that the land is Grey Belt, the development fails to comply with paragraph 155 of the NPPF, in so far as the site is not located within a sustainable location, nor does the proposed development provide accessible green space for residents. As such, in accordance with paragraph 153 of the NPPF, very special circumstances are required which would outweigh the identified harm to the Green Belt.

7.21.2 In this case, it is considered that the proposed development would result in spatial and visual harm to the Green Belt. The provision of twenty residential dwellings would result in an urbanising form of development which would be detrimental to the openness and rural character of the Green Belt. However, and as set out by the previous appeal Inspector, the actual harm is minimised due to the contained nature of the site, being bounded by woodland and the public right of way. Furthermore, the narrow nature of the access does act to minimise the overall visibility of the development and the urbanising influence on the character of Church Lane and the wider Green Belt. In the context of decision making, harm to the openness of the Green Belt must be afforded significant weight.

7.21.3 In addition to the identified harm to the Green Belt, one must also have regard to any other harm caused as a result of the proposed development. As set out above, there would be harm to the character and appearance of the area, and to the National Landscape area. However, given the similarities between the two schemes, regard must be had to the Inspector's comments made in determining the appeal for application 21/2896/OUT as follows:

I have found limited harm to the character and appearance of the area. I place moderate weight on this limited harm. I have also found limited harm to the landscape and scenic beauty of the AONB and I place great weight on this harm, limited though it is, as directed by Paragraph 176 of the Framework. There would be further harm from the loss of existing biodiversity on the appeal site.

7.21.4 In addition, it is acknowledged that the proposed development would also fail to provide policy compliant amenity space for all residential dwellings. However, taking into consideration the regular shape and useable nature of the private spaces, limited weight is attached to this shortfall. At the current time, it is also noted that there is an objection from the LLFA in relation to the proposed drainage scheme which would be afforded significant weight in the decision making process until such time that this objection is overcome.

7.21.5 Whilst the applicant does not consider that the development would be inappropriate, they have set out very special circumstances within their Planning Statement should the LPA conclude that the development would not meet any of the identified exceptions to inappropriate development. In determining what weight should be attached to the

considerations put forward by the applicant, officers shall use a scale including significant, moderate and limited.

7.21.6 The LPA's lack of a 5- year housing land supply: The applicant sets out that the LPA's current housing land supply stands at 1.7 years (published in December 2024). This is a further reduction from the 1.9 years which was the position at the time of the appeal relating to this particular site. It is acknowledged that an updated housing supply figure will be published by the Council towards the end of 2025. The applicant sets out that the proposed scheme will deliver 20 residential dwellings, which should be afforded substantial weight in the planning balance.

7.21.7 When undertaking an analysis of the benefits against the harms in the context of two linked appeals scheme at Sarratt for a total of 92 new houses and a doctors surgery on two sites off Church Lane in Sarratt, the Inspector made the following observations about the general position of the District in the context of paragraph 11(d) of the NPPF (22/0601/OUT (appeal reference APP/P1940/W/22/3311477) at Land rear of 17-49 Church Lane and 22/0602/OUT (APP/P1940/W/22/3311479) at Land adjacent to 97 Church Lane):

94. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The current five year housing supply situation is pressing and acute. The very great need for housing is persistently going unmet. The existing development plan is simply not delivering anywhere near the requisite amount of housing of all types. The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.

100. However, the Council cannot demonstrate a five year supply of housing, and so the most important development policies are deemed out of date. It is quite clear that the strict application of these policies, especially 'place-shaping' or spatial policies such as Policy PSP4, as well as Policy CP4 on affordable housing, is not leading to sufficient housing of all types being provided in accordance with the Framework, and are restricting development. The overwhelming lack of supply diminishes the weight that can be attached to any conflict with these policies. The demonstration of very special circumstances amounts to powerful material considerations justifying departing from the development plan.

101. The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions. I deal with the conditions below.

7.21.8 It is acknowledged that the current scheme being considered is much smaller than that being considered by the above appeals. However, the commentary above sets out that the need for housing cannot be met in existing settlement boundaries and that development within the Green Belt is required. Furthermore, in this instance, the LPA note the extant outline permission which would deliver twenty dwellings in a similar manner to that now being considered. Significant weight should be attached to this fall back position. In summary, the LPA acknowledge the lack of 5 year housing land supply and it is therefore

considered that the delivery of twenty residential dwellings should be afforded **significant weight**. Likewise, **significant weight** should also be afforded to the fall back position of the extant permission.

- 7.21.9 The provision of affordable housing. The applicant sets out that the scheme would deliver 50% affordable housing. The Planning Statement notes the following:

'Policy CP4 of the Core Strategy requires that 45% of new housing on qualifying sites to be affordable. As a percentage of the annual 180 dwellings Core Strategy Target, a minimum of 81 affordable dwellings are to be delivered per annum. This level of delivery has been achieved only once in 25 years within the District (App/P1940/W/22/3311477 and APP/P1940/W/22/3311479 both relating to sites at land read of 17-49 Church Lane and adjacent to 97 Church Lane, Sarratt as determined 3rd May 2024'.

- 7.21.10 The applicant goes on to state the following:

'Accordingly given the backdrop of a significant shortfall of housing of all kinds year upon year, this adds further to the very special circumstances evident in this application and is to be afforded substantial positive weight in the planning balance'.

- 7.21.11 Officers acknowledged the pressing need for affordable housing and note that the proposed development would provide 50% on site affordable housing provision, therefore in excess of the 45% Policy CP4 requirement. Furthermore, the development would provide affordable housing of a policy compliant tenure split of 70% provision for Social Rent, and 30% for Shared Ownership. The Inspector's comments at the time of the appeal are noted as follows:

'The proposal is for 100% affordable housing scheme in an acceptable mix, even if not fully policy compliant, as set out above. In the context of the lack of a five year supply of housing land and an acknowledged and pressing need for affordable housing, I place substantial positive weight on the proposed provision of up to 20 affordable homes'

- 7.21.12 Whilst it is acknowledged that outline consent granted on appeal was for 100% affordable housing, and this scheme therefore represents a reduction, officers consider that in light of the urgent need for affordable housing, and a provision in excess of the development plan requirement, that the 50% provision proposed should still be afforded **significant weight** in the decision making process, particularly taken into consideration the policy compliant tenure split.

- 7.21.13 The creation of a footpath link. The applicant sets out that as per the extant consent, a pedestrian link would be created through the rear boundary of the site and would provide an off road link to between the site and Saratt village and its amenities. The applicant states that the Inspector at the time of the appeal noted that the link would provide a 'genuine alternative' to walking down Church Lane. In addition, the link would be available for all residents of Sarratt (not exclusively future occupiers) and would provide a betterment-and as such, the applicant affords this moderate weight. In response, the benefits of providing a link to the existing right of way is noted. Whilst some residents do not consider that it is deliverable, the Inspector did not consider that this was the case at the time of the appeal and did find this to be acceptable. Officers consider that the provision of a footpath link would attract **limited weight** in the decision making process.

- 7.21.14 Economic benefits. The applicant states that there would be economic benefits during the build and post build programme. Furthermore, the new residents would utilise village amenities, thus contributing positively. These benefits are noted and it is considered that this would be afforded **limited weight** in the decision making process.

- 7.21.15 The removal of invasive species (Japanese Knotweed) and the net gain in Biodiversity. The applicant sets out that the proposal will entail the removal of Japanese Knotweed from the

site which would be a benefit. Likewise, the proposal would deliver a net gain in Biodiversity. These points are acknowledged, although, it is noted that the proposed development would only deliver an on-site net gain in hedgerow units, and there would be an on site loss of biodiversity habitat units. As such, these considerations are afforded **limited weight**.

7.22 Conclusion on Very Special Circumstances, The Planning Balance and overall conclusions.

7.22.1 In conclusion, and as set out above, it is considered that the proposed development would result in harm to the openness of the Green Belt by reason of the urbanisation of the site. The weight afforded to this harm would be significant. Likewise, there would also be harm to the Chilterns National Landscape and character of the area, albeit this would be limited by reason of the site circumstances. In addition, there would also be harm as a result of the development's failure to provide policy compliant amenity space, although the weight to be afforded to this consideration is limited for the reasons already set out above. Furthermore, it is noted at the current time, there is an outstanding objection from the LLFA in relation to sustainable drainage, which would be afforded significant weight in the decision making process until such time that this objection is overcome.

7.22.2 Taking into consideration the above identified harm, subject to the LLFA withdrawing their objection to the scheme, it is considered that the circumstances put forward by the applicant including the significant need for housing and for affordable housing, attract significant weight, such that they would comprise very special circumstances which outweigh the harm to the Green Belt and the other harms identified.

7.22.3 In addition, regard must also be had to the previous appeal decision at this site in respect of the harm identified by the Inspector as follows:

'I have found limited harm to the character and appearance of the area. I place moderate weight on this limited harm. I have also found limited harm to the landscape and scenic beauty of the AONB and I place great weight on this harm, limited though it is, as directed by Paragraph 176 of the Framework. There would be further harm from the loss of existing biodiversity on the appeal site

The proposal is for a 100% housing scheme in an acceptable mix, even if not fully policy compliant, as set out above. In the context of a lack of five year supply of housing land and an acknowledged and pressing need for affordable housing, I place substantial positive weight on the proposed provision of up to 20 affordable homes. There would be further economic benefits from the construction of the proposal and from further expenditure by future occupants on local services. The BNG as secured by the S106 would be of moderate positive weight'.

Overall, it is clear that the benefits of the proposed affordable housing, economic benefits and BNG would outweigh the limited harm to the character and appearance of the area, and the scenic beauty of the AONB and loss of existing biodiversity on the appeal site. This is despite my placing great weight on the harm to the AONB because this harm would be limited whereas the benefits from the proposed affordable housing would be substantial. The proposal therefore clearly passes the 'tilted balance' test that any adverse impacts would significant and demonstrable outweigh the benefits, and in fact weighted in the opposite direction'.

7.22.4 The harm to the Chilterns National Landscape and character of the area is as per the Inspector's comments viewed to be limited, although great weight to the harm on the Chilterns National Landscape is acknowledged. In addition, whilst it is again acknowledged that the current scheme is materially different in that only 50% affordable housing is proposed, it is still considered that given the pressing need for affordable housing and for housing of all types, that this would attract significant weight. Furthermore, the fall back position of the extant scheme must also be afforded significant weight in the decision making process. In addition, the benefits including the provision a footpath link, and

economic benefits would also attract limited weight. It is therefore considered that as previously, the development passes the 'tilted balance' test, in that the adverse impacts of the scheme are clearly outweighed by the benefits.

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

C1 Standard time limit.

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 In accordance with plans.

The development hereby permitted shall be carried out in accordance with the following approved plans:

3245.PLN.200 REV B, 3245.PLN.201 REV F, 3245.PLN.202 REV E 3245.PLN.203, 3245.PLN.204, 3245.PLN.205, 3245.PLN.206, 3245.PLN.207, 3245.PLN.208, 3245.PLN.209, 3245.PLN.210, 3245.PLN.211, 3245.PLN-212, 3245.PLN-213, 3245.PLN-215,

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area in accordance with Policies CP1, CP2, C3, CP4, C9, CP10, DM11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Sarratt Neighbourhood Plan 2024-2039 (Referendum Version, 2025).

C3 Site Levels (Planning)

No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Site Waste Management Plan (Herts Waste Management)

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority. The SWMP should aim

to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy DM10 of the Development Management Policies LDD (adopted October 2011).

C5 Construction Management Plan (Herts Highways)

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

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

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

C6 Sewerage Upgrade Works (Thames Water).

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

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incident in accordance with Policy CP8 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Construction Environmental Management Plan (Herts Ecology).

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including a

section for ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not necessarily be limited to, the following.

1. A review of any ecological impacts and should be informed by the submitted ecological report (Ecological Assessment by Luscinia Ecology (report date 29/07/2025)).
2. Risk assessment of potentially damaging construction activities.
3. Identification of 'biodiversity protection zones'
4. A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
5. The location and timings of sensitive works to avoid harm to biodiversity features. (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset).
6. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
7. A non-native invasive species protocol for Japanese knotweed and cotoneaster horizontalis.
8. The times during construction when specialist ecologists need to be present on site to oversee works.
9. Responsible persons and lines of communication.
10. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

C8 Biodiversity Species Enhancement Strategy (Herts Ecology)

Prior to the commencement of development a Biodiversity Species Enhancement Strategy / Plan for Protected and Priority Species shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should be informed by section 5.20 of (Ecological Assessment by Luscinia Ecology (report date 29/07/2025)). With the exception that the swift boxes are replaced by universal swift bricks. Bat roosting features and Swift Bricks should be Integrated (built "into" rather than "onto" buildings). Features should be installed in a ratio of one for every two buildings and located according to ecological best practice.

The scheme/ plan shall include, but not be limited to, the following details:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- c) Detailed designs to achieve stated objectives.
- d) Materials and construction to ensure long lifespan of the feature/measure
- e) Proposed Locations shown by suitable maps and plans and where appropriate the elevations of the features or measures to be installed or undertaken.

- f) When the features or measures will be installed within the construction, occupation, or phase of the development,
- g) Persons responsible for implementing the enhancement measures
- h) Details of initial aftercare and long-term maintenance (where relevant). Thereafter, the biodiversity enhancement measures shall be carried out and maintained for their designed purpose in accordance with the approved details including timescales and shall be retained as such thereafter.

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

C9 Landscape and Ecology Management Plan (Herts Ecology)

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The LEMP should include the following:

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a thirty year period).
- g. Details of the body or organisation responsible for the implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition in the interests of biodiversity in accordance with Policy DM6 of the Development Management Policies LDD.

C10 Biodiversity Net Gain Plan (Herts Ecology and Planning)

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Statement and Draft Biodiversity Net Gain Plan prepared by Luscinia Ecology (09.06.2025).

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

C11 Habitat Monitoring and Management Plan (Herts Ecology and Planning).

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency (years 2, 5, 10, 15 and 30) in respect of the created or enhanced habitat to be submitted to the local planning authority has been submitted to, and approved in writing by, the local planning authority.

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

C12 Habitat Management and Monitoring Implementation (TRDC)

Notice in writing shall be given to the Local Planning Authority when the agreed Habit Management and Monitoring Plan (HMPP) as secured by condition 11 has been implemented.

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

C13 In accordance with Habitat Management Monitoring and Management Plan (Herts Ecology and Planning)

The created and/or enhanced habitat specified in the approved Habitat Management and Monitoring Plan shall be managed and maintained in accordance with the approved Habitat Monitoring and Management Plan for 30 years from the date of first occupation of the development.

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

C14 Monitoring reports as agreed (Herts Ecology and TRDC).

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP (as secured by condition 11).

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

C15 Tree Protection and Arboricultural Method Statement (Landscape Officer)

No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C16 Hard and Soft Landscaping (Landscape Officer)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping (including but not limited to tree(s) to be planted to mitigate against the removal of T4), and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C17 Tree Removal (Herts Ecology)

The removal of the Ash Tree (T4) shall be undertaken in accordance with the recommendations in section 5.24 of the Ecological Assessment by Luscinia Ecology (report date 29/07/2025).

Reason: The recommendations represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C18 Reporting of Unexpected Contamination (Environmental Health)

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C19 Fire Hydrants (Fire and Rescue)

Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C20 External Materials (TRDC)

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including hard surfaced areas) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

C21 Internal Access Road and Car parking/turning areas (Herts Highways)

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C22 Parking retained (TRDC)

The parking spaces and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C23 Garages retained (TRDC)

The garages and car ports serving the residential dwellings hereby permitted, shall be retained for the garaging of private cars. No alterations, either externally or internally shall be carried out to the garages and car ports such as to prevent their use for garaging private cars.

Reason: To ensure adequate parking provision is maintained in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C24 Boundary treatment (TRDC)

Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C25 Refuse and Recycling (TRDC)

The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

C26 Before the first occupation of the dwelling on Plot 1, permitted the first floor flank bathroom window(s) shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C27 Outbuildings (TRDC)

Prior to the construction of the proposed, ancillary outbuildings, as illustrated on plan 3245.PLN.202, full details of their size, siting and appearance shall be submitted and approved in writing by the Local Planning Authority. The outbuildings shall be constructed in accordance with the approved details prior to first occupation of the dwelling to which they relate.

Reason: To protect the character and appearance of the Green Belt and the residential amenity of neighbouring dwellings in accordance with Policy CP12 of the Core Strategy (adopted July 2013) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C28 External Lighting (Environmental Health and Herts Ecology).

Prior to the installation of any lighting on the site, full details and specification of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include heights of any lighting columns, spillage diagrams, and proposed hours of operations. The lighting shall therefore after be implemented only in accordance with the approved details.

Reason: To protect the openness of the Green Belt and to safeguard wildlife and ecology in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C29 Air Source Heat Pumps (TRDC).

Prior to the first occupation of the development, details including the siting and appearance of the proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The air source heat pumps shall be installed in accordance with the approved details and maintained thereafter.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and to protect residential amenity in accordance with Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C30 Energy Statement (TRDC)

The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C31 Removal of Permitted Development Rights (TRDC)

Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site, the need to preserve the openness of the Metropolitan Green Belt, the need to protect the amenities of occupants of neighbouring properties, to ensure the protection of existing trees, and to ensure that future occupiers have sufficient available amenity provision and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

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

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

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

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

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

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

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised

to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

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

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

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are

additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

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

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

- 16 Works within the highway (section 278): If there are any works proposed within the existing highway land, the developer of the site would need to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 17 Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an

appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term, Thames Water, along with other partners are working on a strategy to reduce groundwater entering into the sewer network.

- I8 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- I9 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- I10 The scheme shall also include replacement planting for the removal of T4 Ash with an appropriate species such as Oak, Sycamore or Beech. The replacement tree should be at least 2-3cm in height/ and or 10-12cm girth at the time of the planting.