

PLANNING COMMITTEE – Thursday 26 February 2026

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

Parish: Watford Rural

Ward: Carpenders Park

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

Case Officer: Suzanne O'Brien

Development type: Major Dwellings

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

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

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

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

Executive Summary

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

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

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

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

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

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

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

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

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

1. Relevant Planning History

- 1.1 No relevant planning history.

2. Description of Application Site

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

3. Description of Proposed Development

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

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

3.9 Amendments/additional information include:

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

4. Consultation

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

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

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

4.2 Public/Neighbour Consultation

Number consulted: 37

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

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

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

Summary of Responses:

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

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

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

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

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

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

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

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

5. Reason for Delay

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

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

6.3 The Three Rivers Local Development Plan

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

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

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

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

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

The Waste Site Allocations Development Plan Document 2011–2026.

6.4 Other

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

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

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

Draft Stage 4 Green Belt Review (2025).

7. Planning Analysis

7.1 Principle of development

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

i. the location of the proposed development, taking into account the Spatial Strategy

ii. the sustainability of the development and its contribution to meeting local housing needs

iii. infrastructure requirements and the impact on the delivery of allocated housing sites

iv. monitoring information relating to housing supply and the Three Rivers housing target.

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

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

7.1.4 *Existing Use:* As noted above, the land is predominantly greenfield and used for grazing next to open field land. The Government's 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25 year plan to improve the health of the environment by using natural resources more sustainably and efficiently and includes plans to protect the 'best' agricultural land. It was observed on site that the land was used for grazing. The site was historically used for landfill. The agent has confirmed that the site is not considered to be best and most versatile agricultural land.

7.2 Green Belt

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

7.2.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will

be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

- 7.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the current NPPF in relation to inappropriate development are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded weight. The NPPF is considered to contain national policy and therefore relevant guidance and is a material consideration in the assessment of this application.
- 7.2.4 NPPF Paragraph 142 states “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 143 identifies that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.2.5 NPPF Paragraph 145 states that “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process”. This application does not seek to alter Green Belt boundaries. It proposes development within the Metropolitan Green Belt.
- 7.2.6 NPPF Paragraph 153 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 153 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.2.7 NPPF Paragraph 154 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed used including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt;
- h) Other forms of development provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, of for cemeteries and burial grounds; and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order”.

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

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

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

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

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

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

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

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

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

- Watford and Bushey; and
- Watford and Radlett.

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

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

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

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

Summary:

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

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

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

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

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

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

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

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

- 7.2.40 In respect of (b), the development would provide on site and off site infrastructure (including monetary contributions) which would be secured by S106 obligations. The infrastructure provision would include off site works to the highway including widening of the footpath to make a cycle and pedestrian route and addition of a Toucan Crossing to facilitate walking and cycling from the site to Carpenders Park and to the public bridleway leading to Merry Hill. Other monetary contributions to education, waste transfer and healthcare facilities will be secured by S106. The infrastructure provisions are set out in detail in Sections 7.8 and 7.21 of this report. The proposed development would provide necessary improvements to local infrastructure in accordance with paragraph 156 (b).
- 7.2.41 In respect of (c), the development would provide new green spaces on site. Although the space would be open to the public taking into consideration the location of the site and that it would be enclosed by housing development the open space is likely to be mainly used by residents of the development. The proposal would however improve access through upgraded foot and cycle path from Carpenders Park and Toucan Crossing and would provide a community building that would encourage people to access the site. Further Merry Hill and Oxhey Green Play Park are also within reasonable distance from the site. The proposed development would provide new green spaces with improved accessibility for people off site. The proposal would meet paragraph 156 (c).
- 7.2.42 It is considered that the proposed development would comply with the Golden Rules. In accordance with NPPF paragraph 158 **significant weight** should be given in favour of the grant of permission.
- 7.2.43 The proposed development would be on Grey Belt land and would meet the requirements as set out in paragraph 155 and 156 of the NPPF. The proposal would therefore represent an appropriate form of development within the Green Belt. An assessment of impacts on openness is therefore not required as the proposal is considered an acceptable form of development within the Green Belt in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and NPPF.

7.3 Impact on Character

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.3.2 Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.3.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii. The generation of excessive levels of traffic

- iv. Loss of residential amenity
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).

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

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

7.3.6 With regards to design NPPF paragraph 131 states: 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. NPPF paragraph 135 states:

'Planning policies and decisions should ensure that developments:

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

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

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

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

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

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

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

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

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

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

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

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

7.4 Housing Mix

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

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

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

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

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

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

7.5 Affordable Housing

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

7.5.2 For a major planning application such as this, it would be expected that all affordable housing is provided on site. This is reflected in Policy CP4 and the Affordable Housing SPD.

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

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

7.5.4 The revised proposed affordable housing mix relates only to the rented tenure. The supporting evidence identifies that the affordable rented accommodation would be secured up to 80% of market value capped at LHA rate whichever is lower. The revised social/affordable rented mix is supported by a viability appraisal. This has been reviewed independently, and the review has confirmed that the current proposed mix would be acceptable from a viability perspective.

7.5.5 The site is located within Green Belt where paragraph 155d requires the development to meet the golden rules (as discussed within the Green Belt Section 7.2 of this report). Paragraph 67 of the NPPF states:

‘As part of the ‘Golden Rules’ for Green Belt development set out in paragraphs 156-157 of this Framework, a specific affordable housing requirement (or requirements) should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt or which may be permitted on land within the Green Belt. This requirement should:

- a) be set at a higher level than that which would otherwise apply to land which is not within or proposed to be released from the Green Belt; and
- b) require at least 50% of the housing to be affordable, unless this would make the development of these sites unviable.’

7.5.6 The delivery of 50% affordable housing would deliver a higher level of affordable housing than that which would otherwise apply to land which is not within Green Belt or proposed to be released from Green Belt.

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

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

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

7.7 Impact of proposal on heritage assets

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

7.7.2 Paragraph 208 of the NPPF advises that:

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

7.7.3 Paragraphs 212 and 213 of the NPPF state that:

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

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

7.7.4 Paragraph 215 of the NPPF advises that:

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

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

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

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

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

Archaeological Considerations

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

Highways & Transport Impacts

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

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

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

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

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

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

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

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

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

Internal Layout

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

7.9 Vehicle Parking and Sustainable Transport Measures

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

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

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

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

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

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

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

Quality of residential amenities of future occupants

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

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

7.11 Pollution – Air Quality

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

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

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

7.12 Pollution – Noise and Vibration

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

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

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

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

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

7.13 Pollution – Light

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

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

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

7.14 Pollution – Land Contamination

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

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

7.15 Impact on Wildlife, Biodiversity and Agriculture

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

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

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

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

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

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

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

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

7.18 Flood Risk and Drainage

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

7.19 Refuse and Recycling

- 7.19.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.19.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.

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

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

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

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

7.22 Presumption in favour of Sustainable Development and Planning Balances

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

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

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

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

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

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

Benefits of the Scheme

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

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

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

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

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

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

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

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

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

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

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

7.22.12 The scheme is considered to be consistent with paragraphs 135 and 139 of the Framework as it would deliver an innovative design that would promote high levels of sustainability.

7.22.13 Notwithstanding the non compliance with some of the development plan provisions, the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework would be met. Furthermore, in addition to the weighting of the benefits set out in this section paragraph 158 of the Framework states that development which complies with the Golden Rules, as is the case here, should be given significant weight in favour of the grant of permission.

7.22.14 Overall, it is clearly demonstrated that the failure of the development to fully accord with the guidelines set out with Development Plan Policies, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

8. Recommendation

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