

PLANNING COMMITTEE – 26 FEBRUARY 2025

25/0484/OUT – Outline application: Erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road (Appearance, Layout, Landscaping and Scale as reserved matters) at Land at North of Chalfont Road, Chalfont Road, Maple Cross, Hertfordshire.

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 02.07.2025

Case Officer: Scott Volker

Extension of Time: 27.03.2026

Development type: Major Development

Recommendation: That authority is delegated to the Head of Regulatory Services to grant planning permission following the completion of a S106 agreement securing the Heads of Terms (set out in 10.18.2 of the report), subject to planning conditions (set out at section 11.1.2) AND to make any minor amendments necessary 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 it being a large development within the Green Belt and for consideration to be given to Grey Belt.

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=STCYA5QFFRE00>

1 Executive Summary

- 1.1 This report makes a full assessment of planning application 25/0484/OUT, for the proposed development comprising 75 new dwellings, parking and landscaping with associated access onto Chalfont Road at land at north of Chalfont Road in Maple Cross. The application is in Outline, with details of access provided for full consideration. Appearance, landscape, layout and scale are reserved matters.
- 1.2 The assessment has considered all relevant material planning considerations, including the provision of the 2024 National Planning Policy Framework (NPPF) and the Three Rivers Local Development Plan. The responses from consultees have also been considered, and are listed at section 6. The majority of consultees raised no objection subject to conditions and/or S106 agreement. All statutory consultees raise no objection.
- 1.3 The primary planning considerations include the principle of the development in the Green Belt; impact on landscape, 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.
- 1.4 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 the existing use, the development would result in the loss of part of an arable field but is only a small section of a much larger field. Subject to conditions/S106 there are no objections on highways, amenity or other grounds.

1.5 The benefits of the scheme are considered at section 10.20 and include the need for housing, the need for affordable housing, compliance with the 'Golden Rules' – all of which are afforded significant weight in support of the application.

1.6 This report therefore recommends approval, subject to conditions and a S106 agreement.

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

2 Update since the preliminary committee hearing

2.1 A preliminary report was discussed at the Planning Committee meeting on 17 July 2025, where the Committee were asked to note the report and make general comments with regard to the material planning issues raised by the application.

2.2 The analysis has been updated to provide a full justification for the officer recommendation, including in relation to the material points raised when the preliminary report was discussed.

2.3 At the December 2025 Planning Committee meeting Members also agreed for officers to arrange a site visit ahead of the application being returned to committee for determination. The site visit has taken place.

3 Relevant Planning History

3.1 None.

4 Description of Application Site

4.1 The application site is located to the north-west of Maple Cross and comprises a parcel of agricultural land covering an area measuring approximately 3.9ha.

4.2 The site abuts Chalfont Road to the south and west; agricultural land to the north and to the east by the residential development of Oakhill Road. There are well established trees and hedge lines line the south and west edges of the site.

4.3 The existing topography of the site falls in a steep north to south direction with elevations of 58mAOD at the northern boundary of the site to 52mAOD in the south-west and 50mAOD in the south-east. This approximately equates to an average fall across the site of 1:8.

4.4 There are two Public Rights of Way situated outside of the site (No's 008 and 009) that run to south of the site which provide access to other parts of Maple Cross and open countryside. On the opposite side of Chalfont Road is Beechen Wood which is a publicly accessible space and to the east of the wood is Hornhill Play Area, accessed from Chalfont Road.

4.5 In terms of policy designations, the application site falls within the Green Belt, and adjacent to a Secondary Centre (Maple Cross).

5 Description of Proposed Development

5.1 This application seeks **Outline planning permission** for the erection of up to 75 new dwellings, parking and landscaping with associated access onto Chalfont Road. Approval is sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved.

5.2 The application is accompanied by a Parameter Plan (005 REV-D) and Proposed Access Arrangements (2209054-01 REV-C) which demonstrates how the proposed pedestrian and vehicular access would be provided. In addition, an Illustrative Landscape Masterplan (D3332-FAB-00-XX-DR-L5000) has been provided which shows how the site **could** potentially be developed, although approval is not sought for these details within the

application and this illustration is considered as indicative only. Therefore, whilst the following assessment may acknowledge the layout, appearance, landscaping and scale of development, the detail of these matters would be assessed at a subsequent stage should this application be deemed acceptable and permitted.

- 5.3 The illustrative proposed site layout plan indicates that dwellings would front onto the internal service roads with private gardens to the rear. SUDs would be located within the south-eastern corner of the site to provide a feature when entering the site. The scheme would also include play on the way and provide a connection to one of the existing footpaths to the west of the site. Outdoor play and amenity space would be provided within the western part of the site. Parking is generally located to the side of the properties with some properties benefiting from detached garages.
- 5.4 A new vehicular and pedestrian access within the south-eastern corner of the site is proposed off Chalfont Road and a new pedestrian and cycle access is to be provided along the southern boundary and western portion of the site. The route of the pedestrian and cycle access will run parallel with the southern boundary of the site. It would provide a footpath link to the south-west of the site and the pedestrian footway on Chalfont Road/Oakhill Road. Highway works would include the widening of the existing footpath along Chalfont Road to 2m; widening of Chalfont Road to 5.5m and provision of dropped kerbs and tactile paving to create a new pedestrian crossing point across Oakhill Road.
- 5.5 The development would consist of a combination of detached and semi-detached and terraced housing. The proposed dwelling mix is not known at this stage, but the scheme would include 38 affordable homes (50%), with a split of 26 (70%) social rent and 12 (30%) intermediate/affordable ownership which the applicant has advised would be pepper potted throughout the site.



Above: Illustrative site layout plan

- 5.6 The application is accompanied by the following plans/reports:

- Parameter plan (005 REV-D)
- Proposed Access Arrangements (2209054-01 REV-C)
- Illustrative Landscape Masterplan (D3332-FAB-00-XX-DR-L5000)
- Site Location Plan (001 Rev-B)
- Planning & Affordable Housing Statement
- Design & Access Statement
- Transport Assessment
- Framework Travel Plan
- Landscape & Visual Impact Assessment
- Green Belt Assessment
- Arboricultural Impact Assessment
- Heritage Statement

- Flood Risk Assessment and Drainage Strategy
- Preliminary Risk Assessment
- Preliminary Ecological Assessment
- Biodiversity Net Gain Statement
- Local Biodiversity Checklist
- Air Quality Assessment
- Noise Assessment
- Agricultural Land Classification Report
- Sustainability 7 Energy Statement
- Statement of Community Involvement

5.7 The following documents have been submitted during the course of the application:

- Highways Technical Note (29th September 2025)
- Highways Technical Note - 2025 Modelling Note (9th October 2025)
- Updated Flood Risk Assessment & Drainage Strategy
- Flood Risk Assessment Addendum – Hydraulic Modelling Report
- Flood Warning and Evacuation Plan
- Protected Species Technical Note (July 2025)
- Legal Opinion from Landmark Chambers on Green Belt policy and site meeting definition of “Grey Belt”.
- Boyer Update note post November committee.
- Hedgerow and Tree Removals mark-up plan (Sheet 1 Rev-P01)

6 Consultation

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

Herts Archaeology	1.1.1	No objection
British Pipeline Agency	1.1.2	No comments to make
Affinity Water	1.1.3	No objection
Local Plans Section	1.1.4	Advisory comments received
Hertfordshire County Council: Minerals & Waste Planning Team	1.1.5	Advisory comments received
Housing Officer	1.1.6	Advisory comments received
Hertfordshire Ecology	1.1.7 to 1.1.8	No objection
Hertfordshire County Council: Lead Local Flood Authority	1.1.9 to 1.1.10	No objection
Hertfordshire County Council: Highway Authority	1.1.11 to 1.1.13	No objection
Landscape Officer	1.1.14	No objection
Thames Water	1.1.15	Advisory comments received
Environmental Health Officer	1.1.16	No objection
National Grid	1.1.17	No response received
Environmental Protection Officer	1.1.18	No response received
Conservation Officer	1.1.19	No objection
Herts County Council Growth and Infrastructure	1.1.20	Comments received

National Health Service	1.1.21	Comments received
East of England Ambulance Service	1.1.22	Comments received

7 Public/Neighbour Consultation

- 7.1 Site Notice: Posted – 08.04.2025 Expired – 01.05.2025
- 7.2 Press notice: Published – 11.04.2025 Expired - 04.05.2025
- 7.3 Number consulted: 183
- 7.4 No of responses received: 27 (24 Objections; 3 neutral)
- 7.5 Summary of responses received:

Policy:

Totally inappropriate in the Green Belt; *Development should be on Brownfield Sites*; Area was once rejected by Local Plan by TRDC – should not be considered now; *Will the new houses truly be “affordable” or bought by landlords*; Maple Cross are the “fall guys” for Chorleywood and being singled out; *Contradiction on past promises from Lib Dem Councillors as the land was said to be “protected”*; Alternative sites overlooked; *Delays to Local Plan leading have lead to Green Belt being vulnerable*; No need for these additional houses in Maple Cross given what is built elsewhere in the area; *Woodoaks Farm has been safeguarded within the most recent Local Plan*; Site is located in the Colne Valley Regional Park; *Not sustainably located*.

Flood Risk:

LPA have a duty to divert development away from areas subject of flooding; *Housing in the field will exacerbate flooding in area*; Access is prone to flooding due to inadequate drains; *Site is located in Groundwater Source Protection Zone 1*.

Access:

Limited access; *Heavy duty construction traffic will have significant impact on Chalfont Road*; Concerns with access in/out of site at a blind-spot causing risk of accident; *Maple Cross can’t cope with additional traffic*; Any problem on M25 impacts the area; *Chalfont Road, a single lane, is heavily used already*; Increase traffic generation; *Not a safe exit*; There is only one main road in Maple Cross – the A412; *Local roads cannot accommodate additional 100+ vehicles*; Urbanising of Public Right of Way.

Ecology/Trees:

Impact on local wildlife; *Increased pollution*; Increased noise levels from development; *Removal of trees, hedges and shrubs*; Loss of flora and fauna habitats; *Unacceptable to place housing in area that would be regularly exposed to high levels of or airborne pollutants*; Existing land is of high quality, fertile soil – excellent for agriculture; *Destruction of productive farmland is shortsighted and irresponsible*; Sustainable land is more critical than ever; *Development would not help with climate change crisis*; Substantial harm to the landscape; *Development should ensure Swift bricks are incorporated into the design*.

Infrastructure/Services:

Key services (Education, health, crime and policing, shopping, public transport) are currently inadequate or non-existent; *Chalfont Road and Oakhill Road only receive mail once a week*; Lack of sufficient sewerage system; *Local primary and secondary schools are at capacity*; Supporting information regarding wastewater infrastructure is vague and unconvincing; *Increase pressure on inadequate infrastructure*; Maple Cross only has one shop, café and a takeaway; *Employment opportunities in Maple Cross are scarce*.

Amenity:

Loss of views of tree-lined horizon; *Visually harmful and loss of another green space*; Loss of property value; *Increased disruption during construction period*; Impact on air quality and quality of life; *Maple Cross suffers from high levels of dust in the air*; Consideration to Human Rights of local Maple Cross residents.

7.6 Other Representations:

7.6.1 Colne Valley Regional Park– Comments Received

This site is within the Colne Valley Regional Park(CVRP). No mention of the harm to the CVRP is made or mitigation suggested. Substantial harm is caused by the impact to landscape character on the Colne valley slopes and visual impact, loss of Best and Most Versatile agricultural land, and urbanising of Public Rights of Way. The site is located within a groundwater protection zone. This should be avoided.

The application will develop 3.8 hectares of Green Belt. By definition, the development is inappropriate in the Green Belt. It is contrary to national planning policy.

It is recognised that the Council does not have a 5year housing supply and therefore there is argument that the tilted balance equation is relevant. However, a development of this size should be delivered through a Local Plan process to deliver the necessary infrastructure, together with necessary mitigation. The application if allowed should be delivered in accordance with the NPPF and after a comprehensive Green Belt Assessment. The application does not meet the definition of Grey Belt in terms of its location within the CVRP; and its unsustainable location. Most importantly, if the application is to be approved para c of the Golden rules should be applied "provision of new, or improvements to existing, green spaces". In the CVRP para. c should be adhered to and mitigation for the CVRP delivered. We are ready to enter into a S106 to deliver improved paths and biodiversity & landscape enhancement.

The site has poor public transport, schools are over 1km away. Hence, potential for increased traffic particularly on, unsuitable for heavy traffic, Chalfont Road. There would be inadequate capacity for sewage treatment at the nearby STW.

The application conflicts with Green Belt Policy, is inconsistent with the aims of the CVRP, and may cause harm.

Council should support the CVRP by refusing this application or promoting substantial mitigation in line with the Colne GI strategy.

7.6.2 Campaign to Protect Rural England Hertfordshire – OBJECTION

I write with regard to the above planning application to which CPRE Hertfordshire objects for the following reasons.

1. The land identified for this proposed development is designated as London Metropolitan Green Belt in the adopted Three Rivers Core Strategy where development is inappropriate unless very special circumstances are identified which clearly outweigh the harms caused, according to criteria in the National Planning Policy Framework (NPPF).

2. The Applicant's Consultant's Design and Access Statement (DAS) seeks to justify the proposed development both on the basis of very special circumstances relating to the lack of housing land supply in the Core Strategy and the introduction of the concept of grey belt. The lack of housing land supply is now said to be exacerbated by the requirements of the revised NPPF.

3. We note that the site is not included in the Regulation 18 Draft Local Plan and we object on the basis of the protection offered by Footnote 7 and Paragraph 11 of the NPPF and the significance of the Green Belt in this location, notwithstanding the need for housing land

supply. In our view, the proposed development clearly constitutes a breach of the first and third purposes of the Green Belt as identified in the NPPF (paragraph 143) to prevent urban sprawl and encroachment on open countryside as it is a clear and substantial extension of the built-up area of Maple Cross.

4. Further, the DAS introduces the concept of grey belt to add to the demonstration of very special circumstances and proceeds to assert that none of the three purposes of the Green Belt which may be identified (see NPPF Glossary definition of grey belt) where development would not be inappropriate apply in this case. We do not accept that the concept of grey belt applies in this case

5. The first purpose of the Green Belt refers to the effect of the urban sprawl emanating from the growth of London as the major development generator in this and the surrounding areas. The proposed development is clearly urban sprawl beyond the built-up area of the adjoining settlement which the Green Belt legislation was designed to prevent and, as such, the designation of Green Belt provides the "strong reason" required in this case to refuse development as noted in the NPPF footnote 7.

6. The Green Belt in south-west Hertfordshire is under continuous and unrelenting pressure for development which is jeopardising the highly valued benefits which protection brings. It is not appropriate in our view for such a significant allocation in the Green Belt to be determined outside the Local Plan process and its continual reduction through consents for speculative development is in danger of bringing the planning system into disrepute. We urge the Council to refuse permission for this inappropriate development.

7.6.3 Maple Cross Residents Association – OBJECTION

We demand that this proposal be rejected by the Planning Committee for the benefit of Maple Cross residents and the area as a whole for reasons detailed beneath.

Woodoaks Parcel of Land at North of Chalfont Road:

Woodoaks Farm is one of the few Green Belt areas in Maple Cross that were safeguarded within the most recent Local Plan, as this parcel of land was rejected for a similar proposal due to the harm to Green Belt.

Climate change will result in wetter winters, drier summers and more extreme weather events so this natural flood plain will become more important in time. Local residents have already been flooded should this development be sanctioned they will be at even greater risk.

This area of land is not only used by migrating birds but houses badger setts etc. We value the preservation of this land and the tree lined roadway which must not be destroyed.

A developer purchasing this parcel of land is likely to seek to increase profitability by building at a greater density, thereby increasing the burden on the local area.

The residents of these proposed dwellings will put a further strain on our creaking infrastructure, not to mention overburdening services provided outside of our area eg doctors and dentists. Nearly all the day to day needs of residents are met from other areas since Maple Cross only has a fish and chip shop, a convenience store and a café, severely limiting a local economy.

The developments consultants were tasked with proving in all cases that the development will cause no adverse effects, strangely they found no adverse effects!

Chalfont Road:

This narrow road on which the proposed dwellings would depend upon is always jammed in peak times not only caused by local residents but those travelling from the Chalfonts and

further afield. When problems arise on the M25 J16/J17 traffic builds up quickly and creates gridlock in our area. This is prior to all warehousing vehicles entering our road network.

Since the traffic lights were installed Chalfont Road users have suffered from an increase in wait times, either due to traffic build up on the Denham Way resulting in no or very few cars leaving Chalfont Road or, motorists no longer using the left turn preceding the lights. An additional burden on this road is not acceptable UNLESS the development increases its width.

All this braking and idling of vehicles is highly detrimental to health.

Pollution/Health:

Microscopic particles emitted from brake pads can be more toxic than those emitted in diesel vehicle exhausts. The build up of these particles are visible in Maple Cross particularly on the Denham Way. This fine powdery residue can cause permanent lung and heart disease. School Governors quite rightly request that all children walk to school many using the Denham Way so sadly they could inadvertently be responsible for harming the health of children whose organs are still developing. Research of medical records will be too late for children currently attending the Reach Free School or the JMI causing parents justifiable concern. Parents and residents alike feel that unless steps are taken to improve the infrastructure no further development should be sanctioned.

Infrastructure:

Public transport in Maple Cross is limited to a few unreliable bus services therefore most residents use private vehicles, the same will apply to this development's residents placing an additional 100+ cars on our congested roads.

Thames Water is struggling to manage its aging infrastructure and frequent leaks and sewage spills arise from the outdated treatment facility at Maple Cross. They are unable to cope with the demands of the area they serve due to their neglect of its infrastructure which causes frequent overflows of untreated sewage to enter the River Colne and plans to expand the treatment works are not guaranteed due to the company's financial difficulties.

The overall safety, health and well-being of the community is dependent upon the infrastructure and therefore this should be examined in depth before simply adding more dwellings simply due to Three Rivers District Council's perceived housing need and ignoring the effects on Maple Cross and its residents.

Employment:

Two enormous 24/7 warehouses have been built in Maple Cross, whilst unfinished, the owners have so far failed to find a purchaser/renter for them despite ongoing advertising for several years. These premises are highly unlikely to employ many local people, so residents of the proposed dwellings will also have to seek work from other areas or further afield.

Unfortunately, TRDC's Planners are intent on welcoming warehousing to Maple Cross and encourage landowners to provide it, despite the lower number of projected jobs compared to office space. Maple Cross is receiving more than 50% of the projected warehousing floor space needs for the entire district – a plan that was devised to cope with the warehousing requirements for the next decade.

We now have a further 6 24/7 warehouses sanctioned in Hertford Place and Keir who also purchased Maple Cross House are currently demolishing it, together with their own buildings and plan to replace them with their proposal to build 6 very large warehouses. Previously TRDC had initially sanctioned Keir's proposal to replace their buildings with housing but unfortunately this was withdrawn by Keir (17/1208/PDR).

These warehouses will all use large HGV's, vans, cars, etc. all increasing traffic in our area, we are yet to ascertain the impact on Health/Infrastructure/etc.

Additional Information:

Maple Cross deserves some joined up thinking and planning for the area rather than the current piecemeal approach of sanctioning development simply because the district has shortfalls. Other parcels of land were put forward for housing eg land in Kings Langley which has a vastly superior level of infrastructure including a train station but was subsequently withdrawn from the Plan without sound reason they along with others should be the providers of further speculative housing development.

Woodoaks is an area of Green Belt and cannot be developed without causing harm to the Green Belt, 75 houses cannot be used to justify this harm as we are already destined to lose so much in accordance with the Local Plan. Other areas in the district are able to thwart this type of development, Maple Cross should not be treated as second class to others and have housing thrust upon it.

Accordingly for all the aforementioned reasons and for the sake of the Maple Cross residents these dwellings should not be sanctioned as the harm outweighs the sole benefit of 75 dwellings.

8 Reason for Delay

- 8.1 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.

9 Relevant Planning Policy, Guidance and Legislation

9.1 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 Environment Act (2021)

9.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

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

9.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP6, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM11 and DM13 and Appendices 2 and 5.

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

9.4 Other

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

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

South-West Hertfordshire Local Housing Need Assessment (September 2020)

Housing Delivery Test Action Plan (June 2024)

Housing Land Supply Update (December 2023)

Stage 1 Green Belt Review – Strategic Analysis (2017)

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

10 Planning Analysis

10.1 Principle of Development – Impact on the Green Belt

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

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

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

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

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

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

- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

10.1.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies LDD (adopted July 2013) notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”. Relevant to this current application is a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF in relation to inappropriate development are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded weight.

10.1.6 The proposed development for the erection of up to 75 residential dwellings and associated access and infrastructure would be located on existing agricultural land. As such, the proposed development would not meet any of the exceptions to inappropriate development as set out at Paragraph 154 of the NPPF. However, whilst the development would not be in accordance with Paragraph 154 it is also necessary to consider the development in relation to paragraph 155 of the NPPF. This sets out *‘that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply:*

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

10.1.7 In respect of paragraph a), in considering whether the site would constitute Grey Belt land, reference must be had to Annexe 2 of the NPPF which defines Grey Belt as follows:

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

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

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

10.1.9 In considering whether the application site contributes to the purposes (a), (b) or (d) regard must be had to Planning Practice Guidance at paragraph 005 Reference ID: 64-0052025022 which provides guidance in relation to informing judgements as to whether land can be considered as Grey Belt. In addition, Paragraph 007 of the PPG is also relevant and sets out the following:

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

a) To check the unrestricted sprawl of large built-up areas:

- 10.1.10 The application site lies immediately west of the settlement edge of Maple Cross, therefore would be regarded as edge of settlement development. At present, the site itself consists of part of an open field, and is free of built form.
- 10.1.11 Maple Cross is identified as a Secondary Centre in the Core Strategy. The Core Strategy states that Secondary Centres include a range of smaller sized settlements distributed throughout the District. They provide a more limited range of services and facilities than the Key Centres but are still important in meeting local needs. In this instance, Officers consider that Maple Cross is not a large built-up area and is more akin to a village and consequently purpose a) does not apply in this instance. Maple Cross is not visually contiguous with Rickmansworth – there is a notable gap with the Reach Free School and the M25 Junction 17 slip road present and officers therefore consider Maple Cross to be visually distinct from the main built-up area of Rickmansworth.
- 10.1.12 Should Members take an alternative view that Maple Cross should not be regarded as a village and instead be regarded as a “large built-up area”, officers highlight that the PPG sets out that sites which make a strong contribution to purpose a) are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict or contain development. In addition, they are likely to result in an incongruous pattern of development such as ‘an extended finger’ of development into the Green Belt.
- 10.1.13 In this case, the application site is currently open in character, lacks built form and is adjacent to the settlement which makes up Maple Cross, However, there are physical features such as existing tree line belts and Chalfont Road which forms a strong boundary to the south and west which would contain further development. Additionally, there is a residential development to the east (Oakhill Road). The northern edge of the site is broadly in line with the existing built development of Oakhill Road which would partially enclose the land. As such, officers consider the site’s contribution is weakened and therefore officers suggest that the site makes a moderate contribution to purpose (a).

b) To prevent neighbouring towns merging into one

- 10.1.14 The PPG states that this specifically relates to the merging of towns, rather than villages. As set out above, officers consider Maple Cross is akin to a village rather than a “large built-up area” or town and therefore b) does not apply in this instance.
- 10.1.15 Should Members take an alternative view, purpose b) is concerned with the relationship between the two nearest towns of Rickmansworth and Chalfont St Peter / Gerrards Cross. Officers highlight that the site is of limited scale, and is considered to play a very limited role in preventing the merging of these two towns. The PPG sets out that the development of a site having a strong contribution to this purpose would be likely to result in the loss of visual separation between the towns. In this case, there would be no loss of visual separation. The PPG sets out that sites which make a weak contribution are those which form only a very small part of the gap without making a contribution to visual separation. This is supported by the TRDC Stage 2 Green Belt Assessment (as noted the site forms part of the parcel MC10), which concludes that the parcel makes a relatively limited contribution in relation to the merging of towns:

‘Although Maple Cross is not considered to be a town the open space around it contributes to the overall gap between the towns of Rickmansworth and Chalfont St Peter / Gerrards

Cross. However, the motorway to the west of the parcel provides a strong separating feature which means that release would have only a limited impact on narrowing the gap between Rickmansworth and Chalfont St Peter / Gerrards Cross.'

10.1.16 Officers therefore suggest that the site makes a weak contribution in relation to purpose (b).

d) To preserve the setting and special character of historic towns

10.1.17 The PPG sets out that areas that make no or only a weak contribution are likely to include those that *'have no visual, physical or experiential connection to the historical aspects of the town'*. In this case, officers consider that that the application site would make a weak contribution to this purpose on the basis that Maple Cross has no areas of historical significance.

10.1.18 Officers consider that Maple Cross is akin to a village rather than a "large built-up area" meaning neither a) or b) apply in this instance. Notwithstanding this, should Members take an alternative view, officers consider that the application site makes only a moderate contribution to purpose a) and weak contributions to both purposes b) and d) and therefore suggest that the site should be regarded as Grey Belt. It is noted that the Stage 4 Green Belt Review has recently been published, this document is in draft form and as such is of limited weight. This document, however, does identify that a significantly larger parcel, referred to as 'MC10' which includes the application site, as being located within the Green Belt.

10.1.19 Paragraph 155 of the NPPF also advises that where development utilises Grey Belt land, it must not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. In this case, whilst it is recognised that there is some impact on encroachment into the countryside, it is not considered that the application site if developed would undermine the purposes of the remaining Green Belt across the plan area, given its limited scale when viewed against the totality of Green Belt land within the district. Consequently, it is concluded that the proposal complies with paragraph 155a).

10.1.20 Criteria (b) of Paragraph 155 of the NPPF sets out that development in the Green Belt would not be inappropriate where *'there is a demonstrable unmet need for the type of the development proposed'*. In this case, the applicant is proposing a residential development for the provision of up to 75 dwellings. National Policy places great emphasis on the delivery of housing with paragraph 61 of the NPPF stating the following:

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

10.1.21 The Council cannot demonstrate a five- year housing land supply as required by the NPPF, with the current housing land supply being at 1.7 years. Consequently, there is a significant need for housing within the district which must be afforded significant weight in the decision-making process. In this case, the scheme would deliver 75 residential dwellings of a range of unit sizes (albeit the mix has not been confirmed), providing an opportunity to meet different needs. In addition, it is noted that there is also a significant need for affordable housing within the district. In this case, 50% of the 75 residential units would be for affordable housing. Given the need for housing and affordable housing within the district, it is considered that the proposed development would be in accordance with criteria (b) of the Paragraph 155.

10.1.22 Criteria (c) of Paragraph 155 sets out that development should be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF. In response, officers

consider the location of the site is considered to be sustainable given its edge of settlement location at the edge of Maple Cross, adjacent to other existing residential properties and within walking and cycling distance to local amenities and schools. The site is approximately 400m west of Maple Cross centre which contains a Morrisons daily supermarket, post office, café and takeaway. Maple Cross JMI & Nursery School is located approximately 1km to the south of the site, while The Reach Free School (a secondary school) is situated approximately 1.6km to the north-east – equivalent to a 22-minute walk. Furthermore, within Maple Cross is, Hornhill Play Area and Denham Way Play Area, West Hyde and Maple Cross Cricket Club and Tennis Courts, Maple Cross and West Hyde Community Centre. The supporting Transport Statement illustrates that the range of local amenities and facilities accessible are within a 5 – 25 minutes walking distance. Additionally, the Transport Statement identifies shared foot/cycleways on the eastern side of Denham Way, providing a direct route towards Rickmansworth. National Cycle Network Route 6 is located approximately 2.8km east of the site and provides connections north to Rickmansworth and south to Uxbridge. Also, the Milton Route Cycle Trail lies to the west of the site, offering a circular cycling route between Chalfont St Peter and Amersham. Pedestrian linkages would also be provided to the existing PRow Footpath 009 located on the south-west of the proposed site. As for Footpath 008, this is located further south along the bend and therefore would require removal of a substantial amount of hedgerow to provide necessary visibility splays – thus a direct link to this footpath is not proposed. Pedestrian access would also be provided throughout the site in the form of 2m footways or shared surfaces depending on the location.

10.1.23 Furthermore, the application site is reasonably well connected to local bus routes (300-350m walk) to Hornhill Road (Long Croft Road and Ladywalk) and Long Croft Road (Pinchfield) bus stops and 500m to Chalfont Road bus stop. These provide regular services into the Principal Town Rickmansworth and other nearby settlements. Services provided include the 725 bus (Stevenage to Heathrow Airport); 724 bus (Harlow to Heathrow Airport); R1 and R2 buses (Maple Cross to Northwood Mount Vernon) and 320 bus (Maple Cross to Hemel Hempstead) which all run 30min or hourly service. The Highway Authority commented that the Hornhill Road (Long Croft Road and Ladywalk) and Long Croft Road (Pinchfield) bus stops have only flag and pole arrangements and lack Kassel kerbing, shelter and seating and the application presents an opportunity to improve bus stop infrastructure through planning obligations. Under Strand 1 of the HCC Transport Contributions toolkit, £45k is required to deliver bus stop improvements including, but not limited to real time info boards, Kassel kerbs, build-outs for the bus stops on Hornhill Road and Chalfont Road. These contributions would ensure future residents and use of all ages and abilities feel safe and confident to wait for a bus and to reduce the car reliance.

10.1.24 As such, officers are of the view that the proposed development would be in a sustainable location and this would be in accordance with Criteria (c) of Paragraph 155 of the NPPF.

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

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

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.’*

- 10.1.26 With regard to Criteria (a) of paragraph 156, the application proposed the provision of 50% affordable housing with a total of 38 units. As such, the proposed development would meet Criteria (a).
- 10.1.27 With regards to Criteria (b), as indicated at paragraph 8.1.23 above, the proposed development would include improvements to local infrastructure. This would include improvements to nearby bus stops and pedestrian footways on Chalfont Road, provision of new crossovers across Oakhill Road. The proposal would therefore meet the requirements of part (b).
- 10.1.28 With regard to Criteria (c), the proposed development would provide a new public open space within site totalling 1.79ha (against a requirement of 0.39ha) with new surfaced recreation routes within the western open space, and the southern boundary would provide a walking routes around the site for existing and future residents. The proposal would also provide a safe link to the existing public rights of way, to the south-west (009) and to the east (towards Hornhill Play Area), promoting the use of the existing network. A series of play on the way features would also be provided, culminating in a new play area (in the form of a LAP), to the west of the built form. The proposal would therefore meet the requirements of part (c).

Summary

- 10.1.29 In summary, officers are of the view that the site is Grey Belt as it does not strongly contribute to purposes (a), (b) or (d). In addition to this, as outlined above, there is a clear demonstrable unmet need for residential development in view of the fact that TRDC is unable to demonstrate a five-year housing supply and that the site is located in a sustainable edge of settlement location in accordance with paragraph 155 of the NPPF. Furthermore, the site meets the 'Golden Rules' set out in paragraphs 156 and 157 of the NPPF. Great emphasis should also be given to paragraph 158 of the NPPF, which states that '*a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission*'. As such, it is considered that the development represents an appropriate form of development within the Green Belt and consequently is acceptable in accordance with the provisions of the NPPF, Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

10.2 Existing Use

- 10.2.1 The application site is currently in agricultural use and forms part of a much larger arable field extended to the north. 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.
- 10.2.2 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 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. 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.
- 10.2.3 The application is supported by an Agricultural Land Classification Report which identifies the land on the site to be classified as Grade 2. Grade 2 falls in the best and most versatile category. The loss of part of the arable field to development would weigh against the proposal; however, it is recognised that the proposal would result in the loss of only a small part of a wider agricultural unit and it is of the view of officers that the proposal is not

considered to significantly impact on the Government's aim to protect the 'best' agricultural land as neither the site nor the wider field are identified as Grade 1 land.

10.3 Housing Mix

10.3.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

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

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

10.3.3 The housing mix is yet to be finalised as Layout is to be dealt with at reserved matters stage. Nevertheless, the Housing Strategy Officer commented that in the absence of the tenure information, Housing Services would generally support this application in principle, on the basis that 70% of the affordable housing to be provided is at social rent and the size of dwellings provided fulfils our current requirements.

10.4 Affordable Housing

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

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

10.4.3 On 24 May 2021 the Government published a Written Ministerial Statement to set out plans for the delivery of First Homes. Following this, TRDC set out a Policy Position Statement on First Homes. First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person meeting First Homes criteria and have a restriction to ensure this. Given the First Homes guidance, TRDC have been requiring 25% of affordable housing to be First Homes, 70% to be social rented and 5% to be intermediate. However, within paragraph 6 of the NPPF (2024), reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted.

10.4.4 The development proposes the provision of up to 75 dwellings. The submitted Planning Statement details that 50% (38 units) of the housing provided would be affordable units. The supporting Planning and Affordable Housing Statement sets out that the affordable

units would be pepper potted throughout the site which would ensure that there is no distinction between affordable and market housing on site. This provision would exceed the 45% affordable housing requirement as set out within Policy CP4 of the Core Strategy. The development would also provide the tenure split for rented and ownership products as set out within Policy CP4 of the Core Strategy.

- 10.4.5 Whilst the details submitted are indicative due to Layout being a reserved matter, there is a firm commitment from the applicant that the tenure mix of 70% social rent and 30% intermediate/affordable ownership, and this would be secured via the completion of a S.106 Agreement. The S.106 Agreement would be worded such to refer to the provision of affordable housing dwellings as 50% of the total number of dwellings. This would ensure that if the total number of units proposed at reserved matters stage is less than 75 there would still be a requirement for 50% of the revised total to be affordable.
- 10.4.6 In summary, the proposed development would exceed the requirements of Policy CP4 of the Core Strategy (adopted October 2011) by providing 50% affordable housing on site. Whilst the housing mix in terms of unit sizes is to be confirmed at reserved matters stage the Housing Officer has raised no objection to the proposal in this regard.
- 10.5 Impact on the character and appearance of the locality/landscape
- 10.5.1 The National Planning Policy Framework encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.
- 10.5.2 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 10.5.3 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the district and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.'
- 10.5.4 A Landscape and Visual Impact Assessment supports the application and details that due to the combination of topography, built form and vegetation, the contextual landscape / site setting is limited to the immediate local landscape. Furthermore, there are no views of local or strategic importance identified in the local area that are protected in policy terms. There is no intervisibility between the application site and any designated landscape. Additionally, there is no visual connectivity between the site and any nearby settlement beyond Maple Cross as the site is set down below the horizon and beyond the M25 road corridor, which is set an elevated position to the west. The assessment concludes that with the sensitive and high-quality approach, which is responsive to its settlement edge position, and which carefully balances the landscape and visual constraints and opportunities, development of the site as proposed would maintain the character of Maple Cross and minimises landscape and visual harm on wider receptors. In addition, the indicative masterplan shows a soft edge which would assist with the rural urban integration of the proposal.

10.5.5 As previously noted, this application has been submitted in outline with only the matter of access to be considered. Matters of appearance, layout, landscaping and scale are reserved for consideration as part of a future formal reserved matters application. Therefore, there is no detailed assessment available as part of this application in respect of the potential design of the proposal. However, the rural character would be impacted were the site to be developed which would weigh against the proposal. It is noted that the new access serving the development would result in the loss of some existing hedging; however, the access is located in the south-eastern corner close to existing well established built form and would therefore be read in conjunction with this existing built form which officers consider would mitigate against its visual impact. There is a second smaller opening proposed, providing the link to the footpath 009; however, this is relatively small and has a negligible impact. Furthermore, it is noted from the submitted indicative masterplan that the proposed dwellings would be street fronting with the majority benefitting from private amenity spaces to the rear and off-street parking. Nevertheless, the proposed development would be viewed as an extension to an existing pattern of residential development (Oakhill Road) with groups of houses fronting the roads and parking to the front. Whilst officers recognise that the development would be urbanising relative to the existing situation, given its edge of settlement location, it is not considered that the proposed development would result in harm to the character of the area or wider landscape.

10.6 Highways and Access

10.6.1 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.

10.6.2 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”.

10.6.3 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.

10.6.4 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

- 10.6.5 Access to the site is proposed via a new priority junction onto Chalfont Road at the south-eastern corner of the site. Chalfont Road provides connection between the proposed development site and Denham Way (an arterial route) to the east. The carriageway measures approximately 9 metres in width to the east of the site. However, from the site boundary extending westwards, the carriageway narrows significantly to approximately 3 metres in width. Submitted plan 2209054-01 REV-C shows it is proposed to widen Chalfont Road by increasing the width of the carriageway to 5.5m and includes widening the existing footway along Chalfont Road, between the access and the Oakhill Road/Chalfont Road junction, to 2 metres to enhance pedestrian connectivity to the local area. This would result in the loss of some trees along the highway. An informal crossing point, featuring dropped kerbs and tactile paving, will be provided across Oakhill Road to the east of the site access. The proposed internal road network would be formed of low speed and lightly trafficked residential streets with carriageway widths which render them suitable for on-carriageway cycling.
- 10.6.6 At the December committee meeting, Members requested that consideration be given to relocating the site entrance further west along Chalfont Road. The applicant has advised that several layout/design options were assessed for the outline application; however, landscape, ecology and visual considerations informed the location of the proposed access point. Moving the access further would have resulted in the removal of far more vegetation/hedgerow to account for required visibility splays, required widening of the carriageway and the extension of the footway along the road. This would have resulted in an increase in the perceived urbanisation of Chalfont Road, which the current scheme seeks to avoid.
- 10.6.7 A number of comments were provided by the Highway Authority on this application. They initially included a recommendation for refusal due to several concerns raised by the Road Safety Audit team. These related to the proposed site access and footway as well as a request to provide queue length survey data to ensure that junction modelling of the nearby Chalfont Road/Maple Lodge Close/Denham Way signalised junction is reflective of how the junction operates. These comments are set out at 1.1.11 to 1.1.13 of **Appendix A**.
- 10.6.8 In its initial response, the Highway Authority recommended the site access junction to be upgraded to a 'Copenhagen Style' arrangement prioritising pedestrian safety and convenience. A Technical Note was supplied by the applicant which highlighted that as there is no footway on the western side of Chalfont Road. Instead, pedestrians will use the eastern footway and internal routes within the development, linking to Footpath 009. On this basis, the Highway Authority recognised that a Copenhagen crossing at the site access was not necessary, with internal pedestrian crossings to be designed at the reserved matters stage in accordance with Hertfordshire County Council's Place and Movement Guidance.
- 10.6.9 With regards to the queue length survey data, the applicant provided survey data which was undertaken on Tuesday 16th September 2025 between 07:00-10:00 and 16:00-19:00. To clarify this date was not during school holidays and was compared with 2030 future year scenarios ('with' and 'without' development).
- 10.6.10 Further clarification has been provided by the applicant since the December planning committee in response to Member comments. The applicant has confirmed that the traffic survey was undertaken after the formation of the new junction layout at the crossroads of Chalfont Road, Denham Way and Maple Lodge Close. Undertaking a single traffic survey is standard practice when assessing traffic capacity. The survey was undertaken on a neutral weekday to ensure that the data accurately represents typical traffic conditions. This approach was agreed with the Highway Authority. The modelling results show limited variation between the 'with development' and 'without development' scenarios, indicating that the proposed development is unlikely to cause a severe impact to the operation of the local highway network. The increase in traffic arising from the proposed development will be imperceptible with less than one additional vehicle movement per minute at peak times.

The traffic modelling for the peak times confirms the impact would be negligible. This has been accepted by the Highway Authority.

- 10.6.11 At the planning committee in December, Members queried whether consideration had been given to the major development of 400 houses at Newland Park on Gorelands Lane, Chalfont St Giles in the assessment of future traffic levels on Chalfont Road. Officers consider that the Newlands Park development is located a significant distance away and is closer to Chalfont St Peter than it is to Maple Cross, and Chalfont St. Peter has more facilities so officers do not consider that future occupants of this development would all leave and come to Maple Cross. In addition, given the distance there are a variety of routes available for car users which would dilute the flow of traffic meaning that traffic would not solely travel down Chalfont Road. Therefore, officers do not consider that the major development Newland Park would have any significant impact on traffic levels on Maple Cross.
- 10.6.12 The Highway Authority noted that the junction Chalfont Road/Maple Lodge Close/Denham Way currently operates under MOVA (Microprocessor Optimised Vehicle Actuation) system, which dynamically adjusts the signal timings based on real-time traffic conditions. The Highway Authority expect to further adjust and improve the junction performance by optimising signal timings under future traffic scenarios. Consequently, the Highway Authority are content with the suitability of the base model developed.
- 10.6.13 The Illustrative Landscape Master Plan (DWG. D3332-FAB-00-XX-DR-L-5000 Rev. P01) demonstrate the road network layout within the proposed development site. The submitted Transport Assessment highlights that the proposed internal road network will be formed of low speed and lightly trafficked residential streets with carriageway widths of 5.5 metres or 4.8 metres which render them suitable for on-carriageway cycling in accordance with LTN 1/20. The Highway Authority recommended that, at the detailed design stage, the internal road network should be designed in accordance with Hertfordshire County Council's Place and Movement Guidance to ensure safe and accessible movement for all users.
- 10.6.14 As set out at paragraph 10.1.23 above, under Strand 1 of the HCC Transport Contributions toolkit, £45k (plus SPONS indexation) is required to deliver bus stop improvements including, but not limited to real time info boards, Kassel kerbs, buildouts for the bus stops on Hornhill Road and Chalfont Road. These contributions would ensure future residents and use of all ages and abilities feel safe and confident to wait for a bus and to reduce the car reliance. This would be secured by way of Section 106 agreement.
- 10.6.15 In summary, the Highway Authority have withdrawn their objection and have concluded that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of conditions and a legal agreement. The conditions would relate to the submissions of a Travel Plan Statement and Construction Management Plan, offsite highway improvements and implementation of access roads, parking and service areas. Informatives for the applicant have also been suggested. The proposed development is therefore considered acceptable and in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and the NPPF (2024).

10.7 Drainage & Flood Risk

- 10.7.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design.

- 10.7.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs).
- 10.7.3 The application site is located in Flood Zone 1 and therefore has a low probability of flooding from rivers. There is a minor area of the site with a risk of surface water flood risk, although it is only affecting the access road.
- 10.7.4 At the December committee Members expressed concerns in respect of the current flooding issues on Chalfont Road and Oakhill Road, whether the development would cause extra flooding and what flooding improvements would the proposal deliver. As part of the application submission, a hydraulic model was prepared to better understand surface water flood risk to the site and the surrounding area, including Chalfont Road. Chalfont Road is shown to be at risk of flooding from surface water for all modelled return periods, and flow along Chalfont Road is shown to be the primary flooding mechanism for the site and downstream properties.
- 10.7.5 The proposed development would provide additional flood storage within the site in the form of a compensation basin. This is designated to reduce flow that would otherwise pass through the site and onwards to downstream properties. Hydraulic modelling has shown that this compensation is effective at providing mitigation; as such, the site accommodates its own needs, and there is no off-site detriment as a result of the development. In addition, it has been calculated that flood depths to properties downstream are shown to reduce by up to 95mm as a result of the additional storage being provided on site. The development is shown to provide betterment for all modelled annual exceedance probabilities (AEPs). The hydraulic flood modelling has been approved by the LLFA.
- 10.7.6 In addition to the flood compensation basins located south of the development to capture flood water, there are several sustainable drainage systems (ponds and basins) within the site which form part of the development's proposed surface water management plan. They are located in the ideal low spot location within the southeast of the site and have enough access area around them for maintenance. All the ponds/basins to serve the residential development have been appropriately designed up to and including the 1% AEP with allowance of 40% for additional climate change impact.
- 10.7.7 The LLFA were consulted on the application and initially raised several points of objection which are set out at 1.1.9 – 1.1.10 of **Appendix A**. Post this, the LLFA met with the applicant and outlined an agreed approach. The applicant subsequently provided a Flood Risk Assessment (FRA) and a Drainage Strategy and a Flood Warning Evacuation Plan. These are to account for the local flood risk issues and surface water drainage at this location.
- 10.7.8 The LLFA are concerned with safe access and egress from the site during a surface water flood event; however, they note that this is outside of the red line boundary of the site. The LLFA requested that the LPA consider the Sequential Test on this basis. Sequential Testing is generally not required for Flood Zone 1 developments. The PPG sets out that Development is also exempt from the Sequential Test if it is solely at risk from surface water flooding and a site-specific FRA demonstrates it will be safe throughout its lifetime, without increasing flood risk elsewhere – this exemption does not apply to sources of flooding other than surface water. As the application site is located within Flood Zone 1 (low probability of flooding) and only a small proportion of the site is at risk of surface water flood risk – although recognising that the area contains the access point into the site – the LPA are satisfied that the submitted Flood Warning Evacuation Plan which has been deemed acceptable by the LLFA would provide appropriate mitigation in the event of surface water flooding. Paragraph: 079 (Reference ID: 7-079-20220825) of the NPPG advises that

Sequential Tests do not need to be applied to those developments set out in National Planning Policy Framework footnote 56. Consequently, the LPA do not consider that a Sequential Test is required on this occasion.

- 10.7.9 Thames Water have confirmed that they have identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal and require a condition be attached to any planning permission that does not allow the occupation of the development until all sewage works upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed. Officers consider this approach to be acceptable.
- 10.7.10 With regards to both Foul Water network and Surface Water network capacities that Thames Water do not have any objection to the above planning application, based on the information provided.
- 10.7.11 In summary, subject to the conditions suggested by both the LLFA and Thames Water, the development is considered to be acceptable and in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

10.8 Contamination – Land, Water and Air

- 10.8.1 Policy DM9 of the Development Management Policies LDD 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 groundwater or surface water quality.
- 10.8.2 The site does not appear to have had a previous potentially contaminative use (with the exception of the agricultural use). However, the site will have a sensitive end use as it will consist of residential dwellings. In addition, the application site is located within Source Protection Zones 1, 2 and 3 (SPZ1, SPZ2, and SPZ3). Affinity Water were consulted on the application and raised no objections to the application subject to suggested conditions relating to Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth, unexpected contamination and surface water drainage scheme.
- 10.8.3 The proposed development meets the stage 1 criteria given in the EPUK/IAQM guidance document entitled 'Land-Use Planning & Development Control: Planning for Air Quality'. Consideration should be given to the potential impacts of neighbouring sources on the site and the impact of the development on the surrounding area. The application is supported by an Air Quality Assessment ("AQA") with the conclusions of the report, the Environmental Health Officer was verbally consulted and considered that the development is unlikely to lead to an exceedance of the Air Quality Objectives. The AQA suggests several recommendations for dust management during construction. Following the implementation of the mitigation measures, the impact of the construction phase is not considered to be significant.
- 10.8.4 In summary, subject to the suggested conditions the proposed development is considered to be acceptable and in accordance with Policy DM9 of the Development Management Policies LDD (2013).

10.9 Parking

- 10.9.1 Three Rivers District Council are the Parking Authority. Appendix 5 of the Development Management Policies LDD sets out the requirements for off-street car parking provision as follows:

1 bedroom - 1.75 spaces (1 assigned space)

- 2 bedroom - 2 spaces (1 assigned space)
- 3 bedroom - 2.25 spaces (1 assigned space)
- 4 or more bedrooms- 3 spaces (3 assigned spaces)

10.9.2 As this is an outline application, the car parking details will be considered at reserved matters stage; however, at this outline stage it is required to demonstrate that car parking can be accommodated on site in accordance with the local standards. The plans submitted are indicative only and thus the provision of vehicular and cycle parking spaces have not yet been determined. Due to the scale of the site, it is reasonable to assume that sufficient parking could be provided to serve the development. The Transport Statement details that the proposal would provide 168 car parking spaces, in line within the required standards. Furthermore, it states that all dwellings would have secure cycling parking through either a shed or garage space for the houses or secure cycle storage for the apartments.

10.9.3 The Highway Authority commented that EV charging must be demonstrated as part of reserved matters stages and shown to be in line with Building Regulations. At the December meeting Members expressed the view that there should be compulsory EV charging for every property. Since the meeting the applicant has confirmed that the proposal would provide one active EV charging point for each dwelling this would be secured at reserved matters stage.

10.10 Refuse and Recycling

10.10.1 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:

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

10.10.2 The submitted information highlights that the refuse collection will occur from the internal access road within the site. Residents occupying the houses will be required to wheel their bins to the carriageway or designated bin stores on the appropriate bin collect days. In order to ensure the proposed access can facilitate the refuse vehicle manoeuvres without interfering with the free flow of traffic or leading to an adverse effect upon the safety levels of the adjoining highway network, swept path analysis of the indicative site layout has been undertaken. The Three Rivers District Council's 'Solid Waste Storage/Collection Guidance' (January 2024) states that a 12 metre long by 3 metre wide refuse vehicle should be used to design internal layouts. Swept path analysis provided, demonstrates the refuse vehicle entering, navigating and exiting the site. In respect of domestic and commercial waste, no comments from Environmental Protection have been received at the time of writing.

10.10.3 The layout of the internal road would form part of the consideration of any subsequent Reserved Matters application, and this would set out the accessibility and turning space for refuse collection vehicles, as well as full details of waste collection and for the provision of the storage and recycling of waste.

10.11 Impact on nearby Heritage Assets

10.11.1 There is a Grade II Listed Building known as Barn at Woodoaks Farm and Former Farmhouse at Woodoaks Farm, both are situated north of the application site.

10.11.2 Policy DM3 of the Development Management Policies LDD sets out that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate

uses to secure their future protection. 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.

- 10.11.3 In this case, the development site is located approximately 650m (Listed Barn), 600m (Listed Former Farmhouse). The application is supported by a Heritage Impact Assessment which concludes that the development would have no material effect on the heritage values of either listed building. The Conservation Officer was verbally consulted on the application and raised no objection to the proposal because it is unlikely there would be harm from a development in this location due to the separation distances.
- 10.11.4 Herts Archaeology were consulted on the application and commented that that the position and size of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and thus if so, it would be of local significance and recording. A condition regarding archaeology is therefore suggested to ensure that the development was not harmful for the purposes of the NPPF. As such, subject to conditions, it is not considered that the development would be contrary to Policy DM3 in this regard.

10.12 Impact on Neighbours

- 10.12.1 Paragraph 135 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 future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.12.2 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 10.12.3 No in principle objections are raised to the use of the site for residential purposes in terms of impact on the residential amenities neighbouring properties. Loss of light, impact on visual amenities and overlooking is not a consideration under this application as the layout is indicative only and as such any harm cannot be identified as part of the outline application. A full assessment of the impact of appearance, landscaping, layout and scale to be made as part of any subsequent Reserved Matters application.
- 10.12.4 The siting of the access would be close to the eastern boundary with those properties on Oakhill Road; however, it is not considered that the proposed access and the subsequent trip generations by those accessing the development would result in substantial harm to the residential amenities of these closest neighbouring properties or others in the vicinity.

10.13 Open Space

- 10.13.1 Policy DM11 of the Development Management Policies LDD states that developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on site for open space and play space. 10% of the site area should be set aside as open space, and where the development is likely to be occupied by families with children 2% of the site area should provide formal equipped play facilities. Where open space is provided on site, the Council will also seek to ensure the proper maintenance of the space and guidance on the provision and maintenance of open space and children's play space is set out in the Open Space, Amenity and Children's Play Space Supplementary Planning Document.

10.13.2 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, it is considered that given the nature of the site sufficient space would be available to provide acceptable levels of amenity space provision to serve new residential development.

10.13.3 The proposed development would provide a new public open space within the site totalling 1.79ha (against a requirement of 0.39ha) with new surfaced recreation routes within the western open space, and the southern boundary would provide a walking routes around the site for existing and future residents. The applicant has clarified since the December committee that the western area of the site will include an equipped children's play area (which would be maintained by the management company, secured through the S.106), as well as grassland, meadow and surfaced recreational footpaths to give residents the suitable recreational opportunities. The submitted Design and Access Statement provides further information on the children's play space, stating that this could be designed in a way that offers a range of play opportunities for children of various ages and abilities. The space could feature planting, timber play equipment and natural items, such as logs and boulders that would be in keeping with the character of the open space. The topography of the land would also provide opportunities to create playful profiling such as terraces, mounding and embankment slides. This would be decided fully considered as part of any subsequent Reserved Matters application.

10.14 Energy Efficiency

10.14.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".

10.14.2 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.

10.14.3 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.

10.14.4 The application has been accompanied by an Energy and Sustainability Statement which details that the proposed development would provide a 59.5% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. The Statement sets out that the early stage proposed energy strategy for low-carbon homes is to use a highly efficient Air Source Heat Pumps as the main heating and direct hot water system, alongside advanced energy efficiency fabric measures and natural ventilation. Full details would be provided at reserved matters stage; however, the development is considered acceptable in respect of Policy DM4 of the Development Management Policies LDD.

10.15 Wildlife & Biodiversity

10.15.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 10.15.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 10.15.3 The site mostly comprises arable land, which is of little ecological value, some scrub, grassland, trees, and hedgerows. The boundary features are of most value for wildlife, and an area of deciduous woodland is adjacent to the southern boundary. Herts Ecology have no existing species or habitat data for the application site.
- 10.15.4 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. Herts Ecology held no fundamental objections to the development; however, advised that there was insufficient information on Great Crested Newts ("GCN") and reptiles to advise determination of the application. Further surveys were undertaken and returned negative results for GCN or reptiles. No further surveys are required, however, to ensure an offence is not committed, appropriate informatives are suggested to be added to any permission granted.
- 10.15.5 With regards to bats, most of the trees onsite were deemed to be in good condition, and did not possess any visible roosting features appropriate for roosting bats to warrant further surveys. No trees with roosting features should be removed without further assessment for bats and therefore an appropriate informative is suggested to be added to any permission granted.
- 10.15.6 The PEA did not find evidence of badgers; however, habitats appropriate for sett building were present. Herts Ecology therefore recommend a pre-commencement badger survey should be undertaken.
- 10.15.7 The PEA does recommend surveys for the hazel dormouse; however, Herts Ecology note that given the lack of records in recent years in Hertfordshire, hazel dormice surveys are not expected to form part of this application. Therefore, further surveys are not recommended by Herts Ecology.
- 10.15.8 In addition, the Ecological Report includes recommendations for species enhancements and that these are considered necessary to be compliant with the provisions of the NPPF. In the event of an approval, the Ecology Officer has suggested a condition to secure these enhancements as well as submission of a Construction Environmental Management Plan, pre-commencement badger survey, and Habitat Enhancement Plan.
- 10.15.9 In summary, Herts Ecology recommend the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).
- 10.16 Mandatory Biodiversity Net Gain
- 10.16.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.
- 10.16.2 This application is subject to mandatory biodiversity net gain. A biodiversity metric and biodiversity net gain assessment have been submitted.

- 10.16.3 The baseline habitat units stand at 8.02BU, with the onsite net change being 1.08 which equates to a net gain of 13.47%. Baseline habitats comprise cropland, scrub, trees, and modified grassland. The net gain is owed to the creation of other neutral grassland, mixed scrub, SuDS, broadleaved woodland, modified grassland, ponds, and urban trees. The habitat creation corresponds to the landscape masterplan.
- 10.16.4 The hedgerow baseline units stand at 7.63BU, with the onsite net change being 0.95BU, equating to a net gain of 12.49%. Part of a hedgerow (H2) will be retained; however the rest of the hedgerows onsite will be lost. The loss of these hedgerows will be compensated by the planting of 0.5km of native hedgerow, and 0.37km of species rich hedgerow with trees. Herts Ecology have confirmed all trading rules have been met for habitats and hedgerows and the minimum requirement of a completed baseline has been demonstrated.
- 10.16.5 The biodiversity gain condition will apply to this application, whereby a biodiversity gain plan will be submitted as part of this condition. Herts Ecology advise that the government template for the biodiversity gain plan should be used, and a metric which corresponds with the gain plan should be submitted alongside this gain plan.
- 10.16.6 The BNG for this site would be considered as 'significant' net gain. This is because of the creation of medium and high distinctiveness habitats. Officers consider that the net gain on site can be secured via a condition, and that a S106 Agreement would be required to secure a monitoring fee over the 30 year period.
- 10.16.7 Given that BNG for this site is significant, Herts Ecology have recommended that a Habitat Management and Monitoring Plan (HMMP) is secured by condition. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. Officers have calculated the monitoring fee to be £7,510.
- 10.16.8 In summary, officers consider that the development would secure a significant biodiversity net gain and would therefore be acceptable and in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 in this regard.
- 10.17 Impact on Trees
- 10.17.1 Policy CP12 of the Core Strategy advises that development proposals should ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.
- 10.17.2 Policy DM6 of the Development Management Policies LDD advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 10.17.3 The Tree and Landscape Officer raised no principle objections on tree impact grounds, a small number will be removed to create the access, but they noted that there appears to be plenty of scope for new planting. This application has been submitted in outline form, with landscaping to be considered as part of a later reserved matters submission. Any planting would be required to be sited and of a scale and density that would not overshadow the proposed properties and lead to future pressure to fell or lop the trees in the future.
- 10.17.4 At the December committee meeting Members highlighted the importance of retaining as much hedging as possible. The applicant has confirmed that the proposed development seeks to retain 0.19km of hedgerow through sensitive design and 0.89km of new/additional hedgerow proposed. The submitted Hedgerow and Tree Removals mark-up plan (Sheet 1

Rev-P01) indicates what vegetation requires removal. Vegetation that is necessary to be removed is limited to scrub at the eastern boundary and category C & U trees at the access location. Hedgerow along the southern boundary predominantly remains intact and the proposal has been specifically designed to achieve this. Additional and strengthened hedgerow is proposed to the north and south-western boundaries.

10.17.5 The Highway Authority note that the Arboriculture Impact Assessment (TF1267-FAB-00-XX-RP-G-8301) highlights that the proposal will result in the loss of 1 tree and 3 groups (all categorised as C and U category). Additionally, the partial removal of 2 groups (both categorised as C category). The proposed access and associated visibility splays require the removal of T20 and approx.18 trees within G18. Furthermore, The Arboriculture Impact Assessment report states that for the proposed apron area and maintenance access of the SuDS area the further removal of a section of G18 is required. A Capital Asset Value for Amenity Trees figure (“CAVAT”) value based on reduced functional value and life expectancy has been calculated at £27,504.

10.17.6 The Highway Authority noted there is mention of 2 additional groups to be removed but there are no further details including reference numbers. The applicant has since clarified that all removals are referred to and recorded within the submitted Arboricultural Impact Assessment and the applicant has also provided the mark-up plan (Sheet No.1 Rev-PO1) to reflect this. The LPA consider these tree works and contributions would be caught by the S.278 agreement with the Highway Authority rather than forming a HoT within the S.106 agreement.

10.18 Infrastructure Contributions

10.18.1 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 charge per sqm of residential development in this area is £180 (plus indexation).

10.18.2 In order to make the proposal acceptable in planning terms, a number of Heads of Term are required to be secured via a S106 Agreement. These are set out in the relevant sections of the analysis above, however, are summarised in the table below.

Authority	Reason	Amount
HCC Highways	To fund bus stop improvements including, but not limited to real time info boards, Kassel kerbs, buildouts for the bus stops on Hornhill Road and Chalfont Road.	£45,000 (plus SPONS indexation)
HCC Highways	Evaluation and Support Fee for Travel Plan	£1,200 per annum
HCC Growth & Infrastructure Unit	Primary Education Contribution towards the expansion of Maple Cross JMI and/or delivery of a new primary school to serve the development and/or provision serving the development	£871,854 index linked to BCIS 1Q2024 and BCIS Regional Factor*
HCC Growth & Infrastructure Unit	Secondary Education Contribution towards the delivery of the new secondary school at Carpenter’s Park	£864,943 (which includes land costs of £17,117) index linked

	(subject to the adoption of the Three Rivers Local Plan) and/or provision serving the development	to BCIS 1Q2024 and BCIS Regional Factor*
HCC Growth & Infrastructure Unit	Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development	£146,169 index linked to BCIS 1Q2024 and BCIS Regional Factor*
HCC Growth & Infrastructure Unit	Waste Service Transfer Station Contribution towards increasing capacity at Waterdale Transfer Station and/or provision serving the development	£7,762 index linked to BCIS 1Q2024*
HCC Growth & Infrastructure Unit	HCC Monitoring Fees	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI Jan 2024).
National Health Service	To provide additional primary healthcare services arising from the proposed development	£125,400 indexed from the date of the planning permission
TRDC	BNG Monitoring Fee (30 years)	£7,510
TRDC	Affordable Housing	50% Affordable housing split including 26 social rented dwellings and 12 affordable rented/intermediate dwellings.
TRDC	Affordable Housing Monitoring Fee	£651.67

*As this is an outline application, the contribution figure provided at this stage is indicative only, and a recalculation of contributions will be required at the reserved matters stage when the development mix is confirmed.

10.18.3 The applicant is aware of the above contributions; however, the applicant is currently in disagreement with the requested contributions sought by the HCC Growth and Infrastructure Unit (HCC GIU) referring to the Council's Annual Infrastructure Funding Statement (August 2025) within which it states that the Education and Healthcare Facilities will be covered by CIL contributions. As such, the applicant contends that the council has clearly set out that Education & Healthcare Facilities should be sought through CIL. The applicant therefore consider the Council should not be requesting both monies from CIL as well as other contributions which cover Education & Healthcare Facilities as part of S.106 agreement. HCC have confirmed to officers that their requested obligations are CIL compliant and that the LPA can "double dip". The applicant is currently engaging with the HCC Growth and Infrastructure Unit on the financial contributions sought and Members will be updated verbally at the meeting.

10.19 Referral to Secretary of State

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

10.20 Planning Balances: Issues for consideration

Very special circumstances

- 10.20.1 As set out in the analysis above, officers consider that the site is Grey Belt in accordance with paragraph 155 of the NPPF. As such, it is considered that the development is an appropriate form of development in the Green Belt. However, if members consider that the site is not Grey Belt and / or does not comply with paragraph 155 and 156 and therefore is inappropriate development, then regard must be had to paragraph 153 of the NPPF which states the following:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 10.20.2 Members would therefore need to consider whether there are very special circumstances which outweigh the harm to the Green Belt and any other identified harm.
- 10.20.3 If members agree the site is Grey Belt, but identify that there is other harm as a result of the development, then regard must be had to NPPF Paragraph 11, the presumption in favour of sustainable development, otherwise known as the tilted balance. In respect of the tilted balance, the Council can only demonstrate a 1.7 year housing land supply. As a result, the policies that are most important for determining the application are deemed to be 'out of date' and the tilted balance at paragraph 11 of the NPPF applies:

- 10.20.4 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.*

10.20.5 The following material planning considerations would need to be considered. Officers have noted the weight they consider should be attached to each consideration, either Significant, Moderate or Limited.

10.20.6 **The need for Housing:**

10.20.7 The Council is unable to demonstrate a five-year land housing supply and is only able to demonstrate a 1.7 year housing land supply. As such, there is a significant need for housing within the district. The scheme would deliver 75 residential dwellings and therefore would contribute to the housing supply. The significant need for housing in the District has been afforded significant weight in recent appeals. For example, in allowing the appeal for the erection of 83 new dwellings and 9 dwellings at Church Lane in Sarratt (22/0601/OUT and 22/0602/OUT), the Inspector made the following comments in respect of the need for housing:

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

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

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

10.20.8 Furthermore, in determining an appeal for Alpine Press, Station Road, Kings Langley for 36 flats (LPA ref. 22/2025/FUL), the Inspector found that there would be harm to the character of the area but considered that significant weight should be afforded to the need for housing stating:

18. The proposed development would cause harm to the street scene resulting in conflict with the development plan as a whole. However, I give moderate weight to this conflict as set out above.

18. The Council is not currently able to demonstrate a five-year supply of deliverable housing sites with its Housing Supply Update (2022) identifying that the Council had a supply of 1.9 years, and a Housing Delivery Test figure (2022) of 46%. The plan-led system

is embedded in planning law, with the Framework placing great emphasis on the engagement of communities in shaping development plans. This is intended to provide certainty. However, it also means that to meet community requirements for homes, jobs and other facilities, development plans must be up to date. In situations such as this, where future housing needs are not being met, the Framework sets out that the policies which are most important for determining the application, in this case Policy CP12 of the CS and Policy DM1 and Appendix 2 of the DMP, are out of date. Specifically, this means that the presumption in favour of sustainable development set out in paragraph 11d) of the Framework is engaged.

19. The government places considerable importance on making effective use of land to boost the supply of housing, including specifically on previously developed land and in locations with good access to services and facilities, such as the appeal site, which is immediately adjacent to the railway station.

20. Cumulatively, these benefits would significantly and demonstrably outweigh the modest adverse impacts on the street scene. Therefore, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. There are no other material considerations to override this finding.

- 10.20.9 As such it is considered by officers that the need for housing within Three Rivers should be afforded **significant weight** in the decision-making process.

The need for Affordable Housing:

- 10.20.10 In addition, the proposed development would also deliver 50% affordable housing. There is a firm commitment from the applicant that the tenure mix of 70% social rent and 30% intermediate/affordable ownership. There is a pressing need for affordable housing within the District. Whilst the housing mix has not yet been confirmed, it is considered that the proposal would still deliver a range of housing types across all tenures, with the Housing Officer being supportive in principle of the proposal.
- 10.20.11 As such it is considered by officers that the need for affordable housing within Three Rivers should be afforded **significant weight** in the decision-making process.

Compliance with the ‘Golden Rules’

- 10.20.12 It is also emphasised that the development would comply with the ‘Golden Rules’. Paragraph 158 of the NPPF sets out that ‘a development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission’.

New public open space

- 10.20.13 The applicant has set out that the proposal will provide a significant amount of public open space. The Planning Statement sets out that the proposal will provide new public open space within the site totalling 1.79ha (against a requirement of 0.39ha) with new surfaced recreation routes within the western open space, and the southern boundary would provide a walking routes around the site for existing and future residents. The proposal will also include ‘play on the way’ features which will be for the benefit of the whole community.
- 10.20.14 Officers consider that these benefits should be afforded **moderate weight** in the decision-making process.

Local Highway Improvements

- 10.20.15 It is noted that the application includes a number of improvements/enhancement works to local pedestrian routes to provide a pedestrian crossing on Oakhill Road and better linkages to nearby PRoWs and improvements to public transport infrastructure. This includes bus

stop improvements including, but not limited to real time info boards, Kassel kerbs, build-outs for the bus stops on Hornhill Road and Chalfont Road.

10.20.16 These enhancement works are viewed positively; however, officers consider that they would be afforded **limited weight** in the decision-making process.

Economic Benefits

10.20.17 Officers acknowledge that the development would generate economic benefits both short term during the construction phase and during the lifetime of the scheme as it would create investment locally. It is officers view that this should be afforded **moderate weight**.

Energy Efficient Development

10.20.18 The energy efficiency of the proposed development which is shown to result in a 59.5% carbon reduction which would exceed the 5% requirement to comply with Policy DM4. This would assist in the council’s aim to achieving net-zero emissions by 2045 for the District. It is officers view that this should be afforded **moderate weight**.

Biodiversity Net Gain

10.20.19 The proposed development would deliver a BNG in excess of 10% (13.47% habitat units and 12.49% hedgerow units) which would exceed the minimum requirement of 10% biodiversity net gain provision within the Environment Act 2021.

10.20.20 Officers consider that a BNG figure in excess of 10% should be afforded **moderate weight**.

10.20.21 Conclusion

10.20.22 Having regard to the tilted balance, officers consider that any adverse impacts of the development are significantly and demonstrably outweighed by the benefits. For convenience those benefits detailed above are listed against the harms in the comparison table below.

10.20.23 Whilst officers consider the site Grey Belt and accords with clauses (a) – (d) of Paragraph 155 of the NPPF, having regard to the above, it is the view of officers that all the above considerations would amount to very special circumstances which would outweigh any harm identified to the Green Belt and any other harm.

Benefits	Harms
<ul style="list-style-type: none"> • Deliver 75 residential dwellings • Delivery of 50% affordable housing • Compliance with the ‘The Golden Rules’ • Provision of 1.79ha of new public open space • Local highway improvements • Short and long-term economic benefits • Energy efficient development • Delivery of Biodiversity Net Gain in excess of 10% 	<ul style="list-style-type: none"> • Minor loss of existing arable field • Minor impact on rural character of the application site

11 Recommendation

11.1.1 That authority is delegated to the Head of Regulatory Services to grant planning permission subject to the completion of a S106 agreement securing the Heads of Terms (set out in

10.18.2 of the report) and planning conditions (set out at section 11.1.2) AND to make any minor amendments necessary to the Heads of Terms and planning conditions and to grant planning permission subject to those amendments.

11.1.2 Conditions:

C1 Time Limit – Reserved Matters (TRDC)

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

C2 Reserved Matters Details (TRDC)

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act.

C3 Time Limit – Commencement (TRDC)

The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

C4 Plans – Detailed Element (TRDC)

The access hereby permitted shall be carried out in accordance with the following approved plans: Proposed Access Arrangements (2209054-01) (Rev C) and Proposed Access Arrangements (2209054-03) (Rev C)

Reason: In the interests of highway safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C5 Parameter Plan (TRDC)

The reserved matters application(s) pursuant to this permission shall be made in general accordance with the approved plan Parameter Plan – (005) (Rev D).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

Pre-commencement conditions

C6 Construction Management Plan (HCC Highway Authority)

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP10 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Dust Management Plan (TRDC)

Prior to the commencement of development, a Dust Management Plan shall be submitted and agreed, in writing, by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by earthworks and construction operations and to prevent the emission of dust from the site. The approved Dust Management Plan shall be adhered to throughout the construction period.

Reason: To protect the residential amenities of neighbouring dwellings in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Archaeological Written Scheme of Investigation (HCC Historic Environment)

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C9 Intrusive Ground Investigation (Affinity Water)

Prior to the commencement of the development (excluding access and investigation works), no works involving excavations shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the development does not impact public water supply in accordance with Policy DM9 of the Development Management Policies LDD (July 2013) and the NPPF (2024).

C10 Surface Water Drainage (Affinity Water)

Prior to the commencement of development (excluding access and investigation works), a Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants, ensuring protection of surface and groundwater, shall be submitted to and approved in writing by the local planning authority. The drainage system shall thereafter be implemented prior to the first occupation of any dwelling only in accordance with the approved documents.

Reason: To ensure that the development does not impact public water supply in accordance with paragraph 174 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C11 Construction Environmental Management Plan (Herts Ecology)

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The development shall thereafter be implemented only in accordance with the details approved by this condition.

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

C12 Site Waste Management Plan (HCC Waste & Minerals Team)

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

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C13 Remediation Strategy (Affinity Water)

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - All previous uses.
 - Potential contaminants associated with those uses.
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. No residential unit shall be occupied until a verification report for that unit demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: This condition will ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with Policy DM9 of the Development Management Policies LDD (July 2013) and the NPPF (2024).

C14 Surface Water Management Plan (HCC – Lead Local Flood Authority)

No development shall take place until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details and maintained throughout the construction phase.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C15 Badger Survey (Herts Ecology)

No development shall take place (including demolition, ground works, vegetation clearance) until a badger survey, no earlier than two months prior to the commencement of the development, is carried out. This survey shall determine whether any new badger setts have been excavated onsite, and within 30m of the site. The results of this survey shall be submitted to the LPA for approval.

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

C16 Species Enhancement Plan (Herts Ecology)

No development shall take place (including vegetation clearance, demolition and ground works), until a Species Enhancement Plan has been submitted. It will include graphical plan, setting out the number, type and position of enhancement features to be incorporated into the design scheme. This plan shall be submitted to the Local Planning Authority for written approval, and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority. The Species Enhancement Plan shall include the following:

- One cluster of integrated swift bricks per dwelling.
- One integrated bat box per dwelling.
- Hedgehog highways
- Wildlife friendly planting.

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

C17 Habitat Management and Monitoring Plan (Herts Ecology)

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

1. A non-technical summary;
2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

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

Prior to any works above slab level

C18 Off-site Highway Improvements (HCC Highway Authority)

A) Design Approval: Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers 2209054-03C & 2209054-01C have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All issues raised within the RSA S1 review must also be resolved, alongside the delivery of highway safety measures along Chalfont Road to support existing and future residents' access to PRow RICKMANSWORTH 009.

B) Implementation / Construction: Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

Prior to/or in conjunction with Reserved Matters application(s)

C19 Drainage Strategy (HCC – Lead Local Flood Authority)

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted Flood Risk Assessment and or Drainage Strategy (Flood Risk Assessment and Drainage Strategy | prepared by Waterman | September 2025 | Ref: 21050-WAT-EWE-XX-RP-N-930100-S2-P03-FRADS | Ref:

P03), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i. As infiltration is proven to be unfavourable, the post development runoff rates will be attenuated to the equivalent Greenfield runoff rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). These rates have been agreed with the Lead Local Flood Authority and any changes to this rate must be agreed in writing.
- ii. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
- iii. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- iv. The design of the detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- v. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- vi. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- vii. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Prior to Occupation

C20 Travel Plan (HCC Highway Authority)

Prior to the first occupation of any part of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C21 Sewage Works Upgrades (Thames Water)

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

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

Other

C22 Unexpected Contamination (Affinity Water)

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

C23 Biodiversity Net Gain Plan (TRDC / Herts Ecology)

The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated 4th March 2025

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

C24 Notification that Habitat Management & Monitoring Plan has been implemented (TRDC)

Notice in writing shall be given to the Local Planning Authority when the agreed Habitat Management and Monitoring Plan (“the HMMP”) as secured by Condition 19, has been implemented.

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

C25 Compliance – Maintenance of the Habitat Management & Monitoring Plan (TRDC)

The created and / or enhanced habitat specified in the approved HMMP (as secured by Condition 19), shall be managed and maintained in accordance with the approved HMMP for 30 years from the date of first operation of the development.

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

11.2 Informatives:

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

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

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

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

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

(a) Making a Non-Material Amendment

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

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

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

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

- 12 Positive & Proactive: The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 Biodiversity Net Gain (BNG): The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

There are statutory exemptions and transitional arrangement which mean that the biodiversity gain conditions does not always apply..

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out applies).

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

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

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

14 Hours of Work: The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

16 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

17 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

18 Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

19 Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a

contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

- I10 **Construction Management Plan (CMP):** The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.

- I11 **Ecology:** In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
- I12 **Ecology:** If great crested newts, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
- I13 **Ecology:** To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
- I14 **S106 Agreement:** The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.