

PLANNING COMMITTEE – 11 DECEMBER 2025

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

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 25 December 2025

Case Officer: Adam Ralton

Development Type: Major

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

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

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SZ4FJBQFH7100>

1 Relevant Planning History

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

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

2 Description of Application Site

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

3 Description of Proposed Development

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

No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on the Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394- WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and all supporting information. The surface water drainage scheme should include:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change for the entire site and not only considering the impermeable areas.

3. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated in the Outline Drainage Strategy and Flood Risk Assessment Addendum and shown on the Illustrative Masterplan (ref: Lea02 Rev B).

4. Updated drainage layout plan showing all proposed SuDS features and pipe networks and detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.

5. Updated surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event to include all proposed SuDS features that will provide attenuation for all site area. Calculations should take account of the entire site area not just impermeable areas.

6. Provision of half drain down times to ensure that the proposed attenuation features can accommodate as a minimum a 1 in 30 year storm within 24 hours of a 1 in 100 plus 40% climate change event.

7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

3.4 Condition 20 reads as follows:

The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and the following mitigation measures detailed within the addendum.

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

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

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

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

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: [No comments received]

No comments received.

4.1.2 Affinity Water: [Comments received]

Water quality

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

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

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

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

Water efficiency

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

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

Infrastructure connections and diversions

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

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

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

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

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

4.1.4 National Grid: [No response received]

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

4.2 Public/Neighbour Consultation

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

5 Reason for Delay

- 5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation:

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of the Town and Country Planning Act 1990).
- 6.1.2 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.4 The Environment Act 2021

6.2 National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as

well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

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

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

6.3 Other

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

7 Planning Analysis

7.1 Background

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

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

7.2 Impact on the character of the area

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

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

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

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

7.3 Flood Risk and Drainage

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

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

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

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

7.4 Other Matters

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

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

8 Recommendation

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

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

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

- C2 The access arrangements hereby permitted shall be carried out in accordance with the following approved plans: 41394-Lea05, 41394-WOOD-XX-XX-FG-T-0002_S0_P02.1 and 41394-WOOD-XX-XX-FG-T-0003_S0_P01.1. The plans are approved only in so far as they relate to the siting of the access.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- C7 Before the first occupation of any dwelling, both bus stops by the Prestwick Road / Heysham Drive junction, as shown on drawing 41394-WOOD-XX-XX-DR-OT-0001_S3_P01 (or in an alternative location as otherwise approved pursuant to Condition 6) shall have raised Kassel kerbing implemented.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users

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

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

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

- C17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- C18 The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001_S0_P01 dated December 2019, and the following mitigation measures detailed within the addendum.

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

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

The mitigation measures shall be fully implemented prior to occupation

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

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

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

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

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

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

C20 The approved Travel Plan (reference 1394-WOOD-XX-XX-RP-OT-0002_A_P02) shall be implemented at all times following first occupation and its requirements adhered to in full.

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

8.2 Informatives:

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

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

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

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

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as

generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I4 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- I5 The following terms (and those related to them) referred to at Condition C4 shall be defined as set out below:

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

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

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

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

Dwelling means a residential unit comprised in the development.

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

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

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

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

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

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

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

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

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

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

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

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

- 16 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
- 17 It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 18 The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

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